

# Joint Management: A Look at the Early Record of the Porcupine Caribou Management Board

B. K. THERRIEN

---

## 1. Introduction

In the North, government sponsored wildlife management efforts have been based on the premises of scientific management. Scientific management has seen its role as that of protecting wildlife from indiscriminate hunting, in other words, by imposing order on unregulated hunting. The existence of an alternative system of management, the indigenous system, has not been recognized until recently. The indigenous system, which is based on traditional hunting practices and a self-limiting principle, was not given credence under scientific management. As the existence of the indigenous system has become documented it has become better understood. Discussion of the pros and cons of both the scientific and indigenous systems has led to the development of a third approach, known as joint management. The Porcupine Caribou Management Board (PCMB) represents the most recent attempt at implementing joint management.

How effective are the Porcupine Caribou Management Agreement (PCMA) and the PCMB as manifestations of joint management? The evaluation presented here is based on observations gleaned from the first two meetings of the PCMB in August and November 1986 and from interviews conducted with members of the PCMB during the same period.<sup>1</sup> All comments attributed to the PCMB or individual board members here were made during this time.

An evaluation of the PCMA and PCMB first requires a review of background information on the role of renewable resources in the northern economy and the premises of scientific and indigenous management. Joint management in its ideal form will then be discussed, followed by an analysis of the PCMA and the ways it hopes to achieve joint management. Next, the operations of the PCMB and its ability to foster native participation — a vital aspect

of joint management — will be assessed. The paper concludes with a preliminary appraisal of the ability of the PCMB to embody the concept of joint management.

### *1.1 Renewable Resources and the Northern Economy*

Historically, the native people of the North have relied on hunting, fishing and trapping for their economic well-being. Harvesting activities have also served to perpetuate the social relationships necessary to traditional native life. In other words, renewable resource harvesting is important for cultural as well as economic reasons. Given the vagaries of the non-renewable resource economy, which is heavily based on mining and hydrocarbons, the North is recognizing the need for balanced development so the situation does not arise where one resource is sacrificed for the sake of developing another one, creating a dependency on, for instance, oil. More specifically, renewable resources are seen as forming the basis for the local economy in a "... continuation and adaptation of a lifestyle that has supported Native people in the North for thousands of years."<sup>2</sup> The wildlife resources of the North have been singled out for attention which has resulted in an examination of existing wildlife management systems and their rationales. The desire of native people to participate in making those decisions which affect them has led them to scrutinize existing management systems. Native people have found these systems lacking.

The importance that native people place on continued access to wildlife resources can be seen in the fact that provisions for safeguarding harvesting rights, with attention paid to the maintenance of wildlife resources, are found in all land claim submissions. The government's acceptance of aboriginal harvesting rights has enabled native people to assert themselves in the area of wildlife management — unlike other areas where the existence of aboriginal rights or native interests has been viewed as a contentious item by governments. This, in turn, has led to an examination of theories of wildlife management.

### *1.2 Scientific Management: A Reliance on Unavailable Quantitative Data*

Historically, government has imposed wildlife management regimes on aboriginal people. This has meant that public policy has been based on government's chosen system of management, namely scientific management.

Scientific management requires an account of stocks, an estima-

tion of total allowable catch, a comparison of total annual harvest with presumed sustainable yields, an evaluation of management problems, and a consideration of other complicating factors. In other words, a thorough understanding of the life history and biology of a species, which relies heavily on quantitative data, is a prerequisite to good scientific management. The paucity of this quantitative data led one zoologist to write that where:

the data lend themselves to statistical analyses at all, confidence limits are so wide as to render the estimates virtually useless for management purposes. . . . When the uncertainties of inventory are combined with inadequacies in harvest statistics, it is impossible to say with any confidence whether or not any stock is being overharvested by man.<sup>3</sup>

Theoretically, under scientific management a conservation regime would be fairly straightforward. It would involve control over the activities of resource harvesters. The allocation of rights to harvest a resource would be the contentious item, making allocation a political matter.<sup>4</sup> However, given the general lack of confidence in the accuracy of scientific data for northern species and the identification of a second possible system of renewable resource management, the indigenous system, the type of conservation regime to be implemented becomes a variable as well.

Scientific management assumes that increasing native harvesters' access to new technology will result in overhunting. The scientific system has seen itself as a bulwark, preventing native hunters from abusing wildlife resources through overhunting. It has in fact regulated the hunter, not the resource, with the implicit assumption that native culture is "primitive" and incapable of self-regulation.

Modern society, which is intimately linked with scientific management, saw any culture based on hunting as a primitive one, clearly below modern industrial society in evolutionary terms. In order to challenge the assumptions of the scientific system native organizations have found it necessary to articulate and document the existence of an indigenous system of wildlife management along with the continued viability of their subsistence economy and the vital role of this economy in perpetuating their traditional way of life. In doing so native organizations have sought to show that their way of life is neither a museum piece nor inferior to modern industrial society.

### *1.3 Indigenous Management: Not a Museum Piece*

The indigenous system is based on a body of knowledge about the behaviour of wildlife resources. It is not quantitative as is scientific management. In the indigenous system native people

... assess the deviations from the norm in a qualitative sense: e.g. animals become fewer, or fatter, or more excited, there are fewer calves in the herd, more injured bulls, more barren cows, etc., etc.. All such information provides important evidence of trends taking place in the status of the population.<sup>5</sup>

Indigenous management is not “unscientific.” Indeed, it requires the same careful and systematic study and observation of any true science. However, there is an unfortunate tendency to portray the indigenous system as pure and ideal, “. . . it seems only fair to add that . . . the indigenous system [is] not immune to error or fallacy either.”<sup>6</sup>

Since the 1970s much work has been done by anthropologists to establish the existence of an indigenous system of wildlife management and to counter the suppositions of the scientific system and its view of traditional native life as primitive and unregulated. In particular, work has been done to: 1) gain a better understanding of the subsistence economy of traditional native societies, 2) to demonstrate the existence of an indigenous system of wildlife management, and 3) show that hunting represents more than just a cultural legacy for native people. In work done in one Northern community it was estimated that “. . . one-third of the total food requirements for humans and animals were met through country food production: an amount that saved the community approximately \$200,000.”<sup>7</sup> However, focussing on the economic and nutritional importance of hunting ignores the non-quantifiable aspects of hunting. Hunting represents more than sustenance; it plays an important role in the social relations of native people. Traditional native life presents a legitimate and viable alternative to modern industrial life — it is not a cultural dinosaur.

Traditional native life is based on a subsistence economy which operates on a self-limiting principle enforced by customary law. Thus, levels of harvest are keyed to needs; the “successful” or “good” hunter is one who is “. . . able to harvest what he needs, not necessarily someone who harvests a great deal.”<sup>8</sup>

Subsistence activities do not represent a static lifestyle. Native people have been criticized for claiming to follow a traditional

lifestyle while making use of modern technology. However, as anthropologists point out, the

... ability to sustain such a significant level of country food production is based largely on the use of Western technology such as the rifle, the skidoo and the steel trap. It is therefore ironic that many people consider the adoption of such items as symbolizing the abandonment of native traditions. Often, given the contemporary situation, it is only through the use of this frequently expensive technology that native people are able to pursue their traditional land-based subsistence activities.<sup>9</sup>

Native people engaged in traditional activities have expectations much the same as those in the wage economy. Innovations which make their lives more comfortable and agreeable, while still allowing them to pursue their preferred activities, are accepted and incorporated into the traditional lifestyle. Participation in the wage economy allows native harvesters to subsidize their expenses, which are mostly capital, in the subsistence economy. The two economies are therefore mutually reinforcing.

Native people are not anti-development. They seek controlled non-renewable resource development which strikes a balance between non-renewable and renewable resources.

#### *1.4 Joint Management: Joint Control*

A third system for wildlife management attempts to draw together the scientific and indigenous systems. This management system is known by a variety of names, for example; integrated management, co-management, co-operative management, participatory management, shared management, and joint management. Whatever name is used, such a system aims at involving all those groups which have an interest in the good management of renewable resources, ensuring that the interests of these groups are taken into account in the formulation and implementation of any management policies. Joint management seeks to reconcile scientific and indigenous management.

One of the anticipated benefits of joint management is the development of a system which makes harvesting and managing a renewable resource compatible with the conservation of that resource. Given that present systems of wildlife management are scientific systems, a move towards joint management requires focussing attention on ways to involve native users in all phases of wildlife management, including research and monitoring activities.

This involvement will allow scientific managers to benefit from the users' extensive knowledge of local environmental issues and will assure users that their specific perceptions and needs are addressed by studies.<sup>10</sup> Joint management means joint control.<sup>11</sup>

Local management or decentralization is integral to joint management. Once the logic of joint management is accepted, the notion of delegating management responsibilities to the local community represents a reasonable progression. Local management is seen as yet another way of including as many users as possible as active managers of the resource. Delegation of management activities to the local level is seen as enhancing communication and promoting a better understanding by the local communities of the aims of joint management. Such an understanding, it is hoped, will lead to acceptance and compliance with necessary conservation practices. For example, the local community could be delegated the responsibility of assigning harvest quotas to each area,

... they could determine the use and disposition of the harvest. Within the quota allocation local harvesters could consume or sell their catch or assign the right to hunt or fish to others, as they pleased. Whether local communities or groups would maintain their licences on a group basis, or allocate them to individual members, could again be their decision.<sup>12</sup>

The very nature of the resources of the North demands a management system which is self-enforcing in the sense that those people the system seeks to regulate understand and support management policies. The vastness of the North along with its sparse and scattered population makes enforcement of unpopular policies difficult, if not impossible, for a limited number of renewable resources officers. Policies which are seen to benefit harvesters are far more likely to be supported by harvesters.

The viability of joint management is important to both aboriginal culture and wildlife management. The Porcupine Caribou Management Board, or PCMB, represents the most recent attempt at implementing joint management and establishing a mechanism for the sharing and merging of the ideas of the two different schools of wildlife management.

## 2. Background

### 2.1 *The Porcupine Caribou Herd*

The resource the Porcupine Caribou Management Agreement

seeks to manage jointly is the Porcupine Caribou Herd, or PCH. The herd itself is generally seen as healthy and growing although only sketchy scientific data are available.<sup>13</sup> Its range is vast and crosses international boundaries. The herd's migration route includes the area commonly referred to as the North Slope in Alaska and the Yukon, an area described as a "unique heritage area," which includes "...the ecologically sensitive coastal lowlands of the MacKenzie Delta"<sup>14</sup> in the Northwest Territories. The healthy condition of the herd places government in the ideal position of being able to formulate a long range plan to ensure its continued health—something which is greatly desired by the herd's major harvesters, the native people of the Northwest and Yukon Territories and Alaska—rather than being forced to react to a crisis situation later on.

## *2.2 History of the Porcupine Caribou Management Agreement*

Discovery of oil and gas on Alaska's North Slope and in Canada's Beaufort Sea and MacKenzie Delta regions in the late 1960s led to development activity in the major calving area of the PCH. Because a female requires three to four years to mature and then only produces one calf a year, combined with the stress of pregnancy and calving, the reproductive potential of the herd is limited. So any disturbance to the herd's habitat is expected to increase mortality.<sup>15</sup> Indeed, the Beaufort Environmental Assessment and Review Panel identified caribou as one of the species most likely to be affected by development.<sup>16</sup> Subsequent discoveries of oil and gas in this sensitive region and the accompanying development activity raised concerns over the possibility of oil and gas development adversely affecting the PCH and the environment.

In response to these concerns a conference was held in Whitehorse in 1970 and the Arctic International Wildlife Range Society was formed. The Society's first order of business was to lobby the federal and territorial governments for the establishment of a Canadian equivalent to the American Arctic National Wildlife Range established in 1960 to protect a "unique segment of the Arctic."

The timing of the proposal was inauspicious. Escalation of oil and gas prices along with the public's and government's perception of an impending energy crisis saw Ottawa declare that hydrocarbon development was in the national interest despite its potentially ruinous effects on renewable resources. Ottawa's position was

supported and encouraged by powerful petroleum groups wishing to increase exploration in the Canadian North for valuable hydrocarbon finds. Native people, at that time, were not organized to defend their interests; hence they were unable to articulate the vital role played by renewable resources in both a subsistence and mixed economy. The proposal for a Canadian Arctic Wildlife Range was set aside.

A scheme to bring natural gas from Prudhoe Bay down the Mackenzie Valley precipitated the Berger Inquiry (1974-77). The Inquiry brought the issues connected with the Canadian Arctic Wildlife Range proposal under public scrutiny once again. Berger's popularity made it impossible for Ottawa to pursue oil and gas development at the expense of renewable resources much to the chagrin of Jean Chretien, then Minister of Indian and Northern Affairs. According to Chretien, "Berger's mandate was to tell us [the federal government] how to build the pipeline. Instead he told us not to build it."<sup>17</sup> In reaction to Berger, Ottawa set up a task force "... to develop a management plan for the PCH and the Canadian portion of its range, and to co-ordinate various working groups on northern land use planning and management."<sup>18</sup> However, no management plan for the PCH was developed "... because of the Yukon government's unwillingness to participate" in developing such a plan.<sup>19</sup>

While the development of a management plan for the PCH was put in abeyance, the idea of joint management as an approach to wildlife management slowly took hold of those involved in the land claims process. It became accepted as sensible to involve people in managing a resource when they are that resource's principle users. However, land claims also hindered the development of a joint management board for the PCH because of the complicated land claims process.

The PCH is a shared migratory resource of interest to the Council of Yukon Indians (CYI), Inuvialuit Game Council (IGC), (formed as a result of the signing of the *Inuvialuit Final Agreement* and the Dené Nation and the Métis Association of the NWT.<sup>20</sup> During negotiations for the Porcupine Caribou Management Agreement the fact that these three groups represent separate and confidential claims made it difficult to discuss the PCH as a shared resource. Further, any agreement had to be acceptable to all three claims and the governments involved.

The governments involved in negotiations for the PCMA realized



this and in 1983 a meeting was held to discuss the common interest of the user communities and government in coordinating management of the PCH throughout its Canadian range outside of the claims process.<sup>21</sup> Prior to this time the unwillingness of the Yukon Territorial Government (YTG) to negotiate its position on several key points had led the Government of the Northwest Territories to wonder if YTG was serious about negotiations.<sup>22</sup> In these renewed negotiations YTG became the initiator, softening its position considerably on three outstanding points from previous negotiations. These points were, essentially, differences in positions between YTG and all the other negotiating parties; the GNWT, CYI, IGC and the Dené/Métis.

First, YTG accepted that only the first chairman of the Management Board had to be a Yukoner. After that the decision would be left to the PCMB. Second, YTG agreed to recognize the preferential subsistence needs of native people but got, in return, a guarantee of access for non-native Yukon hunters. Finally, it was agreed that within the PCMA there would be explicit reference to compliance to legislated controls for conservation, when required. This point referred to aboriginal people who can claim exemption from such controls under the provisions of the Indian Act.<sup>23</sup> Agreement to these three points represented a major change in attitude by YTG. Further, they were all points that the other negotiating parties had come to agreement over already. The close link between some of the ideas expressed through these points and land claims negotiations certainly contributed to YTG's earlier recalcitrance. The change in government in the Yukon in 1985 from Conservative to New Democrat was also very important to the actual signing of the PCMA because of the acceptance, by the New Democrats, of the idea of a preferential right to harvest for native people, something to which the Conservatives strongly objected.

Once these points were resolved to the satisfaction of all parties the PCMA was signed. YTG was sensitive to the need to be seen as reasonable in its demands during negotiations and in promptly ratifying the agreement once negotiations were completed:

Given past events and attitudes toward the government of the Yukon, the Yukon could not credibly raise further points to be negotiated in the Agreement. Non-ratification would seriously jeopardize the Yukon's credibility in at least the renewable resource and environment management field.<sup>24</sup>

On 26 October 1985, the Canadian Porcupine Caribou Manage-

ment Agreement was signed in Old Crow, Yukon, one of the PCH's principal user communities.

### 3. The Porcupine Caribou Management Agreement and Joint Management

In order to realize the ideal of joint management the stated objectives of the PCMA include: "... manage the herd and its habitat to ensure its conservation, recognize and protect certain priority rights of native people to harvest Porcupine caribou, and acknowledge that others [non-native people] may share in harvesting."<sup>25</sup> To fulfill this objective the PCMB may make recommendations to "... ministers on any matter affecting the herd and its habitat relating to policy, legislation and regulation."<sup>26</sup> This broad mandate enables the PCMB to make recommendations on any aspect of caribou management.

During the first two meetings of the PCMB two major areas for assessing the PCMA and its broad mandate became evident. They were: 1) the technical resources and research capability of the PCMB; and 2) the introduction and clarification of terms originating out of the native claims forum into the public policy arena where the acceptance of these terms represented a new approach to renewable resource management.

An examination of these two areas gave an early indication of the PCMB's ability to balance indigenous and scientific elements in a joint management regime. There are also a number of other areas of the PCMA that warrant assessment in terms of the PCMB's mandate. These areas will be touched on briefly. While a definitive assessment of the PCMB cannot be offered, some relevant observations can be made and potential areas where there is a danger that joint management may mean the subordination of the indigenous system can be identified.

#### 3.1 *Technical Resources*

Access to technical resources affects the PCMB and its ability to implement joint management. There is cause for concern here as the clauses of the PCMA make the PCMB dependent on ministerial discretion. Once the PCMB's recommendations are accepted then the PCMB must wait for government or other agencies (which are not defined in the PCMA) to implement them. The PCMB has no real control over the design of research plans and how research is

conducted. In other words, the PCMB is not anticipated to undertake research and does not have the resources to do research even if it wanted to. Under the PCMA, the PCMB is assigned the duty of reviewing "... technical and scientific information relevant to the management of the PCH and its habitat that may advise the Minister of its adequacy." (s.D.4. see also s.M.2.; these references and all following references to section numbers are to the PCMA). The PCMB is empowered to make recommendations to the Minister on such matters as: 1) development of research proposals, 2) areas where further research is needed, and 3) methods of data collection and presentation (s.E.2.).

If the Minister accepts the PCMB's recommendations then the PCMB must rely on government departments to undertake the research requested to act on its recommendation. The PCMA is very specific on this: the PCMB has only "... a modest technical review capability in respect of primary research conducted by governments and other sources." (s.I.2(c)). Since the PCMB itself must rely on research conducted by many bodies so the PCMB must focus and coordinate the research of all interested and involved parties. Some native Board members expressed dissatisfaction with this situation.

Several native Board members stated that the PCMB should have its own research capability with access to funds that would enable the PCMB to hire "good," independent researchers. One other member took a more pragmatic view by saying that the adequacy of the PCMB's resources remains to be seen. He noted, though, that this adequacy will depend on how government chooses to interpret the PCMA because this will influence the willingness of government departments to undertake research requested by the PCMB. As well, the observation was made that the PCMB must rely on government research and not all members of the PCMB are employed by the government. The only persons with access to departmental research budgets are the government members on the PCMB. Hence, technical resources are not readily available to all members of the PCMB.

The fact that the two territorial government members on the PCMB were directors of their respective Fish and Wildlife Division (Yukon) and Wildlife Management Division (NWT) was important for the Board. In these positions they were able to commit the research funds of their departments. Further, as members of the PCMB they have been sensitive to the requests of the

PCMB. However, the dependency of the PCMB on government in terms of research poses another problem. In an era of ever-tightening budget constraints the PCMB's ability to make well-informed management decisions could be damaged by cuts to government research budgets.<sup>27</sup> Such cuts could constrain the ability of government departments to respond to the PCMB's requests.

It remains to be seen if the PCMB can request, for example, one of the territorial governments to carry out a study and stipulate that native users assist in the design of the study and in the carrying out of the study (s.E. 1.(c)). As well, it remains to be seen if there will be effective consultation. Native user participation in the collection of data relies on overall government employment practices. Further, if technical training alone is considered a prerequisite to native participation in research, then the value of traditional knowledge is lost. If this is the case then native researchers will be individuals who have been indoctrinated into the scientific systems. As well, this assumes that scientific management techniques should take precedence over indigenous management techniques. Joint management could become simply native participation in scientific management rather than a merging of the scientific and indigenous into a true joint management.

In discussions of the PCMB's research priorities at Board meetings government research reports have been presented. At the conclusion of one such presentation it was indicated that government was hoping to get the PCMB to approve research already underway. The PCMB's endorsement of the research was being sought in order to encourage native users to aid government researchers in the collection of accurate data.<sup>28</sup> There was no opportunity for the PCMB to make recommendations on methods of data collection (s.E.2.(c)). In short, the PCMB was *not* taking the lead nor was it asked for input. Rather it accepted a passive role—more of a stamp of approval for work already underway. This is not the strong leading role that is suggested in the PCMA (s.E.). This criticism is softened by the fact that the PCMB was just getting started at this point and had not yet determined its research priorities. Further, there was evidence of good faith and full cooperation on the part of government members in their agreement to compile available information on the herd and to work to coordinate research undertaken by the three governments which are party to the PCMA. As well, government members promised to

identify areas where further research should be undertaken for use by the PCMB in determining its research priorities. Finally, government biologists were present at the board meetings and available to answer questions from the PCMB.

The PCMA indicates that the PCMB, through its recommendations to the Minister (s.E.), can request the development and undertaking of needed research. One government member suggested that the way recommendations are formulated by the PCMB (as set out in S.E. 1.,2.) and the fact that the Minister must respond to recommendations within thirty days is a strength of the PCMB (s.F. 1.,6.). The same member went on to say that it would be unlikely that such recommendations would be rejected because of the process leading up to their formulation. Further, such recommendations would, because of the range of interests represented on the PCMB, be the "best political advice" the Minister is likely to receive. This member went on to say any rejection of PCMB recommendations would likely be publicized and the Minister would then be faced with political embarrassment if his/her rejection was judged to be unfair. In a more cynical vein another board member stated that the ability of the PCMB to get action on its recommendations depends very much on the political climate and how government chooses to interpret the PCMA.<sup>29</sup> The PCMB's lack of independent technical resources means it must rely on government; since government does all primary research, the PCMB does not have direct control over the research, research which influences the PCMB's management decisions.

The board's lack of independent research capability will make it difficult for the PCMB to develop as an independent body. As it stands it must rely on the good will of government departments to get research done. This lack of independence in relation to research means that any desire the PCMB has to develop joint approaches to research requires it to seek to influence an already entrenched government style of research which is based on the scientific system.

### *3.2 New Concepts*

The agreement adopts, to a large extent, the language of native claims, making it part of the public policy lexicon. In doing so previously contentious concepts have had a sense of legitimacy bestowed upon them. These concepts include: subsistence usage; native users; preferential rights to harvest; delegation of decision

making power to native user communities; and traditional trade and barter practices. Because these concepts have been seen as both contentious and ambiguous, care is taken to define them in the PCMA (s.A). The language used in the PCMA represents an effort to incorporate some of the concepts found in indigenous management with those of scientific management to achieve joint management. The PCMA, by incorporating native concepts in order to achieve joint management, has been able to give them meaning in a very practical sense.

The PCMA fails on one account to clarify the contentious concept of subsistence. This one failure is a notable exception as the concept provides the basis of the rationale for the granting of preferential rights to harvest. There are a variety of political problems associated with defining subsistence. For instance, do non-natives have preferential rights to harvest if they are participating in a subsistence economy? Further, a Canadian definition of subsistence may hamper negotiations for an International Agreement for comprehensive management of the PCH. The idea that native participation in a subsistence economy may have preferential rights over non-natives when it comes to harvesting caribou poses a problem to Americans because of their constitutional approach to equal rights. To avoid such complications "subsistence" has not been defined.

Many board members felt that, aside from the language, the link between comprehensive land claim negotiations and the PCMA is self-evident. Some members went on to suggest that the creation of the PCMB was part of the process of gaining power bit by bit.<sup>30</sup> One native Board member agreed there was a link between the PCMA and land claims but went on to elaborate that this link did not necessarily mean that the PCMA had advanced native claims. In his view the PCMA represents a very important way of advancing native interests through the creation of structures such as the PCMB, where native interests are discussed. Another board member went further in his suggestion that the PCMB, by working to ensure a good rapport amongst its members and listening and acting on their concerns, could create a climate that would allow government and native organizations to address more contentious issues.<sup>31</sup>

Virtually all the members of the PCMB are involved in land claim negotiations or the implementation of land claim agreements. The maintenance of good relations amongst board members is

important because they are likely to encounter one another in different arenas, wearing different caps. Further, the PCMA states that the agreement will be included by reference in comprehensive land claims and settlements and thus will be part of any final settlement (s.N.6.). The complex nature of native claims, the difficulties encountered in negotiating such claims and a desire not to create any new issues that would have to be considered in negotiations favours cooperative interaction amongst board members. The PCMA specifically seeks to reassure native organizations that the PCMA will in no way prejudice any claims (s.N.7.).

The use of concepts previously used only by native organizations advancing native claims demonstrates a willingness on the part of government to attempt to reconcile scientific management and indigenous management and thus establish joint management as a viable form of wildlife management.

### *3.3 Other Significant Sections of the PCMA*

For joint management to become a reality it must be able to respond to actual situations and validate native experience. Both Sections K and L of the PCMA are significant in that they show how joint management will respond to two very important issues of interest to native hunters. Section K, "The Rights of Native Users," elaborates on the preferential rights granted to native users (as defined in s.A.8.). To circumvent any argument stating that only traditional hunting methods can be used for native hunters to be able to claim a preferential right to harvest, the PCMA states that native users "... have the right to employ traditional and current methods of harvest..." (s.K.5.).

Section L, "Commercial Harvest," delegates to the PCMB the task of creating a regulatory regime to permit native users to "... barter or trade with other native users for caribou meat..." (s.L.2.(a)). This would normally be considered commercial harvest and as such it would be prohibited under the PCMA (s.L.1.). In order to create an acceptable regulatory regime based on practices of the indigenous system, the PCMB must codify traditional native practices. In short, the unwritten rules of the indigenous system must become written and systematized for understanding by scientific management.

Most members remarked that the very existence of the PCMB means that it is likely a more balanced approach will be taken to the development of non-renewable resources which could adversely

affect the PCH. However, members had no illusions as to the ability of the PCMB to withstand non-renewable resource pressures where the development of these non-renewable resources were seen as being in the "national interest." Members stated that in such a case renewable resources would be sacrificed to the demands of non-renewable resource development, even though this would not be just.<sup>32</sup>

The PCMA seeks to establish a board that is sensitive to native concepts and ideas and thus implement a joint management regime. However, the fact that the terms of the PCMA makes the PCMB dependent on government resources for research means that the non-government board members do not have the same access to resources as the government board members. This lack of access could impair the ability of non-government board members to influence research design so that the knowledge of the indigenous system becomes part of the decision making process under joint management.

#### 4. The Operation of the Porcupine Caribou Management Board

Clearly the success or failure of joint management depends heavily on the extent to which native harvesters participate in the making of management decisions. The knowledge on which indigenous management is based must be considered in any management deliberations. The onus is on native people to see to it that native people are active participants on the PCMB so the theory of joint management becomes synonymous with the development and implementation of wildlife management plans that are supported by native people. In short, native people must be seen as making the PCMB work. They must see themselves as part owners of the board along with government. Government representatives on the PCMB must accept native people as full partners in managing the PCH. Thus, government Board members must not frustrate native people in their efforts to participate on the PCMB.

##### *4.1 Board Members*

At both the August and November 1986 meetings of the PCMB matters were discussed that are important to establishing the PCMB as responsive to native user concerns. On the agenda was the need to encourage native users to participate in the activities of



the PCMB. During these discussions native board members tended to “sit back and observe,” content to let government board members wrangle over administrative and procedural matters.

One of the topics discussed, the establishment of guidelines for trade and barter, is an issue of compelling interest for native users yet it was the government board members who called for native members to take the lead on the matter for the PCMB. Native members appeared to simply acquiesce to their request. Another instance where native board members appeared to simply tolerate rather than participate was in a drawn out discussion on how the financial commitment of the federal government to the PCMB would be fulfilled.<sup>33</sup> This was one area in which the federal government was very well prepared and fairly intransigent because of concerns about the accountability of the federal government to the Auditor General. In the end this matter was hammered out in discussions between the territorial governments and the federal government outside of the regular board meeting. During a board meeting, after a protracted discussion on finances, a native board member commented that there was already too much red tape to deal with on the PCMB.<sup>34</sup>

Native board members may be reluctant to lead discussions because of their own perception of their role as board members. They are more likely to function as a conduit to the communities they represent; this differs from representatives of government who are used to expressing their views “on behalf of their government.” This means that native board members see their duty as being one of going back to the community and listening to discussions on a particular issue where, ideally, a consensus is reached. More likely a typical situation will see a range of opinions that are expressed with no resolution. The native board member then sees his duty as representing a range of community opinions for consideration by the PCMB. Finally, the fact that some of the native board members are elders suggests that the communities they represent are likely to treat them and any information they pass on with some deference, an authoritative posturing is unnecessary.<sup>35</sup> While it is important to understand role perceptions, it cannot be ignored that the structure of the meetings complement the style of the establishment, that is government, members.

This raises concerns about the format and structure of the PCMB meetings which is heavily based on those structures found in our dominant white society. Native members may feel uncom-

fortable in such a setting and so are reluctant to take the lead in discussions. Alternatively they may be simply waiting to see where the discussion goes. If this is the case then it demands that government members remain sensitive and vigilant in recognizing those items which demand native input before a decision or policy is issued by the PCMB.

Territorial government members appear cognizant of this but there are grounds for concern with regard to the federal government member, a concern of continuity. Although the PCMA states that the federal member will be the senior federal civil servant in Whitehorse, which is the Regional Director General for DIAND, the position was empty for the August PCMB meeting in Dawson so another representative attended. A previous commitment by a different federal representative to obtain information for the PCMB for the August meeting was not fulfilled although the federal representative, an alternate, present at the August meeting agreed to get the information for the PCMB. At the November meeting the DIAND position was still open and yet another alternate came to sit on behalf of the federal government. Since then one of the federal representatives that appeared at a PCMB meeting has been named to the position. It is quite possible, though, that alternates may continue to appear at meetings because of the demands on the time of the Regional Director General. This initial lack of continuity in membership for the first two meetings of the PCMB meant that the federal member was often not aware of background information and so did not understand the rationale for policy decisions. Lacking such background the federal member resorted to a strict legal and literal interpretations of available documents.<sup>36</sup>

It must be recognized that the PCMB is in a period of transition. The board had had only two regular meetings at the time this research was undertaken. Further, readjustments are taking place amongst board members in a more general way as well. Board members are adjusting to a change in their respective roles; they are no longer sitting across from one another at a negotiating table. Instead they are learning to work together as colleagues. A further complication in adjusting to this new relationship is that many of the board members continue to sit on different sides of the table in other ongoing negotiations, specifically, comprehensive land claim negotiations. In some ways this overlap in personnel has advantages. As suggested above, it may be precisely because board members deal with each other in a variety of capacities on a range of issues

that great care is taken to maintain good will and credibility amongst board members in all areas. Unsatisfactory relations on one matter could adversely affect other work on other matters, for example salmon treaty negotiations or land use planning.<sup>37</sup>

#### *4.2 Native User Participation*

Within the PCMA there are many provisions calling for the participation of native people. This careful inclusion of specific clauses dealing with native participation, along with statements recognizing that native participation will not simply happen but must be encouraged, shows that the PCMA is very much concerned with seeing that joint management becomes a reality in practice, not confined to words on paper.

All members indicated that effective communication is vital to the development of a long term management plan for the PCH that will have the acceptance of both native users and government and that acceptance would be more likely to be forthcoming from native harvesters if they are kept abreast of the work of the PCMB. The decision to hold all meetings of the PCMB in user communities was taken in order to encourage community input. Board members hope that this will raise the profile of the PCMB amongst the primary users of the resource.<sup>38</sup> Board members also maintain that this relationship will help establish the PCMB as responsive from the start. One native board member went on to say that it was up to individual members to see to it that the PCMB is responsive to the user communities,<sup>39</sup> in other words stressing the role of native board members as representatives of user communities on the PCMB. The PCMA, because of its emphasis on native user representation and its acknowledgement of preferential rights for native users, must be seen as responsive to user concerns. Board members have, thus far, shown a keen awareness of the need to be responsive to user concerns and native board members are very conscious of their communication function.

Community input is seen by the PCMB as playing a pivotal role in the establishment of guidelines dealing with trade and barter of caribou meat for native use (s.L.2.(a),(b),(c),(d)). Once established these guidelines will constitute an institutionalization of traditional native practices within the public policy arena.<sup>40</sup> At the November 1986 meeting of the PCMB it was decided that a working group should be struck to develop these guidelines. Government board members were quick to state that as the matter was of fundamental

interest to native user communities, native board members should take the lead in the working group. Solicitation of community views on the matter was seen by all board members to be crucial to the development of any guidelines if such guidelines are to be supported by native users.

The PCMA sets out a specific process for native participation in the management of the Porcupine Caribou Herd through a delegation of authority. Harvest sub-allocations are left up to the user communities to decide (s.J.5.(a)). In the strictly legal sense the territorial governments establish total allowable harvest for the herd in Canada. In reality this number is set by the PCMB (s.J.3.). It is left up to the territorial governments to allocate the non-native portion (a minimum of 250 caribou) of the harvest. Native user communities are then given the responsibility of allocating amongst themselves their portion of the harvest as set out by the PCMB. This represents a decentralization of allocation authority and a devolution of management authority. Native users are empowered to decide on allocation on a community basis. The only restriction on their authority is that "... details of the sub-allocation shall be provided to the board annually... for management purposes" (s.J.5.(b)).

In discussions leading up to the signing of the PCMA, allocation of harvest was a contentious item. However, delegation of harvest sub-allocation authority to user communities was not contentious. The issue was YTG's view that a specific minimum number of caribou had to be reserved for harvest by non-native people. Once agreement was reached on that number, sub-allocation authority to user communities does not appear to have been a problem.

One example of a sensitive issue demanding joint management and native participation is the case of native hunting in the Dempster Corridor. The Dempster Corridor is a corridor one kilometer on either side of the Dempster Highway.<sup>41</sup> Non-native hunters are not allowed to hunt within the corridor. However, native hunters may hunt there because it is considered unoccupied crown land, thus falling under the provisions of the *Indian Act* which supercedes territorial legislation restricting hunting in the area. The Dempster Corridor presents the PCMB with a difficult management problem, how to regulate native hunting in an area where legislation and regulation do not apply. In terms of the formulation of any long range management plans for the PCH the Dempster is an important factor. Sometimes the migration route of

the PCH takes the herd across, or very near to the Dempster Highway. When this happens harvesting of the PCH increases because the caribou are more accessible.

At one of the PCMB's meetings it was pointed out that, in part, the PCMB was formed to deal with the problems associated with hunting in the Corridor. Native board members raised concerns over the bad public image generated by accounts of native hunters abusing their right to hunt by, for example, killing animals and not retrieving them. Native board members gave some indication that young native hunters needed to be chastised by the native user communities regarding their hunting practices. They argued that the support of government agencies would strengthen such community censure.<sup>42</sup> Native board members went on to say that when cooperation occurs it should be acknowledged publicly to demonstrate to the general public and government that native users have used resources responsibly, and thus improve the public image of native harvesters. Native people have learned that public support is a useful ally which can prompt government to act. All board members agreed that new regulations were needed to deal with the situation. Native members were urged to consult with their user communities so community input could be incorporated in any new regulations the PCMB may recommend to the Minister(s) and thus ensure cooperation and support for such regulations.<sup>43</sup> As well, the PCMB decided to form a Dempster Highway Working Group in order to develop a background paper and provide options for addressing the situation.

The PCMB efforts to be responsive to user concerns are commendable. Its potential to receive full marks for its encouragement of participation by native users in the collection of statistics and biological information is limited by the lack of any "concrete" encouragement: "The Board shall encourage native users and other harvesters of the Porcupine Caribou to participate in the collection of statistics and biological information." (s.D.5.) "Encouragement" is a rather nebulous word and nowhere in the PCMA is it made clear what constitutes "encouragement." More importantly, there are no concrete proposals for how such "encouragement" will manifest itself. No agency is bound to provide the necessary training to enable native users to participate in the collection of statistics and biological information (sE.1.(c)). The PCMB can make recommendations to the Minister for "... training required to enable native users to participate in the management of

the PCH..." (s.E.1.(d)), but there is no specific and separate allocation of funds for the purposes of establishing training programs. This also assumes that participation means native users acquiring skills useful to scientific management methods.

It is too early to tell if full native participation in all matters of management will occur. The ability of native board members to act as a bridge between the two management systems, scientific and indigenous, bringing to bear the knowledge of the indigenous management into the PCMB's management decisions, remains to be seen.

### *4.3 Other Issues Before the PCMB*

A major matter before the board is the formulation of a management plan for the herd. The plan is needed to meet one of the objectives of the PCMA: "to co-operatively manage, as a herd the Porcupine Caribou and its habitat within Canada so as to ensure the conservation of the Herd..." (s.B.1., see also s.E.1.(a),(b)). A plan would then "... guide researchers and... demonstrate the board's leadership in long range planning."<sup>44</sup> A board member was delegated the responsibility of writing a short report on management plan options for the PCMB to consider. This report was presented at the November 1986 meeting where it was decided that work would begin on the formation of a management plan for the PCH. It was estimated that a management plan for the herd would take two years to develop. Given the estimated length of time to complete a management plan this is a matter which would concern the PCMB from meeting to meeting and it seems likely to influence any future policy decisions. Indeed, because a management plan is 'in the works' it may serve to delay decisions pending its completion and release.

Another major issue before the PCMB, but one largely out of its control, is the American position on non-renewable resource development with regard to the Alaskan calving grounds. The only issue biologists seem to agree on is that any non-renewable resource development which disturbs the calving grounds could have grave implications for continued good health of the PCH and the ability of native harvesters to continue to rely on the herd for subsistence usage. At both the August and November 1986 meetings of the PCMB the status of an International Agreement was discussed with great concern. On both occasions all board members agreed

that an International Agreement was essential for any comprehensive management of the Porcupine Cariboo Herd.

At the time this article was researched international negotiations did not appear promising. Non-renewable resource development activities appeared to have won out in the United States over conservation concerns. If no agreement is reached with the Americans to ensure some protection of the herd's calving grounds then any comprehensive management efforts by the PCMB may be compromised.

##### 5. A Preliminary Assessment of the Porcupine Caribou Management Board

The PCMA represents the most recent attempt to draw together scientific and indigenous wildlife management systems to produce joint management in the North. The PCMB has paid particular attention to soliciting native input so native harvesters have the sense that the management system put in place by the PCMB is their management system. The PCMA recognizes that native input, not simply a native presence, is essential to the development of any management plans if such plans are to receive the support and compliance of native user communities. Indeed, native board members were constantly being asked to seek out community opinion on a variety of matters and then report back to the PCMB so the board could use this information in the formulation of policy.

Native participation by native board members and native user communities is crucial if the PCMB is to be seen as a joint management board. This means that native input must be incorporated in an acceptable manner and not simply given a polite hearing and then ignored. The fact that indigenous knowledge does not yet stand on an equal footing with the scientific system means that there is a danger that native board members may be co-opted by the scientific system and its attendant bureaucracy. Future assessments of the board will be necessary to see what happens to native input after it has been presented to the PCMB.

An important issue in assessing the PCMB is the extent to which the board combines indigenous and scientific management techniques to produce joint management. Here there is a great danger that indigenous management information will have to adapt itself to the style and form of scientific management in order to be

accepted. This means that information from indigenous management must be rendered into a form which makes it amenable to regulatory enforcement, and thus becomes part of "the system." Such a task currently before the PCMB is the codifying of existing traditional native trade and barter practices (s.L.2.(c)) so they can be regulated. On the one hand this represents an effort to understand and incorporate traditional native practices into a joint management system. On the other hand, it demands that these practices conform to the style of existing management regimes, scientific management regimes. Although successful adaptation of indigenous management information would demonstrate that traditional practices can be accommodated within the Canadian polity it is also clear that it is the job of indigenous management to adapt to the style and form of scientific management and not vice-versa.

During interviews with members of the PCMB there was constant reference to the ideals of "cooperation," "good will," "good faith," and "credibility" as being the mechanisms to compel the Minister to consider seriously the PCMB's research request. In general, board members have shown themselves to be fairly well-satisfied with that; however, room for apprehension remains. Some board members mentioned dissatisfaction with the actions of the federal government since the PCMA was signed. They mentioned a tendency of the federal government members to read the PCMA in a strictly literal manner with no knowledge or awareness of the history behind specific clauses and the rationale for the inclusion of certain clauses in the PCMA.

In terms of broad political considerations the federal government has little to lose by granting native harvesting rights or by taking steps to include native people on bodies concerned with the management of wildlife resources. The federal government still retains the power to make all decisions related to the development of non-renewable resources in the North, despite the fact that non-renewable resource development can adversely affect renewable resources. In making such decisions the federal government can, and has in the past, appealed to an imperative created out of the "national interest." All members of the board expressed the view that the PCMB would not be able to prevent non-renewable resource development that would harm the PCH if the federal government decides such development is in the "national interest."<sup>45</sup>

In terms of practical considerations, the territorial governments



know it is difficult if not impossible to enforce wildlife regulations which native harvesters consider spurious. It is simply impossible for these governments to enforce regulations in the scattered and isolated communities of the North given the number of Renewable Resource Officers. For the territorial governments joint management represents a practical solution. Further, the territorial governments' support of the right of native people to participate in wildlife management reflects their view that northerners should be making decisions on matters which directly affect them as opposed to a distant federal government which does not understand fully the unique concerns of northerners.

Native people are motivated to participate in joint management because of their desire to see that there is a harvestable surplus of caribou and that they continue to have access to this surplus which is vitally important to their traditional subsistence economy. For native people joint management creates a sense of stewardship and a concomitant obligation to protect the resource as well as benefit from it.

The PCMB, as an embodiment of the concept of joint management, represents movement towards the implementation of innovative, participatory public policy. Further study of the PCMB is needed to assess the degree to which the board has been able to merge indigenous and scientific management to produce joint management.

### The Future

In order for the PCMB to realize its potential as a joint management board it must be flexible. The PCMB must support policy decisions which deviate from the norm of Canadian politics. The PCMB must be willing to be innovative. As well, a continuity of government board members is necessary to the development of understanding, particularly by the federal government, of the long range goals and intentions of the PCMB. Native board members must maintain close contact with their communities to keep the communities abreast of the PCMB's activities and to express the will of the communities to the PCMB. It is the responsibility of native members of the PCMB to clearly articulate indigenous management practices and to ensure that the PCMB is responsive to user communities by continually encouraging these communities to voice their concerns to the PCMB.

## Acknowledgements

The author gratefully acknowledges financial support received from the Boreal Institute Grant-in-Aid for Northern Research (1986-87), and the Northern Science Training Grant Programme, which enabled the author to carry out the research required for this paper.

---

## NOTES

- <sup>1</sup> This evaluation is, by necessity, only a preliminary one, as the PCMB was in its start-up during the period under study.
- <sup>2</sup> Nick Sibbeston, "Keynote Address: Economic Development and Renewable Resources in the Northwest Territories," *Native People and Renewable Resource Management*, The 1986 Symposium of the Alberta Society of Professional Biologists (Edmonton, Alberta: n.p., 29 April—1 May, 1986), p.154.
- <sup>3</sup> W.A. Fuller, "Of Conservation and Mysticism, Democracy and Things," *Arctic*, vol.32, no.3 (September 1979), p.181.
- <sup>4</sup> Fikret Berkes, "Fisheries of the James Bay Area and Northern Quebec: A Study in Resource Management", in M.M.R. Freeman, ed., *Proceedings: First International Symposium on Renewable Resources and the Economy of the North* (Banff, Alberta: Association of Canadian Universities for Northern Studies, May, 1981), p.158.
- <sup>5</sup> M.M.R. Freeman, "Appeal to Tradition: Different Perspectives on Arctic Wildlife Management", in Jens Brosted, et al, *Native Power* (Oslo, Norway: Universitetsforlaget As, 1985), p.275.
- <sup>6</sup> Ibid, p.71. 7. Michael Asch, *Home and Native Land* (Toronto: Methuen, 1984), p.18. See also Scott Rushforth, "Country Food", in Watkins, *Dené Nation*, pp.32-16.
- <sup>8</sup> Berkes, "The Role of Self-Regulation", in Freeman, *Proceedings*, p.169.
- <sup>9</sup> Asch, *Home and Native Land*, p.18.
- <sup>10</sup> Canadian Arctic Resources Committee, *National and Regional Interests in the North*, 3rd National Workshop on People, Resources and the Environment North of 60 (Yellowknife, NWT: CARC, 1-3 June 1983), p.386.
- <sup>11</sup> Government of Canada, *Indian Self-Government*, Report of the Special Committee, 1st Session, 32nd Parliament, (12 and 20 October 1983), p.65.
- <sup>12</sup> CARC, *National and Regional Interests*, p.413.
- <sup>13</sup> Lorraine Allison, "Caribou: Management of a Vital Resource", in Robert R. Keith and Janet B. Wright eds., *Northern Transitions* (Ottawa: CARC, 1978), p.218.
- <sup>14</sup> *Northern Perspectives*, vol. VII, no.7, 1979, p.3.
- <sup>15</sup> Robert Page, *Northern Development: The Canadian Dilemma* (Toronto: McClelland and Stewart, 1986), p.184.
- <sup>16</sup> Dome Petroleum Ltd., et al, *Beaufort Sea-Mackenzie Delta Environmental Impact Statement*, vol.4, Biological and Physical Effects (n.p., 1982), p.3.44.
- <sup>17</sup> Jean Chretien, *Straight from the Heart* (Toronto: McClelland and Stewart-Bantam Ltd., 1985), p.62.
- <sup>18</sup> *Northern Perspectives*, vol.VII, no.7, 1979, p.3.

- <sup>19</sup> J.A. Keith, "A Canadian Perspective on an Agreement with the United States on Migratory Caribou", *International Association of Fish and Wildlife Associations*, (n.p., 1979/80), pp.16-20.
- <sup>20</sup> All of these groups are signatories to the Porcupine Caribou Management Agreement. Hereinafter the Dene Nation and the Metis Association of the NWT will be referred to as the Dene/Metis, as these two organizations are considered as one of the signatories to the PCMA.
- <sup>21</sup> From the files of the GNWT, Department of Renewable Resources, October 1983.
- <sup>22</sup> Interview with member of the PCMB, Dawson City, Yukon, August, 1986.
- <sup>23</sup> From the files of the YTG, Department of Renewable Resources, 1985.
- <sup>24</sup> From the files of the YTG, Dept. of Renewable Resources, 1985.
- <sup>25</sup> *Caribou News*, vol.6, no.2, August 1986.
- <sup>26</sup> *Caribou News*, vol.5, no.4, December 1985.
- <sup>27</sup> The Beverly-Kaminuriak Caribou Management Board has been confronted with just such a situation. Federal budget cuts to CWS in 1985 were reported as resulting in the loss of on-going research projects and the loss of a Beverly and Kaminuriak Board member employed by CWS. *Caribou News*, vol.3, no.5, February 1985.
- <sup>28</sup> Minutes, PCMB, Dawson City, Yukon, 28-30 August 1986.
- <sup>29</sup> Interview with member of the PCMB, Dawson City, Yukon, 28-30 August 1986.
- <sup>30</sup> Ibid.
- <sup>31</sup> Ibid.
- <sup>32</sup> Interviews with members of the PCMB, Dawson City, Yukon 28-30 August 1986.
- <sup>33</sup> This discussion took up time at both the August and November 1986 meetings of the PCMB.
- <sup>34</sup> Interview with member of the PCMB, Dawson City, Yukon 28-30 August 1986.
- <sup>35</sup> One government Board member suggested that in some instances the native Board member may see the need for a Board, not necessarily the PCMB, to act in an authoritative manner, making decisions which are unpopular at the community level. The native Board member may be unable to gain community support for such a decision and so silently support government members on a Board. This can be seen as a residue of a colonial mentality wherein decisions, including hard ones, have been made by non-natives, who are generally representatives of the government.
- <sup>36</sup> Interview with members of the PCMB, Dawson City, Yukon, 28-30 August 1986. See also Canada, *James Bay and Northern Quebec Agreement Implementation Review*.
- <sup>37</sup> Interview with member of the PCMB, Dawson City, Yukon, 28-30 August 1986.
- <sup>38</sup> Interview with members of the PCMB, Dawson City, Yukon, 28-30 August 1986.
- <sup>39</sup> Interview with member of the PCMB, Dawson City, Yukon, 28-30 August 1986.
- <sup>40</sup> The PCMB has no examples to draw on in developing these guidelines. While the *Inuvialuit Final Settlement* mentions trade and barter it does not set out any guidelines, nor have any been established by Inuvialuit to date.
- <sup>41</sup> The Demster, for the most part, runs through the Yukon with a small section running through the northwest corner of the NWT.
- <sup>42</sup> Minutes of the PCMB, Aklavik, NWT, 4-5 November 1986.
- <sup>43</sup> Minutes of the PCMB, Aklavik, NWT, 4-5 November 1986.
- <sup>44</sup> Minutes of the PCMB, Dawson City, Yukon 28-30 August 1986.
- <sup>45</sup> Interviews, members of the PCMB, Dawson City, Yukon, 28-30 August 1986.