
IMPLEMENTING DELGAMUUK'W

Biography of Russell Diabo

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Russell Diabo is a member of the Mohawk Nation at Kahnawake. He is currently the Traditional Use Study Research Director for the Adams Lake and Neskonlith Indian Bands. From 1985 until 1996, Russell was an advisor to the Algonquins of Barriere Lake in Western Quebec. Russell also served as the Indian Act Amendments Coordinator to the Assembly of First Nations prior to coming to British Columbia in 1997.

Thank you. I'd like to thank the organizers for inviting me to make a presentation today and also the Coast Salish people for allowing us to be here in their territory.

Just a few quick remarks to preface the Barriere Lake trilateral agreement that we are here to talk about. One is, you might wonder why a Mohawk is here talking about Algonquins. I was working with the Assembly of First Nations in the mid-1980s and got to know Chief Jean-Maurice Matchewan, the chief of Barriere Lake. When I left the Assembly, I was doing graduate work at Carleton and he approached me to start working with Barriere Lake on some of their issues up there, which is three hours north of Ottawa in western Quebec. So that's how I became involved with the community, just to answer that question in case... head it off before it comes later.

The Barriere Lake trilateral agreement -- you will notice at the top here there's three figures plus a cross. That's a depiction of a wampum belt, which has been referred to as a "three-figure wampum belt." That belt was read into the record at the First Ministers Conference in 1987 by the late Chief Solomon Matchewan from Barriere Lake. Essentially, those three figures represent the Indian nations in the center and the English- and French-speaking nations on either side. That agreement symbolizes an agreement that was reached, and the cross is there because the priest was there to witness that agreement. Essentially, that agreement has to do with... that Indians would be respected in their lands and their consent would be required in anything to do with their lands. This is my understanding of the reading of that belt by Chief Solomon Matchewan. That belt became the basis for the Algonquins negotiating an agreement with the Quebec and Canadian governments.

Basically, again just to preface it, it began about 1987. The United Nations issued this report called the "World Commission on Environment Development" -- the Brundtland Report. Basically the government of Canada and all the provincial governments accepted that report in principle. In that report it recommended conservation strategies to be developed at the national, regional, and local level. It recommended that indigenous people should have a decisive voice in resource management decisions that affect them, and that their knowledge should be used in managing in complex ecosystems. It also introduces the notion of sustainable development -- balancing environmental consequences of economic decisions. That report was reviewed by the Barriere Lake leadership and Elders, and they felt that a lot of the recommendations in there were consistent with their concerns in terms of what they saw happening in the environment. They saw weather changes, deforestation, their lands had been flooded by the construction of giant storage reservoirs, competition for fish and game was pretty extensive with the network of logging roads that had been built throughout their territory. All of these things were combining to threaten their ability to put food on the table, their way of life. So when that Brundtland Report came out and we went through that -- what some of the major recommendations were and some of the themes of that report, which is basically that the human species is basically becoming the single biggest threat to the entire planet and has set about a number of recommendations to start balancing that, which led to the conference in Rio De Janeiro in 1992. That report is what inspired Barriere Lake to take a look at developing a conservation strategy over their territory.

They had started out researching doing current use research under the comprehensive land claims policy. And, in fact, the research that they were doing was consistent with research which had been developing since the James Bay Cree, the Inuit in the North, others who had to come face-to-face with the comprehensive claims policy and the case law that developed, notably Baker Lake in 1980. So they started doing, basically, current use maps and historical research along the lines under that policy. But the community was very much against extinguishment and the other aspects of that comprehensive claims policy, so very early on they decided to take a different approach, which was this environmental approach -- one could say an indirect approach to aboriginal title. They didn't put aboriginal title on the table. Basically, they argued they had a right of subsistence, which is recognized in international covenants, and that was the approach they took: that clear-cutting and so forth were affecting their right of subsistence. So from the late 1980s they've started, I guess you could say, with a sustained campaign of resistance and protest, which included peaceful blockades of logging roads, camping on Parliament

Hill. First they went after the federal government, got their agreement in principle, then they sort of focused on the government of Quebec to agree to this conservation strategy. That evolved into this Barriere Lake trilateral agreement. This was signed in August of 1991.

Could I have the next slide, please. The territory, as you could see, is in western Quebec, largely in an area called the La Verendrye Wildlife Reserve. As I mentioned, it is about three hours north of Ottawa, about five hours outside of Montreal.

Could I have the next slide. Basically the overall objective was to develop an integrated resource management plan for that territory, based on the principles of sustainable development, conservation, and versatile resource use, and also to reconcile forestry operations with the environmental concerns and the traditional way of life for the Algonquins of Barriere Lake.

The agreement provides for three phases. The first phase was a data-collection phase. So, essentially, this agreement was a research and negotiation process or, if you like, a study and recommendation process. There were a lot of gaps in the information the province had, so we negotiated in the agreement that phase one was to collect and analyze the existing data and identify any gaps, and to obtain that information. Phase two is the preparation of the integrated resource management plan and, of course, phase three would be negotiations to implement that plan once it had been developed.

Basically the trilateral agreement provides for three categories of funds. Common costs, each of the three parties contributes to that cost. There was a secretariat established, an office with staff, so those were identified as common costs, including the cost of operating that office, phone, fax, and photocopying and so forth. Technical costs were shared fifty-fifty between the governments, and representation costs were covered by each signatory. And, as you could see underneath, all the costs of the Algonquins of Barriere Lake were covered by the government of Canada as a result from their fiduciary obligations. To date the cost of this process and the research is around \$5 million, and this is a community of 450 people. We had identified in there for provisional measures. This was provided for in the negotiations because we knew when we were negotiating the agreement that the logging companies would get into a cut-and-run strategy if they knew there were going to be changes to rules as to how they could cut, so we wanted to make sure that there was a brake on there. So we had put in to identify sensitive areas, and a study was done to take a look at those rather quickly, which are important cultural sites to the community, are harvesting sites. We also identified what we called "measures to harmonize" forestry operations with the Algonquins' way of life.

Here you have an example around riparian or water bodies. The provincial law said that they could log up to twenty meters up to any water body, whether it was the St. Lawrence River or a small lake in the middle of the province. It was one standard. When the Algonquins tried to argue they wanted larger buffer zones, the province said, "well, give us scientific data showing why they should be enlarged." Of course, they never could produce any scientific data as how they came up with twenty meters for the whole province around water bodies. So in the end they, again due to protest which involved going in front of bulldozers in forty-below weather and so forth, they were able to convince the Quebec government to accept wider buffer zones around water bodies, and to do a study on that, and to accept what we call "measures to harmonize" within the trilateral agreement territory while we were developing the more long term integrated resource management plan.

Here you have basically the research framework that we set out. If you see there, there is basically three components to that. One is the indigenous knowledge component, which involved a traditional ecological knowledge study, the community mapping harvest study, various other studies you see listed there. Also on the sustainable development of natural resources, basically that was provincial data that was collected. In one case, in this territory the first moose population study was done and funded under this trilateral agreement to the amount of a quarter of a million dollars. Prior to that, the province had never done any moose population studies in the area. We also did social and economic studies both for the community and for the region so that we could see how much third parties -- the forest industry, tourism outfitters, and so forth -- were taking up the territory on an annual basis.

So all of these three programs of information all fit into the development of a database and studies to contribute the development of an integrated resource management plan. Again, the indigenous knowledge program, that component was to document the Algonquin ecological and social knowledge, to make sure that was included in the integrated management plan, and come up with ways to harmonize the ongoing logging operation and other non-Algonquin uses of the area.

And again here is an example of the census of zone mapping that was done. This was done so that when the annual cut blocks, annual logging plans, were being developed, they could be looked at and overlain with sensitive zones, and then

there would be ground-truthing if there were zones that overlapped with the proposed cutting area. That is when "measures to harmonize" would be developed, based on a field assessment with Algonquin land users and a independent forester advice.

Algonquin toponomy -- Indian place names, the Algonquin place names -- were identified as one of the projects within in the indigenous knowledge program. Again, this project helps fill in the blank spaces on the maps for those that are concerned about the issue of doing current land use mapping and having blank spaces open, or empty spaces on your map. If you add this as another layer of information, your map starts to fill up for your whole territory.

An example of the mapping done for big game kill sites and a portion of the territory. Again, all of this information is mounted on a G.I.S. [Geographic Information System] systems to help create a database used for operational planning. The overall objective is to come up with sustainable development of the natural resources and make sure that it's the highest quality data that is used for that decision-making over that territory. Basically, when we were negotiating this agreement, due to, I guess, the foresight of the legal counsel for Barriere Lake, we foresaw that conservation would be an issue, and balancing aboriginal and non-aboriginal interest would be an issue. So, when the Sparrow decision was handed down in 1990, the approach that the Algonquins were taking was consistent with that and, I would say, with the Delgamuuk'w decision. Certainly my reading of it is that this hierarchy of uses that Sparrow sets out in that case -- which is conservation is at the highest purpose, and then the priority aboriginal use, and then public use after that -- has now been applied in Delgamuuk'w to all natural resources. Having a database in an approach like what the Algonquins are doing, certainly is one way to show the priority aboriginal use. But it is also mapping out the biological carrying capacity of the territory to see what the Algonquins need for now and into the future, and what other third party interest are taking out and what would be available, left over for them to use, which would include logging companies.

Again, here you have some of the modelling that's being done with the G.I.S. system, with the data that is being inputted from the provincial database, from forest cover maps, and so on for the territory. So this again gives some idea of the operational use of this data.

There were habitat suitability indices done over the territory for moose -- which is a key species for the Algonquins; that is a big part of their diet -- and again for marten, which is also another indicator species because of their habitat requirements being in the old growth areas of the territory, which you could see there aren't too many there. But, again, these were G.I.S. models used. For the economic and social development program, it was to begin profiling and analyzing all the interest in the area, indigenous and non-indigenous, and start looking at the selection of management alternatives for that area other than what was being developed out of Quebec City or its district offices.

Here you have some statistics regarding the territory. You could see the territory we're talking about here is 10,000 square kilometers or 6,000 square miles, or 1 million hectares. The annual allowable cut for example, you could see coming out of here, is over a million cubic meters a year. [*Caffe? Caphe?*] referred to in French, basically, forest license agreements, timber supply agreement which are twenty-five year agreements, so you could see the number of those in the area. In the long term, with the integrated resource management plan being developed, the forest tenure system and the timber supply contracts will be affected because the trilateral agreement does state that the integrated resource management plan can affect the operations, regulations, and legislation and contracts operating in the territory. So it is pretty wide-reaching in terms of the intent of the agreement. Basically, I guess you could say setting in a different management regime from what the Quebec Forest Act and its regulations now provide.

Here is a chart showing some of the economic values of the activities in the area.

Next slide, please. This is an interesting slide. You could see from the bottom the number of Algonquins employed in the natural resource sector, how much they are benefitting from the activities that are happening in their territory.

Next slide, please. Again, this is laying out some of the progress that's been achieved so far under the agreement. This was all funded for under this agreement.

More continuation with some of the progress that's been done and the current situation.

Basically another agreement has been signed with the government of Quebec, which builds on the existing agreement. There is a group that's at work now. Basically, they are at the point of completing the integrated resource management plan and starting to verge on negotiating the implementation of that plan.

Next slide please. The 10,000 square kilometer area was quite large to develop an integrated resource management plan over the entire territory, so the area community got together and worked out what they call a "traditional management zones," or "traditional management units," eighteen of them. So that area there, there is eighteen of them and it was decided to take a pilot area and basically develop a miniature management plan over each of the eighteen areas, and then aggregate it at the end. The methodology being used to do that is basically working with the harvesters, the land users from the community and outside technical people to identify, prioritize the resource features of each of those zones. That's in progress now. It's identifying the forest types in the area. Basically the whole agreement area is, although this is in the pilot area, the whole trilateral agreement area is in a transition zone between mixed hardwoods in the southwest and conifers in the northeast. Again, in the pilot area you could see that there is identification of the sensitive areas, which will be done on a zone-by-zone basis.

Next slide, please. The guiding principles which have been developed so far for the integrated resource management plan, all of which has direct community involvement. Basically, the process now is to discuss alternative strategies for the integrated resource management plan in detail. Essentially, it's a zoning exercise for that entire territory. Then you have the other influences that are impacting in that area now.

The scenarios that are being considered, and then you have the key steps.

Next one please. Essentially, as a pilot area, as far as I am aware anyway, I haven't seen anywhere in the country that one community of 450 people -- whose reserve is only 59 acres, by the way -- is exercising influence over 10,000 square kilometers of "Crown land." As a pilot area for co-management, and outside of a claims process, it's pretty significant. We do still call it an experiment because it still hasn't reached its conclusion yet.

Here are some considerations when considering the use of G.I.S. for similar type projects. The significance here is that the extensive indigenous knowledge research that has been done has not been simply to satisfy legal tests for aboriginal title or a claims process, but it has been done for the Algonquins to exert management control over their traditional territory and, as a corollary of that, it also can stand as evidence of ongoing use of their territory, which also happens to be within Indian territory as set out in the Royal Proclamation of 1763. It brings them from being excluded in what was happening around them in the mid-1980s to being included in the decision-making to the point where they are going to try and take the integrated resource management plan and develop a management structure of decision-making over their territory. That is pretty much all of the presentation. Thank you.