

**EEYOU INDOH-HOH  
WEESHOU-WEHWUN**

**TRADITIONAL EEYOU HUNTING LAW**



**2009**

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## Table of Contents

Introduction .....	1
PART I: Purpose of this Law .....	3
1. Affirmation of Eeyou Indoh-Hoh Weeshou-Wehwun .....	3
PART II: Understanding This Law .....	4
2. Interpretation .....	4
3. Eeyou Values and Guiding Principles .....	4
4. Terminology .....	5
PART III: TRADITIONAL SYSTEM OF GOVERNANCE OF INDOH-HOH ISTCHEE AND THE ROLE OF THE KAANOOWAPMAAKIN .....	8
5. Traditional System of Governance of Indoh-hoh Istchee (Eeyou Hunting Territories) .....	8
6. Role of the Kaanoowapmaakin as a Steward, Guardian and Custodian .....	9
7. Special Rules Applying to Goose Hunting .....	12
<i>Role of the Baash-chi-cho Ouje-Maaoo</i> .....	12
<i>Role of the Baash-chi-cho Ouje-Maasquow</i> .....	13
<i>Responsibilities of Eeyou Involved in a Goose Hunt</i> .....	14
8. Governance of Special Hunting Areas (Large Lakes and Rivers, Islands in James Bay, Community Territories and Unused Hunting Territories) .....	15
<i>Large Lakes and Rivers, Islands in James Bay</i> .....	15
<i>Community Territories</i> .....	15
<i>Unused Hunting Territories</i> .....	16
PART IV: ROLE AND RESPONSIBILITIES OF EEYOU .....	18
9. Role and Responsibilities of Eeyou .....	18
10. Rules Specific to Certain Activities .....	20
<i>Fur-Bearing Animals</i> .....	20
<i>Small Game and Fish</i> .....	20
<i>Big Game</i> .....	20

	<i>Harvesting While Travelling Through Eeyou Istchee</i> .....	21
	<i>Night Hunting</i> .....	22
	<i>Gathering, Educational Activities, Ceremonial Activities</i> .....	22
	<i>Wood Cutting</i> .....	22
	<i>Building Camps or Cabins</i> .....	22
	<i>Overnight Camping</i> .....	22
11.	Non-Respect of the Rules .....	23
12.	Role and Responsibilities of the Eeyouch Kantoo-hoodoo Emmahmoueech – Cree Trappers’ Association .....	25
	PART V: TRANSFER OF INDOH-HOH ISTCHEE .....	27
13.	Transfer of Indoh-hoh Istchee .....	27
	<i>Temporary Transfer of Responsibilities</i> .....	27
	<i>Interim Transfer of Responsibilities</i> .....	27
	<i>Family Decision</i> .....	28
	<i>Loss of Title as Kaanoowapmaakin</i> .....	28
	<i>Assistant Kaanoowapmaakin</i> .....	29
	<i>Priority to Family Members</i> .....	29
	<i>Factors to be Considered</i> .....	29
	<i>Moving to Another Community</i> .....	30
	<i>If No Replacement Named for Two Years</i> .....	30
	<i>Register of Decision</i> .....	30
14.	Sub-Division of Hunting Territories .....	31
	PART VI: REGISTRY SYSTEM FOR INDOH-HOH ISTCHEE .....	32
15.	Register of Indoh-hoh Istchee .....	32
16.	Preliminary Register of Indoh-hoh Istchee .....	33
17.	Confirmation of Preliminary Register .....	33
18.	Modification of Boundaries of Indoh-hoh Istchee .....	34
19.	Registration of Transfers of Responsibilities .....	36
20.	Indoh-hoh Istchee Register Determinative .....	36
21.	Regulatory Powers of Eeyouch Kantoo-hoodoo Emmahmoueech .....	36

PART VII: DISPUTE RESOLUTION MECHANISM.....	37
22. Disputes to be Resolved Through Consensus .....	37
23. First Consensus Process .....	37
24. Second Consensus Process.....	38
25. Confirmation Process.....	38
26. Unresolved Disputes .....	38
27. Role of Elders.....	39
28. Process for Registration of an Agreement .....	39
 PART VIII: GUIDELINES FOR THE APPROVAL OF ECONOMIC DEVELOPMENT PROJECTS OR ACTIVITIES AFFECTING AN INDOH-HOH ISTCHEE .....	 40
29. Collective Interest .....	40
30. Existing Process .....	41
31. Remedial Measures / Compensation.....	41
 PART IX: AMENDMENT PROCESS .....	 42
32. Amendment Process.....	42
 PART X: RECOGNITION PROCESS .....	 43
33. Recognition of Eeyou Indoh-hoh Weeshou-Wehwun .....	43
34. Incorporation of the Eeyou Indoh-hoh Weeshou-Wehwun into First Nation Law .....	43

Some Background on the Consultations and the Drafting of the Eeyou  
Indoh-hoh Weeshou-Wehwun (Traditional Eeyou Hunting Law)





## INTRODUCTION

*Eeyou believe that Chishaaminituu (Great Spirit) has given them a portion of the Earth as their homeland. This gift of the Eeyou homeland is Eeyou Istchee.*

*Eeyou Istchee is the land of the Eeyou forefathers who were the first and permanent inhabitants. Eeyou Istchee is the land and foundation of Eeyou rights, origin, identity, governance, history, heritage, culture, way of life and spirituality.*

*Eeyou have a responsibility to preserve and protect their heritage. An important and essential part of Eeyou heritage is the Eeyou homeland – Eeyou Istchee – that is essential and central for Eeyou “Miyupimaatisiwin” or holistic well-being. The Eeyou use and occupation of Eeyou Istchee and their presence in their hunting territories contribute to their spiritual, physical and psychological well-being. For Eeyou, their presence in their hunting territories mean far more than the pursuit of wild game and fish. The Eeyou unique and central relationship with Eeyou Istchee – its waters, its forests, its plants, its animals, its fish, its spirit – and what Eeyou have become as a result – that’s part of the nature of being Eeyou.*

*Chishaaminituu (Great Spirit) has entrusted a great responsibility to Eeyou to maintain, preserve and protect Eeyou Istchee. In response to this great responsibility, Eeyou of Eeyou Istchee have a duty to govern themselves and their territories in accordance with Eeyou laws, traditions, customs, practices, values and aspirations. Consequently, Eeyou consider themselves the custodians, guardians and stewards of Eeyou Istchee.*

*For Eeyou of Eeyou Istchee, as a nation and a people with their homeland, there is no more basic principle in Eeyou history and relations than a people’s right to govern themselves and their territories in accordance with their laws, traditions, customs, practices, values and aspirations. Therefore, Eeyou of Eeyou Istchee assert and exercise an inherent right of Eeyou governance. This Eeyou right is inherent in the sense that it finds its ultimate origins in the collective lives, traditions, and history of Eeyou of Eeyou Istchee rather than in the Crown or from the Parliament of Canada. Consequently, Eeyou of Istchee, consider themselves as a self-governing people who were, before contact with the European peoples, fully independent and an organized society occupying and governing their homeland as their forefathers have done for centuries.*

*Eeyou define Eeyou culture simply as the way of life adopted by Eeyou. In fact, Eeyou describe Eeyou culture as “Eeyou Pimaatisiwin” or Eeyou way of life. For Eeyou, culture is determined and shaped by Eeyou Iyitiwin - the Eeyou way of doing things – and encompasses the complex whole of beliefs, values, principles, practices, institutions, attitudes, morals, customs, traditions and knowledge of Eeyou. These elements influence the determination of Eeyou laws.*

*Therefore, the Eeyou forefathers have determined the laws for the use, occupation and governance of Eeyou Istchee. As a result, Eeyou law is the body of law passed down from generation to generation. But it does not consist of static principles, practices and institutions from the distant past, but rather constitutes an evolving body of ways of life that adapts to changing situations and readily integrates new attitudes and practices.*

*In this regard, Eeyou law can be regarded as a continuing process of attempting to resolve the problems of a changing society, than a set of rules. It is not the heedless reproduction of outmoded practices that makes an effective Eeyou law and a vigorous tradition, but a strong connection with the living past especially a strong and living connection with the land – Eeyou Istchee.*

*It is the Eeyou way of asserting traditional Eeyou governance as an aboriginal right and activity.*

*In order to promote the conservation and management of natural and wildlife resources, Eeyou determined and implemented the Eeyou laws, particularly Eeyou Indoh-Hoh Weeshou-Wehwun, that set out the tools and rules regarding the allocation of hunting territories, the governance of these hunting territories and the conduct of activities within these territories.*

*The present and future generations of Eeyou must maintain and continue to apply Eeyou law by interpreting and integrating it into their lives and experiences. Tradition dies without such transmission and reception.*

## **PART I: PURPOSE OF THIS LAW**

### **1. Affirmation of Eeyou Indoh-Hoh Weeshou-Wehwun**

- 1.1 Eeyou are the stewards, guardians and custodians of Eeyou Istchee and these responsibilities flow from Eeyou Weeshou-Wehwun (Traditional Eeyou Law).
- 1.2 In order to promote the Naacatawaayatacano/conservation and management of wildlife and other living resources, Eeyou were guided by Eeyou Weeshou-Wehwun that sets out rules and regulations regarding the allocation of the Indoh-hoh Istchee (hunting territories), the governance of these Indoh-hoh Istchee by the Kaanoowapmaakin and the conduct of activities within these Indoh-hoh Istchee.
- 1.3 The knowledge of Eeyou Weeshou-Wehwun has been eroded with the passing of Eeyou Elders and the silence of contemporary law on Eeyou legal traditions and there is an urgent need to revitalize the Eeyou legal tradition so that the Youth and the general public of Eeyou Istchee can understand it.
- 1.4 The Eeyou of Eeyou Istchee face serious new challenges in maintaining traditional harvesting and land tenure customs, practices and values, in providing sustainable and just stewardship of the lands and resources of Eeyou Istchee and in avoiding or resolving serious conflicts amongst Eeyou and others over access to and responsibility for those lands and resources.
- 1.5 There is a need to show the outside world that Eeyou have and have always had an effective working set of rules and practices based on the Eeyou values and Guiding Principles that provide for the Naacatawaayatacano (conservation) and sustainable use of the land and resources of Eeyou Istchee.
- 1.6 The Eeyou of Eeyou Istchee desire to adapt to the challenges they face in maintaining the Eeyou hunting way of life in Eeyou Istchee by having a written codification of traditional Eeyou law and custom regarding Indoh-hoh/harvesting and land tenure that maintains the flexibility inherent in their customary system while providing a clear set of rules that all Eeyou can understand and which will reduce the potential for conflict over these matters.
- 1.7 Therefore, the Eeyou of Eeyou Istchee hereby affirm the Traditional Eeyou Law and adopt this Eeyou Indoh-hoh Weeshou-Wehwun (Traditional Eeyou Hunting Law) to honour their past, to respect their present and to guide their future as the stewards, guardians and custodians of Eeyou Istchee.

## **PART II: UNDERSTANDING THIS LAW**

### **2. Interpretation**

- 2.1 Eeyou Weeshou-Wehwun or Eeyou law is the law inherent to the Eeyou of Eeyou Istchee and is passed down from generation to generation through oral teachings and practices.
- 2.2 The present Eeyou Indoh-hoh Weeshou-Wehwun does not replace the existing Eeyou Weeshou-Wehwun and must be interpreted in a manner so as to affirm, clarify and complement such existing oral Eeyou law as it evolves from time to time.
- 2.3 The Eeyou Indoh-hoh Weeshou-Wehwun applies throughout Eeyou Istchee to all Indoh-hoh activities of Eeyou carried out therein.
- 2.4 Subject to the terms and provisions of this law and existing Eeyou Weeshou-Wehwun, all Eeyou have the right to harvest within Eeyou Istchee.
- 2.5 The right of Eeyou to harvest is also subject to the principle of Naacatawaaichiichaawun/conservation.
- 2.6 In this law an attempt has been made to render Eeyou concepts into English. Where they are used, Eeyou terms are determinative and any inconsistency between the Eeyou and English is to be resolved in favour of the Eeyou.

### **3. Eeyou Values and Guiding Principles**

- 3.1 The Eeyou proudly affirm that they are committed to and shall be guided in all their Indoh-hoh activities by the following fundamental Eeyou values and guiding principles. These Eeyou values and guiding principles are interrelated and affirm the importance for Eeyou of promoting and maintaining harmony in their relationships with each other and with the land and living resources of Eeyou Istchee.

***Souchayimuwiin / Courage:***

*Eeyou never shy away from doing what is right, as we understand it.*

***Taabwaaoushiwiin / Honesty:***

*Eeyou remember that there is an ultimate being that watches what we do.*

***Dibtaiimuwiin / Humility:***

*Eeyou never brag about our abilities, we earn the responsibility assigned to us as leaders.*

***Souwaayiichiichaawiin / Compassion:***

*Eeyou show love to our fellow human beings in everything we do.*

***Chishtaiimiiduuwin / Respect:***

*Eeyou show respect to everyone and everything.*

***Naanahwiikaaduuwiin / Sharing:***

*Eeyou recognize our limitations and do not shy away from asking for help. Eeyou share their knowledge when requested to do so. Eeyou share the fruits of their harvesting with their families and communities.*

***Kaachaataawaayitaamuwiin / Wisdom:***

*Eeyou allow the wisdom gained from our elders and through our experience to guide us.*

#### **4. Terminology**

- 4.1 *Baash-chi-cho Ouje-Maaoo:* the Kaanoowapmaaakin (or another person when designated in accordance with this law), responsible to oversee the goose hunt activities.
- 4.2 *Chii shaa indoh-hoh wun* or *big game:* animals harvested for their particularly significant food value such as moose, caribou, bear, porcupine, whale and seal. Other animals, such as geese and some fur-bearers may be considered as big game but their harvesting is governed by different rules than those applying to big game.
- 4.3 *Eeyou:* the Eeyou nation and Eeyou people of Eeyou Istchee or an individual member thereof, also referred to as Eenu in the inland communities. Eeyou and Eenu can be used to express both the singular and the plural as the context implies.
- 4.4 *Eeyou community:* a community with Eeyou residents and governed by Eeyou authorities. The following are Eeyou communities:

Whapmagoostui  
Chisasibi  
Wemindji  
Eastmain  
Waskaganish  
Nemaska  
Mistissini  
Ouje-Bougoumou  
Waswanipi  
Washaw Sibi

and any other Eeyou community recognized as such by Eeyou of Eeyou Istchee.

- 4.5 *Eeyou Indoh-hoh Weeshou-Wehwun*: the present written form of that part of the traditional oral Eeyou law, Eeyou Weeshou-Wehwun, relating to Indoh-hoh activities and the traditional land management system of Indoh-hoh Istchee, referred to in English as the Traditional Eeyou Hunting Law.
- 4.6 *Eeyou Istchee*: the totality of the historical and traditional hunting territories and communal territories of Eeyou.
- 4.7 *Eeyou Weeshou-Wehwun* or *Eeyou Law*: law inherent to the Eeyou of Eeyou Istchee and passed down from generation to generation through oral teachings and practices, referred to in English as the Traditional Eeyou Law.
- 4.8 *Eeyouch Kantoo-hoodoo Emmahmoueech*: the Cree Trappers' Association.
- 4.9 *Hunting Group*: the group of Indoh-hoh Eeyou who have been authorized by a Kaanoowapmaakin to hunt on a regular basis in the Indoh-hoh Istchee for which the Kaanoowapmaakin is responsible.
- 4.10 *Ii yuu wun* or *fur-bearing animals*: animals harvested for their fur and which may generate revenue such as beaver, lynx, mink, marten, otter, muskrat, red fox, silver fox, cross fox, white fox, wolf, weasel, squirrel, fisher, raccoon, skunk and sable. Specific rules apply to the harvesting of all fur-bearing animals even in the case of fur-bearing animals which are considered to be big game, such as beaver.
- 4.11 *Indoh-hoh*: refers to harvesting activities including the activities of hunting, fishing, trapping, gathering plants and berries, cutting wood for personal use and other related activities which are central to the traditional way of life of Indoh-hoh-suu (hunters).
- 4.12 *Indoh-hoh Eeyou* or *Indoh-hoh-suu*: Eeyou who carry out Indoh-hoh activities in accordance with Eeyou custom and practices.
- 4.13 *Indoh-hoh Istchee*: the historical and traditional hunting territory or territories of the Indoh-hoh Eeyou and their families as determined and established for each Eeyou community by Eeyou Weeshou-Wehwun.
- 4.14 *Indoh-hoh wun*: animals and other wildlife resources including small game, big game, fur-bearing animals and migratory birds as well as aquatic mammals and fish.
- 4.15 *Kaanoowapmaakin* or *Kaanoowapmaakin Esquow* (female): the Indoh-hoh Eeyou responsible for an Indoh hoh Istchee and recognized as such by the Eeyou community, also known as the Indoh-hoh Istchee Ouje-Maao or in English as the Hunting Leader or tallyman. Kaanoowapmaakinch is the plural form.

- 4.16 *Naacatawaayatacano* or *conservation*: refers to the concept that the land and its living resources are precious to the Eeyou and that their good and respectful management will ensure the continuous well-being and renewal of the land and its living resources and will allow future generations of Eeyou to maintain their way of life. The notion of conservation also translates as *Anaacatawaayiitaacanouch* or *Anaacatawaayiimaacanuud* depending on the context or as *Naacatawaaiichiichaawun* when referring to the “principle of conservation”.
- 4.17 *Piish indoh-hoh wun* or *small game*: includes small animals and birds such as rabbit, ptarmigan and partridge.
- 4.18 In this law all references to the male include the female and all references to the female include the male.

## **PART III: TRADITIONAL SYSTEM OF GOVERNANCE OF INDOH-HOH ISTCHEE AND THE ROLE OF THE KAANOOWAPMAAKIN**

### **5. Traditional System of Governance of Indoh-hoh Istchee (Eeyou Hunting Territories)**

5.1 Each Eeyou community is recognized as having associated with it a number of Indoh-hoh Istchee for which members of the community are usually the Kaanoowapmaakin and which shall be known as:

Whapmagoostui Eeyou Indoh-hoh Istchee  
Chisasibi Eeyou Indoh-hoh Istchee  
Wemindji Eeyou Indoh-hoh Istchee  
Eastmain Eeyou Indoh-hoh Istchee  
Waskaganish Eeyou Indoh-hoh Istchee  
Nemaska Eeyou Indoh-hoh Istchee  
Mistissini Eeyou Indoh-hoh Istchee  
Ouje-Bougoumou Eeyou Indoh-hoh Istchee  
Waswanipi Eeyou Indoh-hoh Istchee  
Washaw Sibi Eeyou Indoh-hoh Istchee

5.2 Each individual Indoh-hoh Istchee is under the supervision of a Kaanoowapmaakin, who is the steward, guardian and custodian of the territory.

5.3 An Eeyou community may choose to reserve one or more Indoh-hoh Istchee for community use.

5.4 The appointment of a Kaanoowapmaakin for an Indoh-hoh Istchee is made as described in Part V.

5.5 The Kaanoowapmaakin shall exercise the duties and powers and shall assume the responsibilities described in Part III.

5.6 The Kaanoowapmaakin is an essential authority in the traditional Eeyou system of governance of Indoh-hoh Istchee. The allocation of Indoh-hoh Istchee and the naming of Kaanoowapmaakin constitute an essential part of the Eeyou land tenure system.

5.7 The Elders of each community who have knowledge of the traditional ways of their people and the capacity to pass on this knowledge to others also have an essential role in the traditional Eeyou system of governance of Indoh-hoh Istchee including:

- a) to serve as a source of knowledge of the traditional ways of the Eeyou;
- b) to provide historical information about the transfer of Indoh-hoh Istchee and to whom they were transferred;



- c) to listen to and counsel those affected by specific conflicts and disputes over Indoh-hoh Istchee;
- d) to help resolve conflicts and disputes between Kaanoowapmaakinch, their family members and relatives; and
- e) to provide support, guidance and mediation towards a resolution of conflicts and disputes over Indoh-hoh Istchee.

## **6. Role of the Kaanoowapmaakin as a Steward, Guardian and Custodian**

- 6.1 The Kaanoowapmaakin must have knowledge of Eeyou customary laws, rules and practices and is responsible for ensuring their respect within the Indoh-hoh Istchee in accordance with the Eeyou values and guiding principles.
- 6.2 The Kaanoowapmaakin must have sufficient competence and sufficient understanding and knowledge of the lands and animals of the Indoh-hoh Istchee to carry out his responsibilities.
- 6.3 The proper stewardship, guardianship and custodianship of the Indoh-hoh Istchee is carried out both for the benefit of the Kaanoowapmaakin's family and hunting group and for the benefit of the whole community in order to ensure the productivity and sustainability of the Indoh-hoh Istchee both for present and for future generations.
- 6.4 As a steward, guardian and custodian the Kaanoowapmaakin sees to the Anaacatawaayiitaacanouch/conservation of wildlife and other living resources of the Indoh-hoh Istchee and of their habitat.
- 6.5 The Kaanoowapmaakin has the responsibility to oversee and ensure the just sharing of the wealth of the land and the distribution of its resources among the members of his hunting group, their families and the Eeyou community.
- 6.6 The Kaanoowapmaakin has, in accordance with Eeyou Weshou-Wehwun, the following specific responsibilities to:
  - a) monitor, supervise and provide guidance for the Indoh-hoh activities of Eeyou in the Indoh-hoh Istchee;
  - b) share his specialized knowledge and educate young people as well as other Eeyou in the customs, values, principles and both contemporary and historical practices of his community and help ensure that the community renews its commitment to these Eeyou customs, values, principles and practices;
  - c) monitor access to the Indoh-hoh Istchee;
  - d) monitor the use of the wildlife and other living resources of the Indoh-hoh Istchee; and

- e) manage the habitat and the wildlife and other living resources of the Indoh-hoh Istchee to ensure that the land and resources will be available to future generations.

6.7 In fulfilling his responsibility in the management of the lands and resources, the Kaanoowapmaakin may:

- a) conduct necessary inventories to determine the status of the wildlife resources of the Indoh-hoh Istchee;
- b) estimate, to the best of his ability, the amount or the condition of each resource which is available for harvest on a sustainable basis;
- c) develop each year a strategy for efficient harvesting within the Indoh-hoh Istchee by members of his hunting group that is consistent with the sustainability of harvesting within the Indoh-hoh Istchee;
- d) determine the number of each species of animals that can be harvested;
- e) ensure that the seasons and periods within which it is permissible to hunt, fish or trap are respected;
- f) determine in any particular season where Indoh-hoh activities may and may not be carried out in the Indoh-hoh Istchee and determine who may engage in Indoh-hoh activities and the intensity of the harvesting of a species in those areas;
- g) monitor and verify the number of big game and fur-bearing animals that each Indoh-hoh Eeyou has taken from the Indoh-hoh Istchee;
- h) assign any quotas for the harvesting of specific species which are set for the Indoh-hoh Istchee;
- i) determine if in any year it is necessary to leave the Indoh-hoh Istchee unused (rested) in order for it to recover from over-harvesting, forest fire or declines in wildlife populations due to other causes;
- j) ensure that the Indoh-hoh Istchee is both used and rested sufficiently frequently to remain as productive as possible; and
- k) ensure that traps, snares, gill nets, nightlines and other similar equipment are checked regularly and are removed at the end of the activity for which they were used.

6.8 The Kaanoowapmaakin, whenever necessary, will discuss harvesting plans for the coming season in advance with the Kaanoowapmaakinch of adjacent Indoh-hoh Istchee to coordinate their activities so as to avoid excessive harvesting of the resources of any particular area.

6.9 In accordance with Eeyou Weeshou-Wehwun, other duties and responsibilities of the Kaanoowapmaakin include, but are not limited to, the duty and responsibility to:

- a) organize groups of Eeyou of appropriate size to safely and efficiently harvest in the Indoh-hoh Istchee;
- b) promote and encourage good harvesting practices;

- c) ensure that there is no wastage of meat and that a balance is maintained between the wildlife harvested and the wildlife that can be properly cleaned, consumed and transported;
- d) ensure that respect for animals is maintained, in accordance with Eeyou tradition;
- e) share the history, information and traditional knowledge related to Indoh-hoh Istchee;
- f) identify sites of special interest which may require protection from development activities within Indoh-hoh Istchee;
- g) apply customary rules and encourage customary practices within Indoh-hoh Istchee;
- h) encourage and protect the use of Eeyou names of places and sites within his Indoh-hoh Istchee and, when necessary, determine the name for places and sites;
- i) make arrangements with other Kaanoowapmaakin to provide his hunting group with access to land and resources in other Indoh-hoh Istchee in any season when he determines that his own Indoh-hoh Istchee must be left unused for purposes of conservation or wildlife management;
- j) provide representation for the Indoh-hoh Istchee in dealings with resource companies and governments; and
- k) remind young people as well as other Eeyou of safety measures to be used in relation to the practice of Indoh-hoh activities and ensure that they are followed.

6.10 In accordance with Eeyou Weeshou-Wehwun, the Kaanoowapmaakin also has the authority and responsibility to:

- a) transfer his responsibilities as Kanawoowapmaakin for portions or the entirety of the Indoh-hoh Istchee under his authority, on either a temporary or permanent basis where appropriate;
- b) determine and delineate the boundaries of the Indoh-hoh Istchee in consultation with neighboring Kaanoowapmaakin; and
- c) resolve territorial disputes respecting the limits of his Indoh-hoh Istchee.

6.11 The Kaanoowapmaakin may invite other Eeyou, their families and members of other Eeyou First Nations to use the wildlife and other living resources of his Indoh-hoh Istchee.

6.12 The Kaanoowapmaakin may also invite persons who are not Eeyou to use the wildlife and other living resources of his Indoh-hoh Istchee. Such persons are subject to all rules and regulations applicable to them, including laws of Eeyou First Nations related to sport hunting and fishing. Such persons must also respect the Eeyou values and guiding principles and abide by the rules of conduct established herein.

## 7. Special Rules Applying to Goose Hunting

- 7.1 Every Eeyou may hunt for geese, but only in accordance with the rules set out in this section. All other provisions of this law which are not in conflict with the provisions of this section also apply to the hunting of geese, with any necessary modifications.
- 7.2 The Kaanoowapmaakin responsible for an Indoh-hoh Istchee where goose hunting takes place is responsible for the goose hunt and in exercising this responsibility is referred to as the Baash-chi-cho Ouje-Maaoo within that territory, which becomes his Goose Camp area.
- 7.3 In some communities, a person other than the Kaanoowapmaakin may be assigned the duties, powers and responsibilities of the Baash-chi-cho Ouje-Maaoo. The identification of the Baash-chi-cho Ouje-Maaoo and the transfer of his authority to another Eeyou on death, incapacity or for other reason is made in accordance with the community customs and practices. Wherever possible, the Kaanoowapmaakin will be consulted.
- 7.4 The Baash-chi-cho Ouje-Maaoo shall exercise the duties and powers and shall assume the responsibilities set out below in respect of goose hunting in the Goose Camp area for which he is responsible.
- 7.5 Every Eeyou hunting geese in a Goose Camp area or present in a Goose Camp area shall follow the directions of the Baash-chi-cho Ouje-Maaoo.
- 7.6 All Eeyou present at a Goose Camp area are responsible for the education of Eeyou children and youth about traditional Eeyou goose harvesting practices, including practices with respect to both the proper hunting and proper cleaning of birds. For example, Eeyou children are not permitted to kill more than three geese in any season until they have demonstrated a full knowledge and understanding of those traditional Eeyou practices.

### *Role of the Baash-chi-cho Ouje-Maaoo*

- 7.7 The Baash-chi-cho Ouje-Maaoo has the responsibility to ensure:
  - a) the Anaacatawaayiimaacanuud/conservation of the geese flocks to ensure the productivity and sustainability of the geese flocks for the community and for future generations;
  - b) the respect of the land and the animals; and
  - c) the safety of all participants.
- 7.8 The Baash-chi-cho Ouje-Maaoo has the responsibility to share his specialized knowledge and educate young people as well as other Eeyou in the customs, values, principles and both contemporary and historical practices of the Eeyou

respecting goose hunting and to help ensure that the community renews its commitment to these Eeyou customs, values, principles and practices.

- 7.9 To ensure a successful hunt, the Baash-chi-cho Ouje-Maao may, in accordance with Eeyou Weeshou-Wehwun :
- a) direct and lead the goose hunt in all respects;
  - b) determine when the goose hunt may begin and when it must end;
  - c) verify the feeding areas of the geese to determine when the geese should be chased away from those areas in order to set-up the hunt;
  - d) take measures to avoid any disturbance of the geese while feeding;
  - e) determine the number of hunters that can safely hunt in each area where hunting takes place;
  - f) assign in advance hunting positions to each hunter in the Goose Camp;
  - g) determine in advance the order in which the hunters in the Goose Camp will shoot;
  - h) direct the hunt so as to give every hunter a chance to shoot at the geese;
  - i) determine the maximum number of geese that may be killed during a goose hunt;
  - j) ensure that any quotas or restrictions in effect from time to time are respected and direct other measures be taken in order to avoid waste;
  - k) distribute equitably the accumulated kill among the participating hunters and others members of the community;
  - l) determine measures to control noise in the Goose Camp area;
  - m) determine any necessary measures consistent with Eeyou law to control bird predators; and
  - n) determine any necessary measures to handle dogs used during the goose hunt.

#### *Role of the Baash-chi-cho Ouje-Maasquow*

- 7.10 The spouse of the Baash-chi-cho Ouje-Maao, the Baash-chi-cho Ouje-Maasquow, also has responsibilities in order to ensure a successful hunt, including the responsibility to:
- a) manage the camp and assign camp responsibilities to individual Eeyousquow (female Eeyou) and children present at the Goose Camp;
  - b) provide instruction on the proper Eeyou methods for cleaning geese and oversee the cleaning of all geese killed by the hunters in the camp;
  - c) provide instruction on and oversee the drying and smoking of goose meat according to Eeyou tradition;
  - d) ensure that there is no unnecessary waste of any killed geese or parts of killed geese; and
  - e) provide instruction on and oversee the proper disposal of goose remains in accordance with Eeyou law and tradition.

- 7.11 Together with the Baash-chi-cho Ouje-Maaoo, the Baash-chi-cho Ouje-Maasquow determines if and when the goose hunt shall temporarily be halted in order to properly process the kill, including the cleaning of it, so as to avoid waste.

*Responsibilities of Eeyou Involved in a Goose Hunt*

- 7.12 An Eeyou, or their guests, may hunt geese at the invitation of the Baash-chi-cho Ouje-Maaoo. The Baash-chi-cho Ouje-Maaoo shall not withhold authorization to any Eeyou to hunt geese except for Anaacatawaayiitaacanouch/conservation or safety purposes.
- 7.13 The Baash-chi-cho Ouje-Maaoo may not demand or require payment from any Eeyou in exchange for an invitation to hunt for geese.
- 7.14 No Eeyou may demand money for sharing goose meat with another Eeyou, although he or she may accept gifts in exchange.
- 7.15 Eeyou have to respect all rules made and directions given by the Baash-chi-cho Ouje-Maaoo.
- 7.16 The rules governing goose hunting generally include:
- a) not to hunt before the sun has fully risen or after the sun begins to set;
  - b) to stop hunting when directed to do so by the Baash-chi-cho Ouje-Maaoo;
  - c) not to hunt when geese are molting, unless for purposes of providing meat to a feast;
  - d) not to hunt once goose eggs have reached a large size;
  - e) not to hunt on Sundays; and
  - f) in the case of women, not to consume goose marrow.

These rules may vary according to the traditional practice in each Eeyou community and may vary according to the season in which hunting takes place. These rules may also be temporarily waived in emergency situations as directed by the Baash-chi-cho Ouje-Maaoo.

7.17 Eeyou hunting geese have the responsibility to:

- a) avoid waste and not shoot at any bird that will not be consumed;
- b) respect quotas and limits;
- c) not shoot at any bird that is out of range;
- d) not discharge firearms without purpose;
- e) observe safe gun handling practices at all times;
- f) not to hunt for the purposes of selling geese or for any other commercial purpose; and
- g) not to engage in competitive behavior while goose hunting.

7.18 All Eeyou in the vicinity of a Goose Camp have the responsibility:

- a) to minimize noise from all sources in or near the Goose Camp and goose hunting areas;
- b) to conceal all flame and other sources of light and all visible smoke, in or near the Goose Camp and goose hunting areas;
- c) to minimize the use of motorized transport for travel to and from the Goose Camp or in the vicinity of a Goose Camp, especially at night;
- d) not to pluck birds or leave garbage at blinds and other areas used while hunting geese;
- e) not to feed geese; and
- f) not to build a camp, cabin or other structure without the permission of the Baash-chi-cho Ouje-Maao.

**8. Governance of Special Hunting Areas (Large Lakes and Rivers, Islands in James Bay, Community Territories and Unused Hunting Territories)**

*Large Lakes and Rivers, Islands in James Bay*

8.1 Large lakes and rivers and islands in James Bay which are not part of an Indoh-hoh Istchee under the responsibility of a particular Kaanoowapmaakin, such as Lake Mistissini, are reserved for community use.

8.2 The Eeyou values and guiding principles and the rules of conduct established herein shall apply in these areas and to the Indoh-hoh activities carried out in these areas.

*Community Territories*

8.3 The goals of Eeyou governance of Indoh-hoh Istchee include the just stewardship of the lands and resources of Eeyou Istchee and, to that end, Eeyou Weeshou-Wehwun encourages the use and sharing of those lands and resources.

- 8.4 Therefore, with the consent of any Kaanoowapmaakin affected, common harvesting territories may be created by a community in order to:
- a) offer Eeyou who have no access to an Indoh-hoh Istchee or who are not in good health access to an area for:
    - hunting or snaring of small game;
    - gathering of fruits, berries, mushrooms and other plant materials;
  - b) hold summer traditional gatherings;
  - c) be used for goose hunting; or
  - d) carry out any other Indoh-hoh purpose as the community decides.
- 8.5 The community may impose harvesting regulations and other measures for management of the wildlife and other living resources of a community area, including the appointment of an Eeyou authority similar to that of a Kaanoowapmaakin, in order to ensure the Naacatawaayatacano/conservation of those resources.
- 8.6 Two or more Eeyou communities may also choose to identify areas for common use of the members of their respective communities. This decision requires the consent of the Kaanoowapmaakin concerned.
- 8.7 The Eeyou values and guiding principles and rules of conduct established herein shall apply to such community territories and to the Indoh-hoh activities carried out in these areas.

#### *Unused Hunting Territories*

- 8.8 Except for Anaacatawaayitaacanouch/conservation or wildlife management purposes, an Indoh-hoh Istchee should not be left unused (not harvested) for a period of more than three (3) consecutive years. The fact that there is a camp, building or other structure in the Indoh-hoh Istchee is not sufficient to constitute use of the Indoh-hoh Istchee.
- 8.9 When it has been determined by the local Cree Trappers Committee that an Indoh-hoh Istchee has not been harvested for three (3) consecutive years, the Kaanoowapmaakin should be notified, verbally and in writing, by the regional office of the Eeyouch Kantoo-hoodoo Emmahmoueech (Cree Trappers' Association) that the Indoh-hoh Istchee may be made available the coming year to other Eeyou families for Indoh-hoh purposes. A copy of such notice shall be filed in the Register of Indoh-hoh Istchee.
- 8.10 The choice of Eeyou family or families to be given rights to harvest in the Indoh-hoh Istchee shall be made by the local Cree Trappers Committee, in consultation with the Kaanoowapmaakin responsible for the Indoh-hoh Istchee and if appropriate, other Kaanoowapmaakin.



- 8.11 The Indoh-hoh Istchee should be made available in priority to families enrolled in the Cree Hunters and Trappers Income Security Program established under Section 30 of the James Bay and Northern Quebec Agreement.
- 8.12 When choosing a family to be given rights to harvest in the Indoh-hoh Istchee, the local Cree Trappers Committee shall also designate the Indoh-hoh Eeyou who will act as temporary Kaanoowapmaakin until the family makes a decision in accordance with paragraph 13.8.

## **PART IV: ROLE AND RESPONSIBILITIES OF EYYOU**

### **9. Role and Responsibilities of Eeyou**

- 9.1 All Eeyou may harvest in Eeyou Istchee, subject to the rules of Eeyou Weshou-Wehwun and of the Eeyou Indoh-hoh Weeshou-Wehwun.
- 9.2 The rules of Eeyou Indoh-hoh Weeshou-Wehwun may vary between communities in accordance with each community's traditional customs and practices.
- 9.3 All Eeyou are responsible for the education of Eeyou children and youth regarding:
  - a) Eeyou law;
  - b) Eeyou customs, values and guiding principles;
  - c) Eeyou traditional Indoh-hoh practices;
  - d) Eeyou traditional practices for showing respect for animals;
  - e) safe gun handling and hunting practices; and
  - f) the connection between Eeyou traditional Indoh-hoh practices and personal and environmental health.
- 9.4 As a general rule, no Eeyou may harvest in any Indoh-hoh Istchee without first having been invited to do so or having first obtained the authorization of the Kaanoowapmaakin to do so, whether on a regular or on occasional basis. However, the Kaanoowapmaakin may not withhold authorization unreasonably.
- 9.5 The Kaanoowapmaakin may not demand or require payment in exchange for granting access to or use of the wildlife or other living resources of the Indoh-hoh Istchee for personal purposes or for trapping.
- 9.6 In accordance with Eeyou Indoh-hoh Weeshou-Wehwun, Eeyou who carry out Indoh-hoh activities have the responsibility to:
  - a) respect the land, the animals and the environment;
  - a) respect all traditional Eeyou laws of hunting, fishing and trapping;
  - b) respect the authority of the Kaanoowapmaakin in all matters related to the management and conservation of the wildlife and other living resources of the Indoh-hoh Istchee;
  - c) respect the authority of the Kaanoowapmaakin in all matters relating to the governance of the Indoh-hoh Istchee;
  - d) respect the authority of the Kaanoowapmaakin in all matters relating to safety and security;
  - e) show respect by sharing with the Kaanoowapmaakin, whenever possible, the fruits of Indoh-hoh activities carried out in the Indoh-hoh Istchee;

- f) not hunt or trap unless invited to do so by the Kaanoowapmaakin or having asked for and received his authorization, except as provided for in this law;
- g) seek and respect the direction of the Kaanoowapmaakin regarding when and where to hunt, fish or trap;
- h) ensure that animal carcasses are disposed of properly;
- i) refrain from littering or leaving garbage behind in an Indoh-hoh Istchee;
- j) avoid waste of any wildlife or other living resources;
- k) inspect nets, snares and traps regularly to avoid waste and pollution;
- l) respect the property of other hunters, including cabins and equipment;
- m) take proper care in the handling and storage of all tools and equipment;
- n) exercise care in the handling and storing of firearms and obey all firearm regulations;
- o) share the fruits of their Indoh-hoh activities with their families and communities in accordance with Eeyou Weeshou-Wehwun;
- p) look-out for the safety and welfare of Eeyou hunting nearby and of their families;
- q) report hunting accidents immediately;
- r) refrain from the consumption of alcohol or drugs while engaged in Indoh-hoh activities;
- s) refrain from any other conduct unworthy of an Indoh-hoh Eeyou; and
- t) agree to leave the Indoh-hoh Istchee if requested to do so by the Kaanoowapmaakin.

9.7 If poaching is observed or becomes known, it should be reported to the Kaanoowapmaakin and also to the local Cree Trappers Committee's office as soon as possible by radio, phone or in person providing as much information as possible, including the time and location of the offense, the description or name of the persons involved and, where possible, their vehicle make and license number.

9.8 Among authorized hunters in an area, the ownership of individual kills is established as follows:

- a) big game, waterfowl and sea mammals: the person who lands the first crippling shot may claim the animal;
- b) beaver: the person who first finds the lodge may claim the beaver trapped from that lodge;
- c) black bear (in winter): the person who first finds the den may claim the animal;
- d) other game and fish: the person who makes the kill may claim the animal;
- e) if a trap or net is set on behalf of another person, animals caught in that trap or net may be claimed by that person.

These rules may vary according to the traditional practice of each Eeyou community and may vary according to the season in which Indoh-hoh activities

take place. These rules may also be temporarily varied in emergency situations as directed by the Kaanoowapmaakin.

## **10. Rules Specific to Certain Activities**

### *Fur-Bearing Animals*

- 10.1 No Eeyou may trap, snare, hunt or otherwise harvest fur-bearing animals in an Indoh-hoh Istchee without the authorization of the Kaanoowapmaakin.

### *Small Game and Fish*

- 10.2 Notwithstanding paragraph 9.4, an Eeyou does not need permission from the Kaanoowapmaakin to hunt for small game or fish in quantities reasonably necessary for his personal and immediate food needs, where and when such game and fish are plentiful. However, wherever possible, any person hunting for small game or fishing must acknowledge the authority of the Kaanoowapmaakin of the Indoh-hoh Istchee in which he intends to hunt or fish by notifying him of his intended activities and must respect any direction regarding areas of the Indoh-hoh Istchee that are, for Naacatawaayatacano/conservation purposes, closed to small game hunting or fishing.

### *Big Game*

- 10.3 Notwithstanding paragraph 9.4, the Kaanoowapmaakin shall not withhold authorization to any Eeyou to hunt big game for food or subsistence purposes in an Indoh-hoh Istchee except for Anaacatawaayiitaacanouch/conservation or safety reasons. The Kaanoowapmaakin may determine what level of harvesting constitutes harvesting for food or subsistence purposes.
- 10.4 For Anaacatawaayiitaacanouch/conservation or wildlife management purposes, the Kaanoowapmaakin may also ban the hunting of big game or restrict the number of animals that can be harvested in the Indoh-hoh Istchee, but if he decides to do so he shall publicly inform the community accordingly.

*Harvesting While Travelling Through Eeyou Istchee*

- 10.5 Traditionally, Indoh-hoh Eeyou had to travel long distances to reach their Indoh-hoh Istchee which required in some cases numerous days of travel and the crossing of other Indoh-hoh Istchee and, therefore, the following practices were followed:
- a) an Eeyou could without prior authorization fish or hunt for game including big game, but could not place traps while traveling through an Indoh-hoh Istchee to reach his own Indoh-hoh Istchee or one to which he had been invited, but only to the extent necessary to meet his immediate needs for food;
  - b) if expecting to hunt and fish while traveling through another Indoh-hoh Istchee an Eeyou had to notify the Kaanoowapmaakin of that Indoh-hoh Istchee that he intended to do so and what his activities would be;
  - c) an Eeyou who took game while traveling through another Indoh-hoh Istchee had to take steps to notify the Kaanoowapmaakin of that Indoh-hoh Istchee of the number and species of animal that he had taken and, if possible, to share with him the meat obtained in accordance with Eeyou tradition and, if any fur-bearing animals were killed for food, the meat could be consumed but the fur had to be given to the Kaanoowapmaakin.
- 10.6 The traditional practices respecting Indoh-hoh activities while travelling through Eeyou Istchee continue to apply but have evolved over the years, mainly as a result of the development of a road infrastructure in Eeyou Istchee and improvements in transportation. Currently, the following additional rules apply to the hunting of big game:
- a) an Eeyou who intends to hunt big game along the side of a road shall inform the Kaanoowapmaakin of the Indoh-hoh Istchee in which he intends to hunt of his intentions;
  - b) an Eeyou who kills big game along the side of a road shall take steps to notify the Kaanoowapmaakin of the Indoh-hoh Istchee concerned of the number and species of animals that he has taken;
  - c) if the Eeyou does not know on whose Indoh-hoh Istchee the animal was killed, he shall contact the local Cree Trappers Committee to obtain the name of the Kaanoowapmaakin;
  - d) in all cases where possible, the Eeyou shall offer to share the meat from the animal killed with the Kaanoowapmaakin; and

- e) in all cases, the Eeyou shall ensure that the meat taken will not spoil and be wasted and that no animal remains will be left along the road.

### *Night Hunting*

- 10.7 Notwithstanding traditional Eeyou customs and practices related to night hunting, Eeyou should, for safety reasons, refrain from hunting large or small game with firearms, crossbows or bows after dusk or where there is insufficient visibility to do so safely.

### *Gathering, Educational Activities, Ceremonial Activities*

- 10.8 Notwithstanding paragraph 9.4, an Eeyou does not need authorization from the Kaanoowapmaakin to enter an Indoh-hoh Istchee to engage in:
  - a) gathering of fruits, berries, mushrooms and other plant materials in quantities reasonably necessary for his personal use;
  - b) harvesting education activities involving Eeyou youth; and
  - c) ceremonial and spiritual activities.

However, wherever possible, any person intending to conduct such activities must acknowledge the authority of the Kaanoowapmaakin by notifying him of his intended activities. This right of access does not include the right to build camps, cabins or other structures.

### *Wood Cutting*

- 10.9 Notwithstanding paragraph 9.4, an Eeyou does not need authorization from the Kaanoowapmaakin to enter an Indoh-hoh Istchee to engage in wood cutting for personal use. However, any person intending to cut wood must inform the Kaanoowapmaakin of his intentions and must only cut wood in the areas approved by the Kaanoowapmaakin for doing so.

### *Building Camps or Cabins*

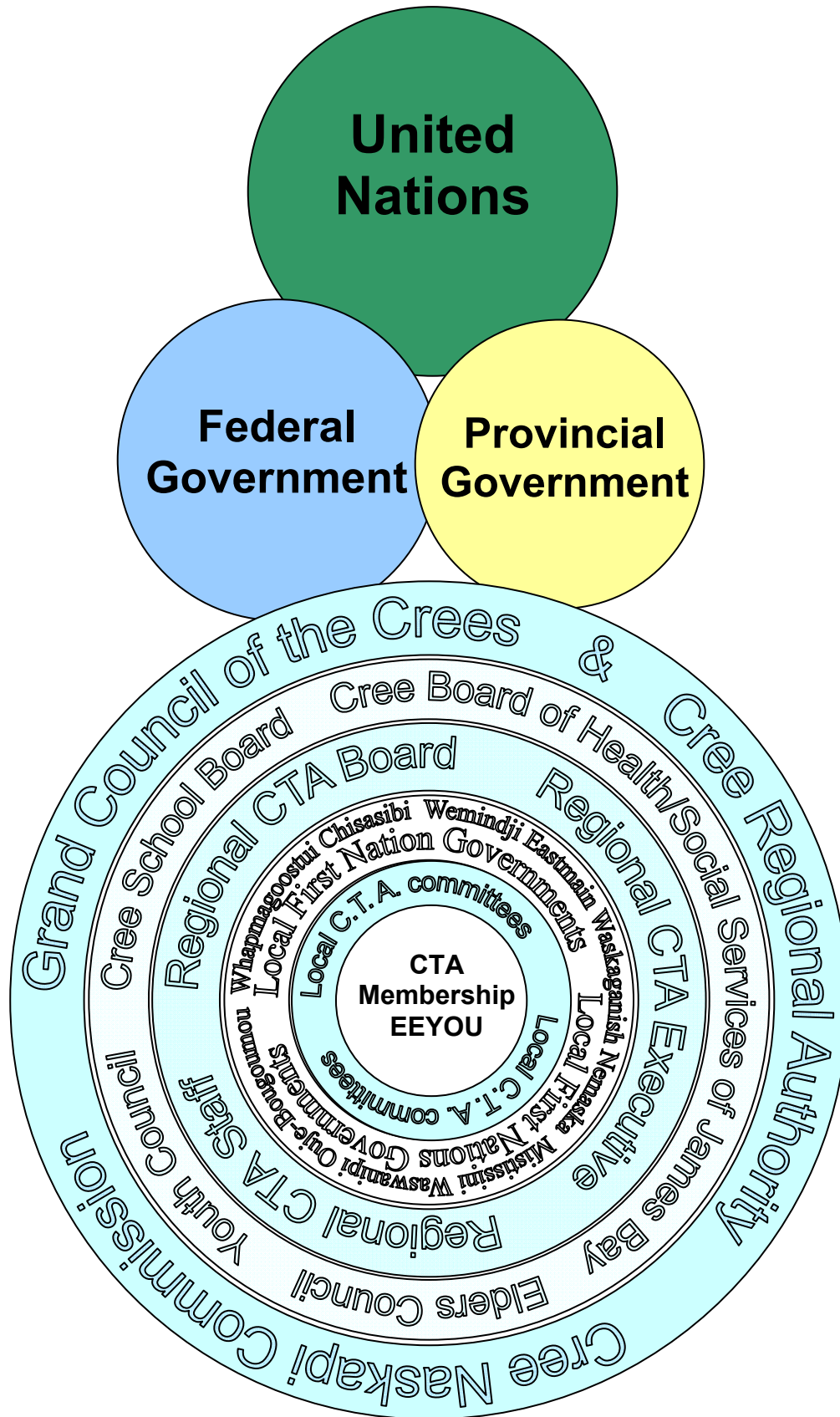
- 10.10 No Eeyou may build a camp, cabin or other structure in an Indoh-hoh Istchee without permission of the Kaanoowapmaakin.

### *Overnight Camping*

- 10.11 Wherever possible, any Eeyou intending to camp overnight in an Indoh-hoh Istchee must acknowledge the authority of the Kaanoowapmaakin by notifying him of when and where he intends to do so.

## **11. Non-Respect of the Rules**

- 11.1 If any Eeyou harvests in an Indoh-hoh Istchee without being invited to do so or having obtained the authorization of the Kaanoowapmaakin as required, fails to follow the directions of the Kaanoowapmaakin, fails to abide by the rules set out in the present document and particularly the rules set out in Part III and Part IV, or otherwise engages in conduct unworthy of an Indoh-hoh Eeyou, the Kaanoowapmaakin may apply appropriate sanctions in accordance with Eeyou tradition, customs and practices.
- 11.2 As a general rule, the Kaanoowapmaakin will first issue warnings and provide guidance before applying sanctions.
- 11.3 Where necessary, the Kaanoowapmaakin may call on the assistance of other Kaanoowapmaakin in deciding upon and applying reasonable sanctions.





## **12. Role and Responsibilities of the Eeyouch Kantoo-hoodoo Emmahmoueech – Cree Trappers’ Association**

- 12.1 The Eeyouch Kantoo-hoodoo Emmahmoueech has a role in promoting the Anaacatawaayiitaacanouch/conservation of the wildlife and other living resources of Eeyou Istchee, preserving Eeyou traditional knowledge and reducing and resolving conflicts or disputes between Eeyou persons, as set out in its Charter and in the present law.
- 12.2 The Eeyouch Kantoo-hoodoo Emmahmoueech shall make recommendations to the Hunting, Fishing and Trapping Coordinating Committee regarding the regulation of matters related to the management and harvesting of the wildlife and other living resources of Eeyou Istchee, including recommendations regarding hunter safety, hunter training, harvesting quotas, the control of nuisances and predators and modifications to existing regulations.
- 12.3 The Eeyouch Kantoo-hoodoo Emmahmoueech shall act as resource group to the Eeyou including by:
- a) maintaining the Register in accordance with Part VI;
  - b) providing information upon request on the identity of Kaanoowapmaakin;
  - c) providing information upon request on the boundaries of Indoh-hoh Istchee;
  - d) reporting to the proper authorities any cases of poaching that are brought to the attention of the local Cree Trappers Committee by an Eeyou person; and
  - e) carrying out any other duties identified in the present law.
- 12.4 In accordance with paragraphs 17.7 and 18.6 the Eeyouch Kantoo-hoodoo Emmahmoueech is responsible for verifying that there are no overlaps between Indoh-hoh Istchee of the various Eeyou communities.
- 12.5 The Eeyouch Kantoo-hoodoo Emmahmoueech shall conduct a review of the Eeyou Indoh-hoh Weeshou-Wehwun every five (5) years and if it deems it appropriate, recommend any necessary changes.
- 12.6 The Eeyouch Kantoo-hoodoo Emmahmoueech is responsible for communicating, by the means the Association considers most effective, the content of the Eeyou Indho-hoh Weeshou-Wehwun to:
- Eeyou
  - Eeyou communities and their members
  - the Grand Council of the Crees (Eeyou Istchee)/Cree Regional Authority

- other Eeyou organizations; and
- interested non-Eeyou organizations.

12.7 The Eeyouch Kantoo-hoodoo Emmahmoueech is responsible for developing the necessary tools, including training manuals and guidelines, to complement the Eeyou Indoh-hoh Weeshou-Wehwun and to set-out in more detail the traditional customs and practices of each Eeyou community.

## **PART V: TRANSFER OF INDOH-HOH ISTCHEE**

### **13. Transfer of Indoh-hoh Istchee**

- 13.1 When he decides to transfer his responsibility the Kaanoowapmaakin shall select, in accordance with community custom, the Eeyou to take care of the Indoh-hoh Istchee in the manner his predecessor(s) have done. He must transfer responsibility for the Indoh-hoh Istchee to another Eeyou male or female, with sufficient competence, understanding and knowledge of the lands and animals of the Indoh-hoh Istchee and understanding and knowledge of Eeyou laws and traditions to carry out the responsibilities of a Kaanoowapmaakin.

#### *Temporary Transfer of Responsibilities*

- 13.2 When a Kaanoowapmaakin becomes temporarily unable to perform his responsibilities, or temporarily moves away from the area, he may transfer responsibility for the Indoh-hoh Istchee during his incapacity or absence to another Eeyou with sufficient competence, understanding and knowledge of the lands and animals of the Indoh-hoh Istchee and understanding and knowledge of Eeyou laws and traditions to carry out the responsibilities of a Kaanoowapmaakin, until such time as he is again able to carry out his responsibilities.
- 13.3 A temporary transfer does not result in a transfer of title to the Indoh-hoh Istchee or in a change of the Kaanoowapmaakin with ultimate responsibility for the Indoh-hoh Istchee. No major decision regarding the Indoh-hoh Istchee may be taken without the consent of the Kaanoowapmaakin unless he is unable to be involved in such a decision due to health reasons.

#### *Interim Transfer of Responsibilities*

- 13.4 If a person selected as the next Kaanoowapmaakin has not yet reached the age of majority or has not yet developed sufficient competence and responsibility to act as the Kaanoowapmaakin, responsibility may be transferred on an interim basis to another Eeyou with sufficient competence to carry out the responsibilities of a Kaanoowapmaakin until such time as that person has reached the age of majority or has demonstrated sufficient competence to carry out the responsibilities of a Kaanoowapmaakin.
- 13.5 If at the time he reaches the age of majority the person chosen as the next Kaanoowapmaakin does not want to assume responsibility as a Kaanoowapmaakin, the decision respecting the transfer of the Indoh-hoh Istchee shall then be made in accordance with Part V.

### *Family Decision*

- 13.6 When a Kaanoowapmaakin dies or becomes permanently incapacitated without having transferred responsibility or having registered his wishes in accordance with Part V, the spouse and the siblings of the Kaanoowapmaakin, after deliberate consideration, transfer responsibility for the Indoh-hoh Istchee to another Eeyou with sufficient competence, understanding and knowledge of the lands and animals of the Indoh-hoh Istchee and understanding and knowledge of Eeyou laws and traditions to carry out the responsibilities of a Kaanoowapmaakin. The local Cree Trappers Committee may appoint, in accordance with the custom of the community, an Eeyou to act as Kaanoowapmaakin, on an interim basis, until the decision respecting the transfer of responsibility is made.

### *Loss of Title as Kaanoowapmaakin*

- 13.7 In exceptional circumstances, when a Kaanoowapmaakin:
- a) has failed to carry out or delegate his responsibilities to manage the Indoh-hoh Istchee for three or more years in a row, or
  - b) has engaged in serious misconduct which is considered under Eeyou custom and practice as being unworthy of a Kaanoowapmaakin or incompatible with fulfilling the role and responsibilities of a Kaanoowapmaakin,
- the local Cree Trappers Committee may refer the matter to the Eeyou First Nation concerned or to the Dispute Resolution Mechanism under Part VII and he may lose his title as Kaanoowapmaakin.
- 13.8 In these circumstances, the decision as to who should assume responsibility for the Indoh-hoh Istchee may be made by the spouse and siblings in accordance with paragraph 13.6 or, if no decision is made, by the local Cree Trappers Committee in consultation with the spouse and siblings of the Kaanoowapmaakin.
- 13.9 The decision must be recorded in the Register of Indoh-hoh Istchee and must indicate if the decision is permanent or temporary. If the decision is temporary the duration that it will be in effect should also be recorded.
- 13.10 Where a Kaanoowapmaakin loses his title, he shall nevertheless retain the right to harvest in the Indoh-hoh Istchee.

*Assistant Kaanoowapmaakin*

- 13.11 The Kaanoowapmaakin may appoint one or more assistant Kaanoowapmaakin to share in the responsibility for the management of the resources of the Indoh-hoh Istchee. This appointment does not constitute a transfer or a sub-division of the Indoh-hoh Istchee and the Kaanoowapmaakin remains the official Kaanoowapmaakin with ultimate responsibility for that Indoh-hoh Istchee.

*Priority to Family Members*

- 13.12 In all cases where there is a transfer of responsibility for an Indoh-hoh Istchee, relatives of the Kaanoowapmaakin or former Kaanoowapmaakin, including children, siblings and children-in-law must be given first consideration in selecting an Eeyou to assume responsibility. However, if no such relatives are determined to have sufficient competence, understanding and knowledge of the lands and animals of the Indoh-hoh Istchee and understanding and knowledge of Eeyou laws and traditions to carry out the responsibilities of a Kaanoowapmaakin, any other Eeyou of the family or hunting group of the Kaanoowapmaakin shall then be considered.
- 13.13 If no member of the family or hunting group of the former Kaanoowapmaakin is determined to have sufficient competence, understanding and knowledge of the lands and animals of the Indoh-hoh Istchee and understanding and knowledge of Eeyou laws and traditions to carry out the responsibilities of a Kaanoowapmaakin, any other Eeyou who is a member of the community may be considered.

*Factors to be considered*

- 13.14 The following factors shall be taken into consideration in determining whether an Eeyou has sufficient competence, understanding and knowledge of the lands and animals of the Indoh-hoh Istchee and understanding and knowledge of Eeyou laws and traditions to carry out the responsibilities of a Kaanoowapmaakin:
- a) whether the Eeyou has shown his love for and dedication to the land through his presence on the land both recently and in the past;
  - b) whether the Eeyou treats people harvesting on the land equally and with respect and can provide leadership;
  - c) whether the Eeyou knows the size, boundaries and other important details of the land;
  - d) whether the Eeyou respects all animals and ensures that only what is needed is taken from the land; and

- e) whether the Eeyou instills pride in successful hunters and ensures that everyone has a specific responsibility in the camp.

13.15 In identifying potential Kaanoowapmaakinch and determining whether an Eeyou has sufficient competence, understanding and knowledge of the lands and animals of the Indoh-hoh Istchee and understanding and knowledge of Eeyou laws and traditions to carry out the responsibilities of a Kaanoowapmaakin, the advice and recommendations of other Kaanoowapmaakinch shall be given particular consideration.

13.16 No Kaanoowapmaakin may demand or accept payment for passing responsibility for his Indoh-hoh Istchee to another person.

#### *Moving to Another Community*

13.17 When a Kaanoowapmaakin moves to another Eeyou community he shall retain title as the Kaanoowapmaakin for the Indoh-hoh Istchee as long as he carries out his responsibilities as Kaanoowapmaakin. However, the Indoh-hoh Istchee remains part of the Indoh-hoh Istchee of the Eeyou community with which it has historically been registered.

#### *If No Replacement Named for Two Years*

13.18 If no replacement Kaanoowapmaakin is named for an Indoh-hoh Istchee within two years of the death or incapacitation of a Kaanoowapmaakin the local Cree Trappers Committee, in accordance with Eeyou tradition, must appoint an Indoh-hoh Eeyou from the community to take responsibility for the territory on a temporary or permanent basis. Priority shall be given to family members as set out in paragraphs 13.12 and 13.13.

#### *Register of Decision*

13.19 A decision to transfer responsibility for an Indoh-hoh Istchee to another Eeyou, either permanently or temporarily, must be formalized in accordance with the Eeyou tradition of the community and recorded in accordance with Part VI.

13.20 A Kaanoowapmaakin may record his choice for a replacement prior to the effective date of the transfer. While he has the right to annul or modify his decision at any time, he must then record the change for it to take effect.

13.21 In the case of a temporary transfer of responsibilities, the record shall indicate the temporary nature of the transfer.

13.22 When a Kaanoowapmaakin decides to transfer responsibility for his Indoh-hoh Istchee he retains a role as a consultant and advisor to his replacement.

13.23 The Eeyou community may determine additional criteria for the eligibility of Eeyou to be designated as a Kaanoowapmaakin.

13.24 Any dispute regarding the transfer of responsibility for an Indoh-hoh Istchee and title as Kaanoowapmaakin may be referred to the Second Consensus Process set out in Section 24.

#### **14. Sub-Division of Hunting Territories**

14.1 A Kaanoowapmaakin, his surviving spouse or, in the absence of a surviving spouse, the elders of his family, may sub-divide an Indoh-hoh Istchee by transferring responsibility for separate portions of the Indoh-hoh Istchee to different Indoh-hoh Eeyou from his family or hunting group with sufficient competence, understanding and knowledge of the lands and animals of the Indoh-hoh Istchee and understanding and knowledge of Eeyou laws and traditions to carry out the responsibilities of a Kaanoowapmaakin.

14.2 A decision to sub-divide the Indoh-Istchee and transfer responsibility for a portion of an Indoh-hoh Istchee to another must be formalized in accordance with the Eeyou tradition of the community and witnessed by an officer of the Eeyouch Kantoo-hoodoo Emmahmoueech. A record of the decision shall be certified and transmitted to the local Cree Trappers Committee by the witness and maps depicting the new Indoh-hoh Istchee created by the sub-division shall be prepared in accordance with Part VI.

## **PART VI: REGISTRY SYSTEM FOR INDOH-HOH ISTCHEE**

### **15. Register of Indho-hoh Istchee**

- 15.1 A Register of Indoh-hoh Istchee of the Eeyouch of Eeyou Istchee shall be maintained as set out in this Part.
- 15.2 The Register of Indoh-hoh Istchee shall be under the responsibility of the regional office of the Eeyouch Kantoo-hoodoo Emmahmoueech and in the custody of an officer appointed by the Eeyouch Kantoo-hoodoo Emmahmoueech.
- 15.3 The Register of Indoh-hoh Istchee shall consist of records relating to the Indoh-hoh Istchee of all of Eeyou Istchee. Updated copies of those records relating to the Indoh-hoh Istchee identified with an individual Eeyou community shall be provided to the local Cree Trappers Committee of that community and shall be made available for public consultation in the Committee's local office.
- 15.4 For each Eeyou community, the Register of Indoh-hoh Istchee shall consist of:
- a) a map or maps setting out the boundaries of each Indoh-hoh Istchee and, if applicable, of community Indoh-hoh Istchee of each community (the map or maps shall be on a scale at least of 1: 250 000 and shall serve as the basis for a geomatic system referred to as the Geo Portal system – Eeyou Istchee which will serve as the official record of boundaries for all Indoh-hoh Istchee);
  - b) for each Indoh-hoh Istchee, an official record of the name of the Kaanoowapmaakin for that territory including details of any temporary or interim transfer of responsibilities that has been made (the name of the Kaanoowapmaakin shall also be recorded in the Geo Portal system – Eeyou Istchee); and
  - c) official records of decisions made regarding either the modification to the boundaries of an Indoh-hoh Istchee or the transfer of an Indoh-hoh Istchee (a reference to such record or decision shall also be entered in the Geo Portal system – Eeyou Istchee).
- 15.5 Official records referred to in paragraph 15.4 include but are not limited to:
- a) records, written or otherwise, of any formal meeting between Kaanoouapmaakinch;
  - b) records, written or otherwise, of any formal meeting between Elders;



- c) minutes of meetings of the Eeyouch Kantoo-hoodoo Emmahmoueech related to the Indoh-hoh Istchee;
- d) resolutions of the Council of the Eeyou Nation for the community involved at which such decisions are made or confirmed; and
- e) other pertinent documentation, written or otherwise.

## **16. Preliminary Register of Indoh-hoh Istchee**

- 16.1 A Preliminary Register of Indoh-hoh Istchee shall be prepared by the Eeyouch Kantoo-hoodoo Emmahmoueech on the basis of the maps of Indoh-hoh Istchee and lists of their Kaanoowapmaakin currently used by the Eeyouch Kantoo-hoodoo Emmahmoueech and shall be entered into the Geo Portal system – Eeyou Istchee.
- 16.2 The Preliminary Register of Indoh-hoh Istchee as it appears on the Geo Portal system – Eeyou Istchee shall be made available for public inspection in each Eeyou community for at least 60 days before being submitted for confirmation.

## **17. Confirmation of Preliminary Register**

- 17.1 The Preliminary Register of the Indoh-hoh Istchee for each community including the maps of the territories and the list of Kaanoowapmaakin shall be subject to confirmation by consensus at a public meeting in each community to which all Kaanoowapmaakin of that community are invited to attend.
- 17.2 These meetings shall be held within a period of six (6) months following the approval of the Eeyou Indoh-hoh Weeshou-Wehwun as provided for in Part X.
- 17.3 Once the Preliminary Register for a community is confirmed, including the maps of the territories and lists of Kaanoowapmaakin, it shall be certified as the Register of Indoh-hoh Istchee of that community by resolution of the Eeyou First Nation and the resolution shall be posted in accordance with the rules of that Eeyou First Nation.
- 17.4 Copies of the Indoh-hoh Istchee maps and lists of Kaanoowapmaakin that have been confirmed and certified, indicating any areas of dispute, shall be sent to the regional office of the Eeyouch Kantoo-hoodoo Emmahmoueech together with a certified copy of the resolution referred to in paragraph 17.3.
- 17.5 The regional office of the Eeyouch Kantoo-hoodoo Emmahmoueech shall:
  - a) verify that the maps and lists approved by resolution correspond to the information in the Geo Portal System – Eeyou Istchee and if

- applicable, make the necessary corrections to the information in the Geo Portal System;
- b) indicate in the Geo Portal System – Eeyou Istchee the areas which are in dispute;
  - c) enter into the Geo Portal System – Eeyou Istchee a copy of the resolution referred to in paragraph 17.3.
- 17.6 Any dispute regarding Indoh-hoh Istchee boundaries or the identification of Kaanoowapmaakin which is not resolved by consensus at the public meeting referred to in paragraph 17.1 shall be referred immediately to the Dispute Resolution Mechanism set out in Part VII.
- 17.7 The Eeyouch Kantoo-hoodoo Emmahmoueech shall be responsible to verify that there are no overlaps of registered Indoh-hoh Istchee between Eeyou communities and if such overlaps are identified to:
- a) inform the communities concerned of the specifics of the overlap;
  - b) inform the Kaanoowapmaakin concerned of the specifics of the overlap; and
  - c) unless the matter can be informally resolved, refer the matter to the dispute resolution mechanism set out in Part VII.
- 17.8 If as a result of the dispute resolution mechanism, modifications affecting the boundaries of Indoh-hoh Istchee are made or the identification of Kaanoowapmaakin is changed, modifications shall also be made accordingly to the maps and lists in the Register of Indoh-hoh Istchee and to the Geo Portal system – Eeyou Istchee.

## **18. Modification of Boundaries of Indoh-hoh Istchee**

- 18.1 The following procedure shall apply to any modifications to the Indoh-hoh Istchee maps and supporting records forming the Register of Indoh-hoh Istchee.
- 18.2 A request for a revision or modification to the boundaries of an Indoh-hoh Istchee shall be made in writing to the local Cree Trappers Committee.
- 18.3 Any request for a revision or modification to the boundaries of an Indoh-hoh Istchee received by the local Cree Trappers Committee shall be signed by the Kaanoowapmaakin of each of the affected Indoh-hoh Istchee. If not all of the Kaanoowapmaakin of the affected Indoh-hoh Istchee have signed the request for revision, the matter shall be referred immediately to the Dispute Resolution Mechanism set out in Part VII.
- 18.4 Upon receiving a request for revision to or modification of the boundaries of an Indoh-hoh Istchee, the Director of the local Cree Trappers Committee

shall convene a meeting of the Kaanoowapmaakinch involved to discuss the issue and, if appropriate, prepare a draft revised Indoh-hoh Istchee map. If the Kaanoowapmaakinch are unable to agree on the depiction of the revised boundaries the issue shall be referred immediately to the Dispute Resolution Mechanism set out in Part VII.

- 18.5 Any agreed revisions or modifications shall be reproduced on a draft revised map.
- 18.6 The Eeyouch Kantoo-hoodoo Emmahmoueech shall be responsible to verify that there are no overlaps between Eeyou communities resulting from any revision or modification of the registered territories which is submitted and if such overlaps are identified to:
  - a) inform the communities concerned of the specifics of the overlap;
  - b) inform the Kaanoowapmaakinch concerned of the specifics of the overlap; and
  - c) unless the matter can be informally resolved, refer the matter to the Dispute Resolution Mechanism set out in Part VII.
- 18.7 The draft revised Indoh-hoh Istchee map is reviewed by the Kaanoowapmaakinch involved and the Director of the local Cree Trappers Committee and, if approved by all Kaanoowapmaakinch involved, is certified by the Director. The draft map is then submitted to a mapping technician to be prepared in final form.
- 18.8 The revised Indoh-hoh Istchee map and any related record of decision are then recorded in the Geo Portal system – Eeyou Istchee.
- 18.9 If any revision affecting the external boundaries of the Indoh-hoh Istchee of an Eeyou Community is made, then the proposed revision shall be submitted for confirmation by consensus at public joint meetings of the local Cree Trappers Committee and the Council of each of the Eeyou First Nation concerned. The Kaanoowapmaakinch of the community are invited to attend. Approved maps of the territories and if appropriate designation of Kaanoowapmaakin shall be certified by resolution of each Eeyou First Nation affected by the change and recorded in the Register of Indoh-hoh Istchee and the Geo Portal system – Eeyou Istchee.
- 18.10 If as a result of the Dispute Resolution Mechanism, modifications affecting the boundaries of Indoh-hoh Istchee are made, then the Register of Indoh-hoh Istchee and the Geo Portal system – Eeyou Istchee shall be modified accordingly.

## **19. Registration of Transfers of Responsibilities**

- 19.1 The following procedure shall apply to the registration of a transfer of responsibility for an Indoh-hoh Istchee made in accordance with Part V.
- 19.2 A transfer of responsibility for an Indoh-hoh Istchee made in accordance with Part V shall be certified by the Director of the local Cree Trappers Committee.
- 19.3 A copy of the Director's certification shall be recorded in the Register of Indoh-hoh Istchee along with the change in registration.
- 19.4 If as a result of the Dispute Resolution Mechanism, modifications affecting the identification of Kaanoowapmaakin are made, then the Register of Indoh-hoh Istchee concerned shall be modified accordingly.

## **20. Indoh-hoh Istchee Register Determinative**

- 20.1 In the case of any dispute regarding the boundaries of the Indoh-hoh Istchee or the identity of a Kaanoowapmaakin, the information set out in the Register of Indoh-hoh Istchee shall be conclusive evidence of the decision recorded.

## **21. Regulatory Powers of Eeyouch Kantoo-hoodoo Emmahmoueech**

- 21.1 The Eeyouch Kantoo-hoodoo Emmahmoueech shall have the powers to:
  - a) develop necessary forms;
  - b) determine conditions related to public consultation of the Register of Indoh-hoh Istchee;
  - c) determine when and how copies of records or documents shall be provided; and
  - d) appoint the officer responsible for the Register of Indoh-hoh Istchee.

## **PART VII: DISPUTE RESOLUTION MECHANISM**

### **22. Disputes to be Resolved Through Consensus**

- 22.1 Any dispute which arises regarding a decision to be taken or any other matter under the Eeyou Indoh-hoh Weeshou-Wehwun shall be resolved through traditional Eeyou consensus building and as set out herein.
- 22.2 Traditional Eeyou consensus building is based on the Eeyou values and guiding principles set out in the present law.
- 22.3 Traditional Eeyou consensus building is a mechanism in which the participants work together to identify a process that maximizes their ability to resolve their differences and live with the result even if they do not agree with all aspects of a decision.
- 22.4 Eeyou Elders have an important role in traditional Eeyou consensus building in:
  - a) listening to and counseling those affected by a dispute; and
  - b) helping to resolve disputes by providing support, guidance and mediation to the parties to a dispute.

### **23. First Consensus Process**

- 23.1 The Kaanoowapmaakin or Kaanoowapmaakinch and any other party to the dispute concerned will discuss the issue(s) and attempt to resolve the dispute through a consensus process in accordance with this law and the laws and traditions of the community.
- 23.2 The process should have a pre-determined and agreed upon time limit for completion before proceeding, if need be, to the second consensus process which shall in no case exceed one (1) year.
- 23.3 In attempting to reach an agreement through consensus the parties concerned may seek the support and advice of Elders and other Kaanoowapmaakinch.
- 23.4 A representative of the Eeyouch Kantoo-hoodoo Emmahmoueech, one who is not directly involved in the dispute, may facilitate the first consensus process at the request of the parties concerned.

## **24. Second Consensus Process**

- 24.1 If the dispute cannot be resolved through the first consensus process, if it involves an Indoh-hoh Istchee without a Kaanoowapmaakin or if the delay referred to at paragraph 23.2 has been exceeded, then the issues and the dispute are brought to the attention of the Eeyou First Nation concerned by one of the parties involved or by the Eeyouch Kantoo-hoodoo Emmahmoueech.
- 24.2 The Eeyou First Nation may appoint a representative to facilitate the process.
- 24.3 The Eeyou First Nation's representative and the parties concerned will design in accordance with this law and the laws and traditions of the community, the second consensus process, which should involve all parties with a significant interest in the issues.
- 24.4 In attempting to reach an agreement through consensus, the parties concerned may seek the support and advice of Elders and other Kaanoowapmaakinch.
- 24.5 The parties and participants must endeavor to resolve the dispute in good faith through the second consensus process and must agree on a time-limit for completion of the process which shall in no case exceed one (1) year.

## **25. Confirmation Process**

- 25.1 Once all parties agree to the process that will be followed to resolve the issue, the process is confirmed in writing by the parties concerned and, in the case of the second process, by the Eeyou First Nation. The Agreement is forwarded to the regional office of the Eeyouch Kantoo-hoodoo Emmahmoueech.

## **26. Unresolved Disputes**

- 26.1 When no agreement is reached through either the first or second consensus process referred to above, the matter shall be referred to the regional office of the Eeyouch Kantoo-hoodoo Emmahmoueech. The Eeyouch Kantoo-hoodoo Emmahmoueech will then determine the process that will be followed in order to resolve the dispute including, if appropriate, the appointment of a mediator.
- 26.2 In determining the proper process that will be followed in order to resolve the dispute and in applying this process the Eeyouch Kantoo-hoodoo

Emmahmoueech may seek the advice of the Elders of the community or communities involved or, if available, that of a Regional Council of Elders.

## **27. Role of Elders**

27.1 The role of the Elders shall be to:

- a) serve as a source of knowledge of the traditional ways of the Eeyou;
- b) counsel those affected by a dispute over a specific Indoh-hoh Istchee;
- c) listen to all parties affected by the dispute;
- d) review in depth all information on the history of the traditional transfer of responsibility for the Indoh-hoh Istchee and to whom it was transferred;
- e) help resolve conflicts between the family members and relatives through traditional mediation and counseling; and
- f) provide support, guidance and mediation towards a resolution.

## **28. Process for Registration of an Agreement**

28.1 When as the result of the Dispute Resolution Mechanism there is an agreement concerning either the naming of a Kaanoowapmaakin or the boundaries of an Indoh-hoh Istchee, the local Cree Trappers Committee is advised of the agreement by the parties concerned and the information is then entered into the Register of Indoh-hoh Istchee referred to in Part VI.

## **PART VIII: GUIDELINES FOR THE APPROVAL OF ECONOMIC DEVELOPMENT PROJECTS OR ACTIVITIES AFFECTING AN INDOH-HOH ISTCHEE**

### **29. Collective Interest**

- 29.1 Each Eeyou First Nation has a collective interest in the Indoh-hoh Istchee of the Nation. Therefore, any project or activity, including pre-development or exploratory activity, situated on the Indoh-hoh Istchee of an Eeyou First Nation or that might affect it is subject to approval in a manner which involves the Eeyou First Nation Council and the community.
- 29.2 The Kaanoowapmaakin are the stewards, guardians and custodians of the land for the benefit of the Eeyou Nation and one of the roles of the Kaanoowapmaakin is to monitor access to the Indoh-hoh Istchee. Therefore, any project or activity, including pre-development or exploratory activity, situated on an Indoh-hoh Istchee or that might affect it, is subject to approval in a manner which also takes account the Eeyou system of Indoh-hoh Istchee and which involves the Kaanoowapmaakin of the affected Indoh-hoh Istchee.
- 29.3 For the purposes of Part VIII, projects or activities may also include commercial activities such as the establishment of outfitting camps or commercial fisheries and the development of tourism activities and infrastructure such as skidoo trails whether those projects or activities are carried out on one or on more than one Indoh-hoh Istchee.
- 29.4 When a proponent has approached a Kaanoowapmaakin directly seeking approval for a project or an activity, the Kaanoowapmaakin shall inform the Chief and Council of the Eeyou First Nation accordingly.
- 29.5 When participating in the decision-making process concerning the desirability of a project or an activity, the Kaanoowapmaakin keeps the interests of all members of the community in mind and consults them concerning their wishes regarding the proposed use of the land or resources.
- 29.6 Consent of an individual Eeyou member, including the Kaanoowapmaakin of the concerned Indoh-hoh Istchee, does not constitute consent for the Eeyou First Nation concerned.



### **30. Existing Process**

- 30.1 Each Eeyou First Nation has its own rules and processes respecting the approval required in the case of a development project or activity in the Indoh-hoh Istchee of the Nation.
- 30.2 In addition, certain projects or activities, such as the establishment of outfitting camps, have other specific rules which may apply.

### **31. Remedial Measures / Compensation**

- 31.1 When a project or activity is contemplated that would have effects on an Indoh-hoh Istchee, then those effects must be avoided or remedied. Finding alternative areas where the Eeyou directly affected by the project or activity can harvest for the period of time during which they are affected shall be a priority. For that purpose, sharing of Indoh-hoh Istchee shall be promoted.
- 31.2 Remedies for Eeyou affected by the project or activity will privilege options which encourage the Eeyou way of life and create long-term benefits for Eeyou and their families.

## **PART IX: AMENDMENT PROCESS**

### **32. Amendment Process**

- 32.1 The Eeyouch Kantoo-hoodoo Emmahmoueech shall conduct a review of the Eeyou Indoh-hoh Weeshou-Wehwun every five (5) years and report to the Eeyouch Kantoo-hoodoo Emmahmoueech Annual General Assembly on the conclusions of its review.
- 32.2 If following such review the Eeyouch Kantoo-hoodoo Emmahmoueech deems it appropriate, it shall recommend appropriate changes.
- 32.3 The recommended changes shall be submitted for consultation in all Eeyou communities, in the manner chosen by the Eeyouch Kantoo-hoodoo Emmahmoueech. The Eeyouch Kantoo-hoodoo Emmahmoueech may also consult any other interested Eeyou group or organization.
- 32.4 The suggested changes shall then be submitted for recognition in the manner set forth in Part X.

## **PART X: RECOGNITION PROCESS**

### **33. Recognition of Eeyou Indoh-hoh Weeshou-Wehwun**

- 33.1 Those parts of this Eeyou Indoh-hoh Weeshou-Wehwun that are statements of the existing Eeyou Weeshou-Wehwun, including Parts I to III, Part IV - Sections 1 to 11 and Part V - Paragraphs 13.1 to 13.6 & 13.11 to 13.17 & 14.1, require no formal recognition in order to come into effect.
- 33.2 Those parts of this Eeyou Indoh-hoh Weeshou-Wehwun that represent new law, including Parts VI to X, shall only come into effect for each of the Eeyou communities once this Eeyou Indoh-hoh Weeshou-Wehwun has been recognized as an expression of Eeyou law in accordance with Paragraph 33.4.
- 33.3 This Eeyou Indoh-hoh Weeshou-Wehwun shall be submitted to the Board of Directors and thereafter to the General Assembly of the Eeyouch Kantoo-hoodoo Emmahmoueech for confirmation of the consultation process and approval of the text.
- 33.4 Once approved by the General Assembly of the Eeyouch Kantoo-hoodoo Emmahmoueech this Eeyou Indoh-hoh Weeshou-Wehwun shall be submitted:
- a) to each of the Eeyou communities with the recommendation of the Eeyouch Kantoo-hoodoo Emmahmoueech that it be recognized as an expression of Eeyou law by resolution of a general assembly of each community; and
  - b) to the Grand Council of the Crees of Eeyou Istchee /Cree Regional Authority which shall be requested to adopt a resolution recognizing it as an expression of Eeyou law.
- 33.5 Once this Eeyou Indoh-hoh Weeshou-Wehwun has been recognized by an Eeyou community pursuant to paragraph 33.4(a) copies of it shall be posted and made available for inspection by community members and publicized in any other manner the community decides.

### **34. Incorporation of the Eeyou Indoh-hoh Weeshou-Wehwun into First Nation Law**

- 34.1 For greater certainty and in order to enhance the recognition by non-Eeyou of the status of the Eeyou Indoh-hoh Weeshou-Wehwun, each First Nation may incorporate the Eeyou Indoh-hoh Weeshou-Wehwun into its own First Nation law according to its own procedures for doing so.





**Some Background on the Consultations and the  
Drafting of the Eeyou Indoh-hoh Weeshou-Wehwun  
(Traditional Eeyou Hunting Law)**

## **Origin of the project**

This written version of the Eeyou Indoh-hoh Weeshou-Wehwun (Traditional Eeyou Hunting Law) is the product of the efforts of many people over a number of years and would not have been possible without the contributions of persons too numerous to all name here.

It had its genesis in the concerns of many Eeyou Elders and leaders in recent years that there was a growing problem of disputes occurring between Eeyou arising from an increasing lack of knowledge of Eeyou law and customary practices. It is a response to the belief of Eeyou Elders and leaders that there is a need to preserve Eeyou customs, traditions and practices and to find new ways to transmit them to younger generations, as well as a need to develop strengthened processes for resolving and preventing disputes.

It is also a reflection of the fact that Eeyou have their own laws and want to make them known to non-Eeyou so that it is better understood that the Eeyou of Eeyou Istchee are not “lawless” but rather that they are an “organized society” and a nation that governs itself.

Work initially began on some elements of this law in the context of an initiative of the Cree Nation of Mistissini in early 2002 to develop a dispute resolution mechanism for Eeyou hunting territories. As part of that initiative Phillip Awashish, with the collaboration of the anthropologist Harvey Feit, produced a text discussing *Cree Custom and Cree Customary Law* and the law firm of Hutchins, Caron and Associés produced a related text on the *External Recognition of Cree Customary Law*. This group of advisors together proposed the adoption of a contemporary dispute resolution mechanism which would be based on the traditional approaches to dispute resolution found in Eeyou law.

Shortly thereafter, the Executive and Board of Directors of the Cree Trappers’ Association, realizing that it would be of great benefit for all the Eeyou communities to have a written codification of that part of traditional Eeyou law that deals with the governance of hunting territories more generally, launched the initiative that led to the current document. The Cree Trappers’ Association considered that such an initiative fell within its mission to deal with trapline management, the resolution of trapline disputes and the role of the Kanawapmaakin (tallyman).

One important step in this process was the work by George Blacksmith which led to the production in April of 2005 of a document entitled *Cree Trappers’ Association Guidelines for Developing Policy on Governing Cree Trap-Lines & Wildlife Auxiliary Training Information Document*. This work drew on information provided by Indoh-hoh Eeyou active on the land and by Eeyou Elders, notably at an Elders Council held in December of 2003. It also used a variety of additional sources, including historical documents compiled for the 2002 reports for the Cree Nation of Mistassini, mentioned above, and the booklet *Cree Trappers Speak* produced by the Cree Trapper’s Committee of Chisasibi. Drawing on these sources George Blacksmith began the process of describing in writing the Eeyou system of land management and the traditional role and authority of the Kanawapmaakin and setting out elements of a potential dispute resolution process.

## **Consultation carried out**

To follow-up on this work, the members of the Executive of the Cree Trappers’ Association, Isaac Masty, Thomas Coon and Simeon Pash and the Director General Paul Coon-Come engaged lawyers from the firm of Hutchins, Caron & Associés to work directly with them, assisted by Philip Awashish, a variety of Elders and active trappers and later also by Harvey Feit, to begin the process of drafting a document in more formal language. The goal was to produce a document that would be clearly understood by both Eeyou and non-Eeyou and that would describe in some detail the rules of traditional Eeyou law and

custom regarding harvesting and governance of hunting territories and would also set out a contemporary process to avoid or resolve disputes based on traditional Eeyou principles and practices.

In the first phase, this work involved drawing on the knowledge of various members of the Cree Trappers' Association as well as a number of Elders and active trappers to begin to complete a description of traditional Eeyou law and working with the lawyers to find appropriate language in which to describe the provisions of that law in writing.

In the second phase, the Executive of the Cree Trappers' Association undertook an intensive round of consultations in each of the Eeyou communities based on an initial draft of this document. The purpose of that consultation was not only to inform community members of the initiative that was being undertaken, but was also, more importantly, to seek the input of as broad a cross-section of Eeyou as possible into the process of describing accurately the rules of traditional Eeyou law and practice, to fill-in the missing pieces and to correct the errors in how that traditional law was described in the document. Following that initial round of consultation the lawyers revised the document on the basis of the extensive comments received in every community and of ongoing advice and direction from members of the CTA Executive who were responsible for the project.

Following this redrafting, the Executive of the Cree Trappers' Association undertook a third phase, a new round of consultation, primarily with the Elders. This was perhaps the most important stage in the entire process. The goal at this stage was to make certain that the document accurately reflected traditional Eeyou law, customs, practices, principles and values as understood by the Elders who are the custodians and guardians of that traditional law. It was also to make certain that the initiative to commit that part of the oral traditional law to writing and to update it with a contemporary dispute resolution process met with their approval.

### **Approval of Elders**

It became clear through these consultations that the Elders agreed on what needed to be done and why. They viewed the initiative not as an attempt to impose a new law on the Eeyou but rather as one in which the Eeyou people were seeking to describe their existing traditional customs, practices, principles and values in writing, so that they would be better understood by Eeyou and non-Eeyou alike. They considered that by approving the writing down of Eeyou law they were exercising their on-going role as custodians and guardians of traditional Eeyou law to ensure its continuity and preserve it for the future. One Elder in Chisasibi commented: "of all the consultation processes I think this is the most important consultation that has ever happened in the communities."

### **Consensus reached**

Throughout, consistent with traditional Eeyou practice, a process of consensus was used to arrive at a final decision as to what to include in the document and how to do so. There were many and on-going discussions between the participants in the process and there was a thorough exchange of points of view. In the course of the process, support for the initiative and for the contents of this document was sought and was received from all Eeyou communities and from all groups in those communities, from the Elders and the Youth, from Kanawapmaakinch and active hunters and trappers, from leadership and ordinary community members, as well as from the Grand Council of the Crees of Eeyou Istchee.

### **Cree terminology used**

The drafting of this document has required many choices to be made. While this document was drafted originally in English, the choice was made to use Eeyou terminology for each of the important concepts it sets out, for this is a document that is conceived and articulated by Eeyou for Eeyou. It is intended, therefore, that it reflect Eeyou concepts, Eeyou values and the Eeyou way of seeing things. The Eeyou terms chosen were themselves the object of much discussion and reflect the consensus reached.

At the same time, an attempt has been made to make it clearly understood by non-Eeyou and by the non-Eeyou legal system, so the decision was made to try to use a tone and style easily understood by most non-Eeyou, but that still reflects the role of law in Eeyou culture. The great challenge of this process has been to find a way to describe accurately in writing, and in a language that is not the original language of the Eeyou, what is an oral tradition expressed in the Eeyou language. It reflects a balancing of the need to remain faithful to the oral law while producing a written law that would be clearly understood by Eeyou and non-Eeyou alike.

### **Guiding values and principles recognized**

One answer to this challenge has been to set out in Eeyou and in English translation the guiding values and principles which are inherent in Eeyou traditional oral law, which guide the Eeyou in all their Indoh-hoh activities and which must guide the understanding and interpretation of this written law. Perhaps one of the most important of these is the value and guiding principle of Chishtaimiiduwin or Respect, which includes respect for the Creator, respect for all people, respect for the land and resources and respect for authority. It also includes the respect of other Eeyou that must be earned by every Indoh-hoh Eeyou. This value and guiding principle the Elders have said is at the heart of traditional Eeyou law and it is intended that it be reflected throughout this written law.

### **Use of the term law**

It is also important to say something about the use of the term “law”. This word has been chosen to describe this document, to paraphrase the statement of an Eeyou Elder during the consultation process, because it reflects the importance of this document and the values and principles it sets out. It has also been chosen as way of indicating to non-Eeyou, in terms they will understand, the importance and place it has in Eeyou society.

### **Meaning of Weeshou-wehwun**

At the same time, it must be understood that the Eeyou term “Weeshou-wehwun” refers to much more than what the term “law” suggests in English. It refers more generally to teachings and practices and includes the notion that practices evolve. It refers also to what might be termed a “code of ethics”. It must be understood that this written law only reflects part of traditional Eeyou custom and practice that relates to harvesting and the governance of hunting territories and it does not pretend to describe all of Eeyou Indoh-hoh Weeshou-Wehwun. Not every law or rule of harvesting and hunting territory governance needed to be written down, so decisions were made about what and what not to include. A good part of the Eeyou Weeshou-Wehwun is still only in oral form.

It is understood that Eeyou law is not static and will continue to evolve as the Eeyou themselves continue to evolve and adapt to the changing circumstances in which they find themselves and their land.



