



## Collaboration between Aboriginal peoples and the Canadian forestry industry: a dynamic relationship

Stephen Wyatt | Jean-François Fortier | Garth Greskiw | Martin Hébert | Solange Nadeau  
David Natcher | Peggy Smith | Ron Trosper

A STATE OF KNOWLEDGE REPORT







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## **Collaboration between Aboriginal peoples and the Canadian forestry industry: a dynamic relationship**

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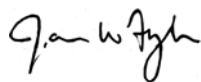
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# Foreword

The State of Knowledge program was launched by the Sustainable Forest Management Network (SFMN) to capture the knowledge and wisdom that had accumulated in publications and people over a decade of research. The goal was to create a foundation of current knowledge on which to build policy, practice and future research. The program supported groups of researchers, working with experts from SFMN partner organizations, to review literature and collect expert opinion about issues of importance to Canadian forest management. The priority topics for the program were suggested by the Network's partners in consultation with the research theme leaders. Each State of Knowledge team chose an approach appropriate to the topic. The projects involved a diversity of workshops, consultations, reviews of published and unpublished materials, synthesis and writing activities. The result is a suite of reports that we hope will inform new policy and practice and help direct future research.

The State of Knowledge program has been a clear demonstration of the challenges involved in producing a review that does justice to the published literature and captures the wisdom of experts to point to the future. We take this opportunity to acknowledge with gratitude the investment of time and talent by many researchers, authors, editors, reviewers and the publication production team in bringing the program to a successful conclusion.



Jim Fyles  
Scientific Director



Fraser Dunn  
Chair of the Board

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# Executive Summary

Conflicts between Aboriginal peoples and Canada's forestry industry over the use of forestlands have arisen all too frequently in recent decades. While at times escalating into confrontation and violence, these conflicts have also led to the formation of innovative collaborative arrangements between the two parties. These arrangements can provide opportunities for economic benefits for both industry and Aboriginal communities, for more equitable forest tenure systems, and for cooperative management institutions that are empowering Aboriginal peoples in the forest management process.

In this report we review the diversity of Canadian experience and seek to **develop an integrated view of collaboration between Aboriginal peoples and the forestry industry in Canada**. This report is based on a review of more than 250 studies and documented experiences of collaboration, along with an inventory of collaborative arrangements in 482 Aboriginal communities across Canada.

We adopt a broad view of collaboration, covering a variety of ways that these two groups work together on forestry activities in the expectation of obtaining certain benefits. We summarize our findings and reflections concerning the collaboration between Aboriginal peoples and forestry companies as follows:

- 1) Collaboration is driven by Aboriginal rights, policy and other factors.** Drivers of collaboration vary across Canada and may also change over time. Arrangements that are currently appropriate in one situation may not respond adequately in another case or in the future.
- 2) Collaboration can, and should, take different forms.** We have identified five main approaches to collaboration, with many sub-types. Aboriginal communities and forestry companies need to choose one, or several, forms that respond to their needs. We suggest that leaders use Figure 1 (page 23) to consider their current arrangements.
- 3) Collaboration must meet different needs and interests.** Forest industries, Aboriginal peoples and governments all have particular interests. Often parties can agree on shared goals or on goals that are different but not in conflict. However, they may also need to negotiate concerning goals that cannot be met.
- 4) Collaboration outcomes help build capital, but outcomes need to be balanced.** Successful collaborative arrangements can contribute to building different types of capital: economic, natural, social, human and cultural or institutional. Different types of capital are not equally important for all parties, and so outcomes must be balanced if collaboration is to be beneficial for each group.
- 5) Collaboration doesn't just happen, it needs to be built.** Collaboration is best understood as a process, as presented in Figure 3 (page 29). An important implication is that collaboration is not simply a model that can be applied, but is instead about learning and building.

**6) Collaboration requires government involvement and flexibility.** Governments are key actors in facilitating collaboration between Aboriginal peoples and the forestry industry. Aboriginal and industry participants consulted in connection with our research suggested that federal and provincial governments have not been meeting their responsibilities, especially in resolving issues of Aboriginal rights and title and in consultation and accommodation. Flexibility in government policy and programs can enable the parties to develop collaborative arrangements that meet their interests.

# 1.0 Introduction

## 1.1 Issues and objectives

The last 30 years have seen a steadily expanding role for Aboriginal peoples in the management of Canada's forests. Several factors and processes have contributed to this: legal judgements clarifying Aboriginal rights, government policies, industry initiatives, and new ideas about forestry. A wide variety of approaches have been developed.

The process has not been straightforward, however. Successes and advances have been accompanied by conflicts and misunderstandings. Protests, legal challenges and blockades of logging roads continue. For many Aboriginal peoples, obtaining a role in forestry means long battles in courts, in negotiation rooms and in the forests. For forestry companies, Aboriginal demands and expectations are often seen as an additional cost or a hindrance. Governments may be faced with opposing responsibilities, upholding Aboriginal and treaty rights on one hand while meeting obligations to forestry companies and the Canadian public on the other.

As new collaborative arrangements between Aboriginal peoples and forestry companies have expanded, researchers have paid greater attention to relations between the two parties and the possible roles Aboriginal people may have in forestland management. The Sustainable Forest Management Network (SFMN) has played an important role in this by supporting research that promotes more effective linkages between Aboriginal people, forestry companies and governments. It has supported major reviews and case studies of Aboriginal-government-industry relationships, and

its requirement of Aboriginal involvement in the research has helped ensure that Aboriginal perspectives are reflected in project outcomes.

The goal of this State of Knowledge project and report was to review current issues and approaches to collaboration, reflect on lessons learned, and highlight implications for practice and policy, based on a comprehensive view of what works and what does not work in different situations and why. We adopted several specific objectives:

- To **establish a database** of existing research and experience describing aspects of collaboration between forest industries and Aboriginal groups;
- To explore **linkages between different factors** in Aboriginal-industry collaboration through analysis of existing research;
- To **develop a framework to clarify the utility** of different techniques and policy options for developing relations between Aboriginal peoples, industry and government;
- To **identify implications** for Aboriginal leaders and communities, the forestry industry, policy-makers and researchers; and
- To **disseminate the results** of this work among interested parties.

We believe that approaches to collaboration and harmonization between Aboriginal groups (usually First Nations and Métis) and forestry companies must consider a range of issues, include a wide variety of cases, and reflect a diversity of points of view. We adopted a broad definition of “collaboration”, seeking

to include almost any situation where Aboriginal peoples and forestry companies have formalized a relationship to work together on management and harvesting of forestlands in Canada. We hope that this analysis will contribute to building better relations between Aboriginal peoples, forestry companies and governments and will help Aboriginal peoples to exercise their rights and responsibilities for forestlands in Canada.

## 1.2 Terminology: words do matter!

In preparing this report we have had to clarify our understanding and use of several specific terms that are often confused by academics and practitioners in forestry.

**Aboriginal peoples** include First Nations<sup>1</sup>, Métis and Inuit peoples, as described in the Constitution Act, 1982. Although First Nations are the most common partners in Aboriginal-industry collaboration, the Métis are establishing their own place and the Inuit have locally important roles in Labrador and the Northwest Territories. **Aboriginal people** refers to members of this population, while **Aboriginal communities** refers to individual bands and nations, villages, reserves and other organized communities of Aboriginal people and to their governments.

**Forestlands** is generally used in this report rather than “forests”. We seek to underline the importance of the land and the ecosystems that are found there, as well as the human values and sense of place that are associated with this.

**Forestry** and the **Forest sector** are used in a broad sense to encompass a variety of practices and economic activities that occur upon forestlands.

**Forestry companies** signifies enterprises associated with the harvest and transformation of forest products. These are typically, but not exclusively, private companies that convert wood into timber, paper or composite products. Although we use this term in a general sense, individual enterprises have their own goals and ways of acting. We also use **forestry industry** to describe the collection of companies in the forestry sector.

We have adopted use of the term “**collaboration**” in the sense of “working jointly on an activity or project”<sup>2</sup> (Compact Oxford English Dictionary, COED). We use this to cover a multitude of different ways that Aboriginal people and forestry companies work together.

### Collaboration

*“the pooling of appreciations and/or tangible resources, e.g., information, money, labour, etc., by two or more stakeholders to solve a set of problems which neither can solve individually”*

Gray (1985: 912), cited in Selin and Chavez (1995)

**We use the term “collaboration” here to cover a multitude of different ways in which Aboriginal people and forestry companies work together.**

This is a deliberately general term that nevertheless implies that both parties are contributing to the relationship and that they each expect to receive certain benefits. It avoids the specificity of a variety of other terms that are used to discuss positive relations between Aboriginal peoples and forestry companies, such as **consultation**, **co-management**, **partnership**, **engagement** and **cooperation**.

We have generally avoided the term **harmonization**, a word that has a particular meaning in Quebec (see Appendix 5) but is used in other ways elsewhere in Canada. In the words of a workshop participant: *“Harmonization is a word that adds little to an already busy lexicon”*.

The term “**reconciliation**” is being increasingly used in both policy statements and legal judgements. In the Tsilquot’in decision, the British Columbia Supreme Court said that *“reconciliation is a process”* and that it aims to restore *“harmony between persons or things that had been in conflict”*.

<sup>1</sup> The Constitution Act defines Aboriginal peoples as “Indian, Inuit and Métis”. In keeping with current usage, we adopt “First Nations” in place of “Indian”.

<sup>2</sup> The COED also offers a second definition: “cooperate traitorously with an enemy”.

### 1.3 Policy context

Aboriginal-forestry relations draw on two distinct sets of government policy. The federal government has a key role in controlling and directing issues related to Aboriginal peoples, although provincial and territorial governments also have obligations. The management and use of forests, on the other hand, is primarily a provincial responsibility, and provincial governments hold management authority over forest resources on most public lands. They authorize private companies to undertake logging and production, while imposing regulations and royalties. (See Appendix 1 for brief historical background.)

Since the 1960s, Aboriginal peoples have sought both greater recognition of their rights and increased autonomy, through political negotiations, public protests and legal challenges. This includes seeking recognition of their rights to forestlands already allocated to forestry companies, a situation that involves both the federal government (responsible for Indians) and provincial authorities (responsible for lands and forests). At the same time, the Canadian forest sector is undergoing fundamental changes in terms of how forests are managed, what they are managed for and who makes the decisions about their use.

This complex and changing environment has resulted in a wide variety of collaborative arrangements – and also a large number of conflicts and differences of opinion. Encouraging collaboration while avoiding unconstructive conflicts will continue to be a challenge for Aboriginal peoples and the forestry industry in Canada.

### 1.4 Legal aspects

The legal and rights-based questions concerning Aboriginal involvement in Canada's forest sector centre largely on access to lands and resources. These issues are complicated by constitutional jurisdiction, which gives provinces the right to manage lands and natural resources within their boundaries while the federal government has responsibility for "Indians and the lands reserved for Indians".

Prior to the 1970s, there was little legal interpretation of Aboriginal peoples' rights in Canada. A breakthrough came in 1973 with the Supreme Court of

Canada's Calder decision<sup>3</sup>, which recognized Nisga'a ownership of their lands or "Aboriginal title" in the absence of an agreement between Aboriginal peoples and the Crown. The case also led to discussions about the nature of land ownership among Aboriginal peoples across Canada, including those who had signed historic treaties and those who had entered into comprehensive land claims agreements.

In 1982, the repatriated Constitution Act recognized and affirmed existing Aboriginal and treaty rights of the Aboriginal peoples of Canada. Several key legal decisions have helped define and clarify Aboriginal rights in recent decades, as shown below (Table 1) and in Appendix 1.

**Aboriginal rights – and government and industry obligations – have important implications for Aboriginal-industry relationships, and for forestland management in general.**

The main responsibility for upholding Aboriginal rights rests with the Crown, both federal and provincial, while the onus for proving rights rests with Aboriginal peoples. These rights and responsibilities have important implications for forestland management and forestry operations and Aboriginal-industry relationships.

For instance there is a legal duty to consult and accommodate Aboriginal peoples before development occurs that might adversely affect Aboriginal rights (Box 1). The duty is triggered when the Crown knows of the existence of a potential right or title – and one could argue that all of Canada is underlain with an Aboriginal right of one form or another. The Supreme Court of Canada has stated that the outcome of the duty to consult should be reconciliation. In practice, this is not always easily achieved.

While the courts have laid out some clear guidelines for more respectful relationships between the Crown and Aboriginal peoples, the Crown and Aboriginal peoples have yet to find a way to reconcile their expectations. Aboriginal people are often dissatisfied with the processes established by the courts or governments to accommodate their interests. The private sector, for its part, must at times negotiate its own obligations with both the Crown and Aboriginal peoples.

<sup>3</sup> Legal cases cited are presented after bibliographic references

**Table 1. Supreme Court of Canada decisions on Aboriginal rights**

Calder	1973	Recognition of “Aboriginal title”
Sparrow	1990	Clarification of extent of Aboriginal rights
Van der Peet	1996	Rights based on historic use
Delgamuukw	1997	Aboriginal title, duty to consult, oral evidence, economic component
Marshall	1999	Right to earn a “moderate living”
Powley	2003	Métis hunting rights acknowledged
Haida	2004	Crown duty to consult and accommodate, clarification on industry responsibility
Taku River Tlingit	2004	Consultation and accommodation; responsiveness is key
Mikisew	2005	Duty to consult and accommodate applies to historic treaties
Sappier, Gray	2006	Right to cut timber for personal use
Morris	2006	Provincial laws cannot significantly infringe a treaty right

**BOX 1****The duty to consult and accommodate**

There is a legal duty to consult and accommodate Aboriginal peoples before development occurs that could adversely affect Aboriginal rights. The duty to consult and accommodate is triggered when the Crown knows of the existence of a potential right or title. This can include Aboriginal use of lands not covered by specific treaties or land claims settlements. Infringements of Aboriginal and treaty rights must be justified, for instance by a valid legislative objective (see Appendix 1).

The Haida decision of 2004 clarified that the duty to consult and accommodate rests with the Crown. The Haida had sued both the Province of British Columbia and Weyerhaeuser, a forest company, for failure to consult on the transfer of a forest license between two companies. With the 2004 Haida decision, the judges stated that third parties, such as a forestry company, could not be held liable for the failure of the Crown to consult and accommodate, but did not absolutely absolve the company of responsibility to protect Aboriginal and treaty rights.

In essence, when granting licenses to companies to harvest timber on publicly-owned lands, provinces are delegating some of their forest management responsibilities to licensees. This may include some responsibility for addressing Aboriginal issues in forest management. If the Crown has not fulfilled its duty to consult and accommodate, companies may suffer the consequences. As a result of the failure of negotiations between the Crown and Aboriginal peoples, industry may be put in the position of lobbying the Crown to undertake negotiations with Aboriginal communities, or of trying to resolve accommodation issues without the Crown’s assistance.

## 1.5 Review methods

The project involved four major activities:

- **Building a database** of experiences described in the scientific literature and in reports;
- **Conducting an inventory of collaboration experiences** in Aboriginal communities across the country;
- **Analysis of selected literature** using a “metasynthesis” approach;
- **Workshops** uniting practitioners, policy-makers and researchers.

Our sources included a broad range of published and “grey” literature, as well as personal experiences of workshop participants and others. Experts and practitioners are often able to contribute insights and understanding that may not be contained in documents, and to transfer experience from one situation to another. We describe our approach and methodology at some depth in Appendix 2 and Appendix 6.

**Experts and practitioners are often able to contribute insights and understanding not contained in documents.**





# 2.0 Findings

## 2.1 What is driving Aboriginal-industry relations?

Collaboration between Aboriginal peoples and forestry companies has expanded steadily over the last thirty years, occurring in a wide variety of forms. In part, this has been a response to the legal developments discussed in section 1.4, as well as to changes in government policy and the goals of the parties involved. We note some key drivers below, with further discussion in Appendix 3.

### KEY DRIVERS

- Recognition and definition of Aboriginal rights has led to new approaches by governments and other actors.
- Many Aboriginal peoples want greater responsibility for managing their own affairs. Involvement in the forest sector can contribute to autonomy through economic benefits and/or by increased influence on use of traditional lands.
- Sustainable forestry concepts and certification processes provide new opportunities and motivators, as does the trend to increased public participation in forestry.
- Forestry industry concerns about ensuring an adequate workforce, especially in remote and northern areas.
- Changes to forest tenure systems may provide new opportunities.
- New technology and innovations in forest planning and management can help managers address Aboriginal concerns.

While these drivers can all push towards collaboration, they also reflect different interests or priorities for the parties. Hence different forms of collaboration are likely to result from different drivers. Also, drivers do not always act in harmony with each other, and it is possible to imagine situations where two or more drivers could be in opposition (environmental groups using public participation processes to oppose Aboriginal harvesting; recognition of rights countering forest tenure proposals). Hence all parties need to consider the relative impacts of different drivers on their particular situation and on individual proposals for collaboration.

**Different drivers may favour different forms of collaboration.**

## 2.2 Different goals for different parties

Successful collaboration will often depend upon the ability of each stakeholder to recognize and understand the interests and goals of the other. If interests converge, or at least do not conflict, parties should be able to agree upon goals for a collaborative arrangement. If interests conflict, parties must decide which goals are the most important for each and which can be met within the context of the arrangement.

## Differing goals within collaborative arrangements

### Aboriginal peoples' goals for collaboration

- **Obtain recognition and exercise rights and responsibilities** over forestlands.
- Ensure Aboriginal **access to traditional lands and resources** to maintain cultural identity and to participate in contemporary economies.
- **Share in benefits** from the economic development of forestlands (e.g., through revenue, employment, and business development).
- Achieve **empowerment, autonomy and self-determination** (notably through governance and accommodation of Aboriginal institutions).
- **Influence or control forestland management** (especially to protect values, sites, land uses).
- Apply and maintain **Aboriginal knowledge** of forestlands, for both traditional practices and contemporary management.
- **Develop skills and experience** in contemporary management of forestlands.

### Forestry industry goals for collaboration

- Establish harmonious relations to **secure access to timber resources** and to **avoid potential conflicts**.
- Enhance **economic performance** (short-term) and **economic viability** (long-term) by minimizing costs and maintaining profits.
- Demonstrate **corporate social responsibility** and maintain a social license to operate.
- **Comply with** (and demonstrate compliance with) government regulations, policies and voluntary mechanisms (e.g., forest certification).
- **Improve forest management practices** by integrating Aboriginal values and knowledge.
- Increase the **available labour pool** for the forest sector.

### Government goals for Aboriginal-industry collaboration

- **Promote economic development**, to sustain employment, meet social needs and generate government revenues.
- **Maintain a globally competitive forestry industry** in Canada.
- **Promote sustainable forest management**, particularly for social benefits from public forests.
- **Balance demands** on forestlands from multiple stakeholders; **avoid conflicts**.
- Meet constitutional obligations to recognize and affirm **Aboriginal and treaty rights** and to uphold the honour of the Crown.
- Encourage the **protection of environmental values, wildlife habitat, biodiversity and social and cultural values**.

Each party in a collaborative arrangement has its own interests, goals and expectations concerning the arrangement, as indicated in Box 2. (The lists of goals are based on the literature and on discussions in two workshops.<sup>4</sup>) Although this report focuses on collaboration between Aboriginal peoples and forestry companies, workshop participants stressed that government policies establish the context and framework for collaboration; thus government interests and goals must also be considered.

**Successful collaboration often hinges on the ability of each participant to recognize and understand the interests and goals of the other.**

It should be noted that the interests and goals of parties will change over time. A party's situation or capacities can change, innovative ideas may emerge, new practices may be developed elsewhere, and policies or other actors may create new opportunities. Since goals and interests are not static, they should be reassessed regularly in any collaborative arrangement.

**The interests and goals of parties will change over time. They should be reassessed regularly.**

## 2.3 Approaches to Aboriginal-industry collaboration

Aboriginal peoples and forestry companies work together in Canada in an almost bewildering variety of forms. In this section, we try to organize this variety by looking at institutional arrangements and desired outcomes.

We have identified five main approaches to collaboration:<sup>5</sup>

- Treaties, agreements, and memoranda of understanding, which provide the frameworks within which collaborative arrangements are carried out;
- Involvement in forestland planning and management;
- Influence on decision-making through consultations etc.;
- Forest tenures;
- Economic activities such as businesses and partnerships.

Capacity building is a sixth approach that is essential to the success of each of the others, but is of less value if undertaken by itself.

In practice, distinctions between these approaches are not always apparent; for instance tenures are often linked to economic activities, and agreements may establish procedures for consultation or roles in management planning. Capacity-building is an important aspect of all approaches. Nevertheless, some approaches are better at providing certain outcomes than are others. Recognizing the range of options and understanding differences between these can help Aboriginal peoples, forestry companies and governments decide how best to meet the needs of each party.

Many Aboriginal communities engage simultaneously in several different approaches and/or collaborative arrangements, and these are often tailored to the needs and goals of each party (see section 2.2). Many arrangements are thus unique to a particular situation or community. Within each situation, Aboriginal communities, forestry companies and government should seek a combination of possible arrangements that can best respond to the needs of each party. There is no “one-size-fits-all” recipe that can be applied universally in all situations.

In this section, we present each main approach with a table describing several different forms of collaborative arrangement. These tables generally reflect the degree of Aboriginal control and responsibility, from high at the top of the table to low at the bottom. We also indicate whether each form of collaboration is of interest principally for Aboriginal peoples (Abor), government agencies (Gov) or forestry companies (Indust).

<sup>4</sup> Unfortunately, we had poor attendance from industry and government in these workshops, and so the goals identified here draw on the literature and from the contributions of Aboriginal participants and researchers.

<sup>5</sup> This typology is discussed in more detail in Wyatt et al. (2009).

### 2.3.1 Treaties, agreements and memoranda of understanding

Treaties and agreements have long been used to establish the formal framework for relations between Aboriginal peoples, government and companies. Although often seen as government-to-government arrangements, they can also include memoranda of understanding and agreements with enterprises. Such arrangements typically seek to clarify the rights of each party and to establish how they will work together.

An important element is the extent to which power is transferred to Aboriginal authorities. They range from comprehensive settlements that provide Aboriginal peoples with extensive powers of self-governance and land management (e.g., the Nisga'a agreement in

British Columbia, Rynard 2000) to memoranda of understanding (MOUs), such as for protection of hunting sites during harvesting operations (Table 2).

Treaties and higher level agreements establish the basic conditions for other approaches, but rarely contribute directly to Aboriginal employment or revenue. Memoranda of understanding (MOUs) and similar specific agreements between Aboriginal peoples and individual forestry companies or other organizations do not establish land rights, but can define how the parties collaborate on various issues. Often, such arrangements result from negotiations or from judicial actions that seek to share power and responsibility between governments, Aboriginal peoples and forestry companies.

**Table 2. Treaties, agreements and memoranda of understanding (MOUs)**

Treaties and comprehensive settlements	Aboriginal nations exercise governance powers, access to lands and resources and ability to control use by others. <i>Abor &amp; Gov</i>
Land and resource management agreements	Decision-making and management are shared between Aboriginal peoples and governments or companies. <i>Abor, Gov &amp; Indust</i>
Forest sector specific agreements and MOUs	Agreements to define issues of access or decision-making within a specific sector, such as forestry. <i>Abor, Gov &amp; Indust</i>
MOUs on specific cases or situations	Agreements to address a specific situation such as hunting practices or harvesting of a particular area. <i>Abor, Gov &amp; Indust</i>

### 2.3.2 Aboriginal involvement in forestland planning, management and land use mapping

Managing activities on traditional lands is an important goal for many Aboriginal peoples. Such activities may include traditional practices, resource management, or commercial development of natural resources. However, most forestlands in Canada are currently managed by government agencies or by private companies to whom governments have allocated harvesting and management rights. Aboriginal peoples seeking to obtain a role in forestland management need to negotiate with provincial agencies, or even with private companies, to determine the extent to which they can be involved.

The degree of control that an Aboriginal people exercises over forest management activities varies (Table 3). Full Aboriginal management represents the

ideal for most communities but is rare in practice. Aboriginal traditional knowledge is likely to be used in all forms of collaboration, and may involve land use studies and/or mapping.<sup>6</sup> However, little or no power is exercised by Aboriginal peoples in cases where they are simply expected to provide information (e.g., to non-Aboriginal managers) without obtaining other responsibilities for planning or management.

**Managing activities on traditional lands is an important goal for many Aboriginal peoples. This involves negotiation with provincial agencies, and often with private companies as well.**

**Table 3. Involvement in forestland planning, management and land use mapping**

Aboriginal land use planning and management	Aboriginal-based management of land including goal setting, institutions and decisions about activities. <i>Abor, Gov &amp; Indust</i>
Comprehensive planning	Aboriginal planning addressing Aboriginal goals, values and knowledge as well as the rights of other users. <i>Abor, Gov &amp; Indust</i>
Limited management planning	Aboriginal people undertake certain planning tasks under control of a non-Aboriginal manager. <i>Abor &amp; Indust, possibly Gov</i>
Management activities	Various activities in accordance with forest management plan prepared by a non-Aboriginal manager. <i>Abor &amp; Indust, possibly Gov</i>
Aboriginal land use and occupation maps and studies	Mapping and documenting knowledge and use of the land to contribute to management planning. <i>Abor, Gov &amp; Indust</i>
Documentation and/or sharing of traditional knowledge	Limited studies of Aboriginal knowledge, with little potential for protecting Aboriginal values in management. <i>Abor, Gov &amp; Indust</i>

<sup>6</sup> See Wyatt et al. 2010a for a more detailed discussion of the role of Aboriginal land use and occupation studies in forest management.

### 2.3.3 Influence on forest management decision-making

Across Canada, governments have chosen to establish a variety of consultation processes that enable Aboriginal peoples to influence decisions about forest management. This approach is distinct from the preceding one (Aboriginal involvement in management) as it typically assumes that governments and/or companies will continue to be responsible for managing forestlands.

Influence on decision-making, also referred to as “consultation” or “participation”, can occur in a wide variety of ways, including in forms described under other approaches (see Beckley et al. 2006). A key element is the amount of power or influence that an Aboriginal community has on final decisions (see Berkes et al. 1991). This ranges from full decision-making authority to simply providing information without much decision-making influence (Table 4). We include co-management here, rather than in the preceding approach, to emphasize the decision-making role of co-management arrangements as distinct from the implementation aspect of forest

management. (See Appendix 6ii for further discussion of co-management.)

While “consultation” processes are increasingly common, Aboriginal peoples stress that consultation should be meaningful, not just a formality. Processes should enable effective and equal participation by Aboriginal peoples, and should lead to decisions that respect their views (NAFA 2000, Ross and Smith 2003). It is also important to recognize that the formal allocation of power does not always ensure real influence on decision-making. An open-minded advisory committee may be more responsive to Aboriginal concerns than a formal co-management board with a very strict mandate.

Finally, we note that there are different arenas for decision-making, depending upon the scope of the decisions and the institutions and authorities involved. Discussions about land rights occur in a policy arena and should involve high-level negotiators, while disputes over harvesting guidelines are in the operational and will usually be dealt with by forestry professionals from each party.

**Table 4. Aboriginal influence on decision-making: different forms, degrees, and arenas**

#### Different forms and degrees of influence on decision-making

Autonomy	Aboriginal nations have full decision-making authority, possibly exercising this through customary rules and institutions. <i>Abor &amp; Gov</i>
Delegated authority	Decision-making authority is delegated to an Aboriginal nation, subject to a framework established by government. <i>Abor &amp; Gov</i>
Joint decision-making and co-management boards	Decisions are made jointly by Aboriginal and other stakeholders. Representation is usually, but not always, equal. <i>Abor &amp; Gov, possibly Indust</i>
Advisory multi-party round tables	Aboriginal and other stakeholders participate in discussions, without decision-making powers. <i>Abor, Gov &amp; Indust</i>
Exchanging information	Managers and Aboriginal communities exchange information about proposals, concerns and activities. <i>Abor, Gov &amp; Indust</i>
Providing information	Managers provide information about their plans and activities. Aboriginal people may provide their comments. <i>Abor, Gov &amp; Indust</i>

#### Different arenas for decision-making

Policy setting	Developing and influencing government policies; establishing the framework and scope of management. <i>Abor &amp; Gov</i>
Planning	Management planning over the medium term; zoning and determining permitted activities. <i>Abor, Gov &amp; Indust</i>
Operational management	Implementing management plans and administering day to day operations. <i>Abor &amp; Indust</i>

### 2.3.4 Forest tenures<sup>7</sup>

Traditionally allocated to forestry companies, forest tenures are now being granted by provincial governments to Aboriginal nations and Aboriginal organizations that wish to obtain harvesting rights or management responsibilities on public forestlands. Most tenures are primarily for timber harvesting, but other purposes could include non-timber forest products (NTFPs) or even carbon offsets. Importantly, tenure systems operate within the legal frameworks of government responsibility for natural resources.

The National Aboriginal Forestry Association has examined the extent of First Nation held tenures across the country, classifying these in four groups with a total allocation of nearly 12 million m<sup>3</sup>/year (Brubacher 2003, 2007). We extend this classification, adding four more forms (Table 5). These vary as to primary management purpose and the extent to which Aboriginal peoples are involved in planning and management. (See Vertinsky and Luckert [2010] for a recent discussion.)

**Table 5. Types of forest tenures held by Aboriginal peoples**

Aboriginal-controlled lands	Aboriginal peoples hold management rights and responsibilities under treaty or law. <i>Abor &amp; Gov</i>
Forest tenures designed by or with Aboriginal groups and held by them	Rights and responsibilities are delegated by governments under systems established by or with Aboriginal peoples. <i>Abor &amp; Gov</i>
Trusts	Title is delegated to a trustee who manages the land for Aboriginal beneficiaries to meet specific goals. <i>Abor &amp; Gov</i>
Long-term area-based NAFA class 1	Long-term rights and responsibilities for harvesting and/or managing a defined area; large scale. <i>Abor &amp; Gov</i>
Significant volume NAFA class 2	Long-term rights to harvest a specified volume of timber; possibility of management responsibilities. <i>Abor &amp; Gov, possibly Indust</i>
Short-term / enterprise NAFA class 3	Short-term allocation, usually of a specified volume of timber, to Aboriginal community or enterprise. <i>Abor, Gov &amp; Indust</i>
Minor and special NAFA class 4	Usually short-term permits to harvest specified products under strict conditions (includes firewood, NTFPs). <i>Abor, Gov &amp; Indust</i>
New and emerging tenures	Control and management for innovative forest uses such as biodiversity, carbon offsets, ecological services, NTFPs. <i>Abor &amp; Gov</i>

<sup>7</sup> *Forest tenures* refer to the licenses, regulations and agreements that governments use to define the rights and obligations of parties that wish to harvest publicly-owned forests (Ross and Smith 2002).

### 2.3.5 Economic and commercial roles and activities

For many Aboriginal peoples, the forestry industry provides opportunities for income (individually and for the community), economic development, political autonomy, employment and the ability to manage forestlands. Wilson and Graham (2005) estimated that there were 1,500 Aboriginal firms involved in forestry across Canada in 2002, and the numbers have almost certainly increased since.<sup>8</sup> Forest tenures (preceding approach) are often seen as an economic role, but we also note that some communities develop extensive economic partnerships without holding tenure, while others obtain a forest tenure and subsequently sub-contract this to non-Aboriginal parties. Table 6 illustrates the variety of possible activities, with very different requirements in human, financial and

material resources. (See Appendix 6iii for further discussion of role of economic development.)

“Aboriginal” businesses can adopt different structures, including individual companies, communal enterprises and joint ventures with non-Aboriginal organizations. Economic benefits, profits and capacity development are all common outcomes. However, economic roles rarely enable Aboriginal peoples to participate in decision-making about forest management, or to propose alternatives to normal forestry industry practices (Curran and M’Gonigle 1999, Wyatt 2004). Choosing the most appropriate economic role will depend on local circumstances, available resources, forest tenures and especially the willingness of established forest industries to accept and support new participants in the forest sector.

**Table 6. Economic and commercial roles and activities for Aboriginal peoples in forestry**

Primary and secondary transformation	Industrial facilities to transform forest products, such as sawmills, paper mills, value-added products and NTFPs. <i>Abor, Gov &amp; Indust</i>
Forestry planning activities	Specialist management services, usually under contract, such as inventories, planning and community assessments. <i>Abor &amp; Indust</i>
Harvesting and management operations	Operational activities, usually under contract, such as road construction, logging and monitoring. <i>Abor, Gov &amp; Indust</i>
Silviculture and protection operations	Labour-intensive activities, usually under contract, such as planting, thinning, reclamation and fire-fighting. <i>Abor, Gov &amp; Indust</i>
Employment and training agreements	Agreements between communities and companies or agencies to employ Aboriginal individuals, often including training. <i>Abor &amp; Indust</i>
Revenue and profit sharing agreements	Agreements to obtain royalty payments, cutting rights or profit sharing from either government or companies. <i>Abor, Gov &amp; Indust</i>
Access costs	Payments to Aboriginal communities associated with granting access to the resource, including impact benefits and compensation. <i>Abor, Gov &amp; Indust</i>
Indirect opportunities	Mechanical services, transportation, operation of forestry camps, etc. <i>Abor &amp; Indust</i>
Non-timber forest products	Eco-tourism, carbon credits/offsets, environmental service payments, commercialisation of non-timber forest products. <i>Abor, Gov &amp; Indust</i>

#### Business ownership types

Nation or community-owned non-profits	Communal organizations that distribute benefits to an Aboriginal community.
Aboriginal businesses, partnerships and cooperatives	Commercial organizations that are controlled by Aboriginal peoples, individually or collectively.
Aboriginal - non-Aboriginal joint ventures	Business jointly owned by Aboriginal and non-Aboriginal enterprises; control usually determined by shareholdings.

<sup>8</sup> See also Troster et al. (2007) and Hickey and Nelson (2005) for analyses of factors that affect Aboriginal participation in Canada’s forestry industry.



### 2.3.6 Capacity-building

Aboriginal communities frequently lack the skilled and experienced personnel necessary to engage in different forms of collaboration, especially at higher levels. Similarly, forest industries and governments often lack personnel who are capable of effective interaction with Aboriginal people. Carefully designed and implemented programs can help build necessary capacity. There are numerous programs of this type across Canada, often funded by federal or provincial governments, but also involving forestry companies and industry groups. However, training programs alone should not be considered as a form of collaboration, unless they are linked to opportunities to implement these skills. As Stevenson and Perrault (2008) noted, the key questions of capacity-building are “For what and for whom”. Participation in collaborative arrangements can in itself help develop capacity in all those involved, as discussed in section 2.6 (outcomes) below.

### 2.3.7 What forms of collaboration are you using?

Figure 1 integrates our various approaches and forms into a single graphic, based on the tables presented in the preceding pages. We invite leaders and managers from all three parties to consider which forms of collaboration they are currently using. This graphic should also help them to identify the various outcomes that are possible, and to consider developing other forms of collaboration in order to seek further results.

Treaties, agreements, MOUs	Management and planning	Influence on decision-making	Forest tenures	Economic roles
Treaties Agreements Sector MOUs Case MOUs	Aboriginal Comprehensive Planning Activities Land use maps Trad. knowl. studies	Autonomy Delegated authority Co-management Advisory tables Exchange info. Provide info.	Aboriginal lands Aboriginal tenure Trusts NAFA class 1 NAFA class 2 NAFA class 3 NAFA class 4 Emerging	Primary transform'n Secondary transf. Forest planning Harvesting Silviculture Employment Revenue-sharing Access costs Indirect Non-timber for. prod.

**Figure 1 .** What forms of collaboration are you using?

## 2.4 Collaborative arrangements across Canada

Collaboration between Aboriginal peoples and forestry companies takes many forms, but these forms are not evenly distributed across Canada. In order to assess the extent of practices “on the ground”, we conducted an inventory of collaborative arrangements in 482 Aboriginal communities in all Canadian provinces and territories except Nunavut. This enabled us to look at the frequency of different approaches and to relate these to policies and programs in each province.

The inventory was based mainly on secondary sources – Aboriginal and government reports, websites, the scientific literature and other documents. These sources were supplemented by key informants with specialist knowledge, including representatives of various Aboriginal organizations, government officials (such as from the First Nations Forestry Program) and a

number of university researchers. It is important to note that a full inventory is probably impossible and there are certainly cases that have been missed. In particular, little information is available on Métis involvement in forestry and it is likely that this is under-represented in our inventory.

Table 7 presents the relative frequency of different forms of collaboration in 482 individual Aboriginal communities. Unfortunately, accurate information was not available for all of British Columbia’s Aboriginal communities in forest areas and so two collaborative approaches (planning, management and land use studies; and influence on decision-making) were excluded from the results of our inventory for this province. Many communities are engaged in more than one form of collaboration, and so the totals for a given line in this table can exceed 100%. Appendix 4a provides a description of the situation within each province or territory, including principal elements of policy.

**Table 7. Frequency of collaborative arrangements used by Aboriginal communities<sup>1</sup>**

PROVINCE OR TERRITORY	Number of communities inventoried	FORMS OF COLLABORATION				
		Treaties, agreements and MOUs	Land use studies <sup>1</sup>	Influence on decision-making <sup>1</sup>	Forest tenures	Economic roles and partnerships
British Columbia	164	93% (153)	na	na	98% (160)	74% (122)
Alberta	44	34% (15)	43% (19)	52% (23)	18% (8)	59% (26)
Saskatchewan	39	28% (11)	46% (18)	49% (19)	44% (17)	54% (21)
Manitoba	50	56% (28)	50% (25)	18% (9)	46% (23)	12% (6)
Ontario	81	23% (19)	17% (14)	33% (27)	33% (27)	62% (50)
Quebec	32	59% (19)	41% (13)	88% (28)	38% (12)	72% (23)
New Brunswick	15	0	13% (2)	0	100% (15)	100% (15)
Prince Edward Island	2	0	0	0	0	100% (2)
Nova Scotia	14	43% (6)	79% (11)	43% (6)	7% (1)	100% (14)
Newfoundland and Labrador	4	50% (2)	50% (2)	75% (3)	75% (3)	50% (2)
Yukon	10	90% (9)	100% (10)	100% (10)	90% (9)	10% (1)
Northwest Territories	27	100% (27)	7% (2)	0	37% (10)	0
<b>Total (exc. BC)</b>	<b>318</b>	<b>43% (136)</b>	<b>36% (116)</b>	<b>39% (125)</b>	<b>39% (125)</b>	<b>50% (160)</b>
<b>Total (inc. BC)</b>	<b>482</b>	<b>60% (289)</b>			<b>59% (285)</b>	<b>58% (282)</b>

<sup>1</sup> Actual numbers may be significantly higher (see text).

na Information from British Columbia was insufficient to classify existing arrangements in communities for two forms of collaboration.

The three approaches for which information is available for all provinces show similar frequencies, at between 58% and 60% of all communities inventoried. Among these, **treaties and formal arrangements** that address forestland use are slightly more common, occurring in 60% or 289 communities. However, this proportion falls to only 43% when British Columbia is excluded. Our inventory excluded formal adherence to historical treaties, but included new treaties such as those with the Nisga'a and the James Bay Cree and land use and management agreements. Treaties and agreements are particularly common in British Columbia, the territories and Quebec, reflecting interest in these forms as a means of resolving land claims. In other provinces, where historical treaties were signed, newer agreements have been less common.

**Aboriginal-held forest tenures** followed very closely in second place, occurring in 59%, or 285, of the communities inventoried. Third place is occupied by **economic roles, contracts and partnerships** between an Aboriginal group and a forestry company at 58%, 282 communities. Interestingly, this approach is the most common form of collaborative arrangement when British Columbia is excluded. Both tenures and economic involvement are often encouraged by government policies and can provide immediate benefits to both Aboriginal communities and to the company without challenging government responsibility for forestlands. While contracting for silvicultural and harvesting operations are the most common forms of economic arrangement, some communities are part or full owners of wood transformation facilities.

**Influence on decision-making and land use studies** are a little less common, occurring in 39% and 36% of communities (excluding British Columbia where consistent information was not available). However, both categories proved particularly difficult to identify and so actual numbers may be significantly higher. Influence, or consultation, occurs in a wide variety of forms and so we have attempted to limit this category to processes higher on the scale than simply exchanging information. Management arrangements can also take many forms and are difficult to evaluate using secondary information.

More than two-thirds of the communities inventoried are engaged in more than one form of collaboration, with nearly half being involved in three or more. In fact, our inventory probably underestimates the extent of multiple collaborations. For instance different arrangements of the same approach (such as a land use study and a role in management) were counted only once, and previously existing arrangements (such as a failed joint venture) were ignored. Engaging in multiple forms of collaboration does help all parties to meet a range of objectives, but also means increased demands on scarce resources, especially for Aboriginal communities. The extent of multiple collaboration arrangements is discussed in further detail in Appendix 4b.

Finally, we looked at the number of research studies that have been undertaken for each collaborative approach and compared this to the frequency of these approaches in our inventory. This analysis shows that trends in studies and research do not reflect the extent of collaborative arrangements in practice. Economic collaboration and forest tenures are particularly under-represented in research, despite being the most widely adopted approaches to collaboration. Appendix 4c discusses this in greater detail.

## 2.5 Rethinking collaboration: some lessons from experience

Relations between Aboriginal peoples and forestry companies in Canada are constantly changing. This requires that we be prepared to rethink our views and our ways of understanding this relationship. Thirty years of experience in collaboration has provided both successes and failures. While some models work better than others in certain contexts, a strict adherence to specific forms of collaboration represents a potential trap.

Carlsson and Berkes (2005) consider that collaborative natural resource management cannot be sustainable if it is created from an imposed template. Many new initiatives are focused on replicating existing models, rather than on adapting these to changing environments. It is all too easy to adopt a view whereby a certain template for a business partnership or a consultation process can become the only way to address the relationship between Aboriginal peoples and forestry companies.

We conducted a “metasynthesis” to help us push beyond a simple summary of existing experience and research. Our goal was to achieve a better understanding of what makes collaboration work in different contexts, not to propose a new template (or a better trap); communities will still need to develop their own collaborative arrangements. A metasynthesis can offer new understanding of findings from individual studies, developing new explanations by analyzing and then synthesizing results. Appendix 6 provides a more detailed discussion of this work, which was carried out using special software for qualitative analysis.

Three key themes were treated in our metasynthesis. In our analysis and discussion (Appendix 6), each theme is reinterpreted in a way that is subtly different from its common application in Canada:

- Using **Aboriginal and scientific knowledge** in forest management is not just about how to document and use Aboriginal knowledge. It is about understanding and respecting the relationships between knowledge (both Aboriginal and scientific), the persons holding the knowledge, and the forest.
- **Co-management** is often presented as an institutional arrangement for sharing the management of natural resources, but is better understood as a social learning process for managing human use of these resources.

- **Economic development** is not simply a matter of increasing employment and business revenue, but may be better indicated by sustainable progress towards community goals, increased capacity and improved relationships.

Our approach enabled us to identify five common issues that apply across the themes examined above (Box 3).

These apply beyond any single arrangement or case, and allow us to take an integrated view of collaboration between Aboriginal peoples and forestry companies. They also helped to develop our approach to building collaboration between the parties, presented in section 2.7.

## 2.6 Collaboration outcomes: building different forms of capital

Collaborative arrangements can provide a wide range of results. The relative importance of each of these will depend upon the goals and preferences of each partner. Initially, we described these simply as outcomes, but participants at a workshop in Ottawa in June 2008 proposed that collaboration should be seen as a means of building or reducing capital. The use of “capital” in such a context is discussed in greater detail in Appendix 7. We suggest that collaboration can contribute to the following five broad types of capital, as illustrated in Figure 2.

### BOX 3

#### Some key lessons

**Respectful communication** helps each party to understand other points of view and to recognize the value of the knowledge, experience and values that each can bring.

**Rights, power and differences in worldview and knowledge** need to be dealt with clearly and fairly. To address these fundamental issues parties need to negotiate processes and standards that will respect the interests of each.

**Flexible institutional structures** are needed to respond to complexity and change. Equally, the absence of an institution may provide a space where parties can determine their own means of collaboration.

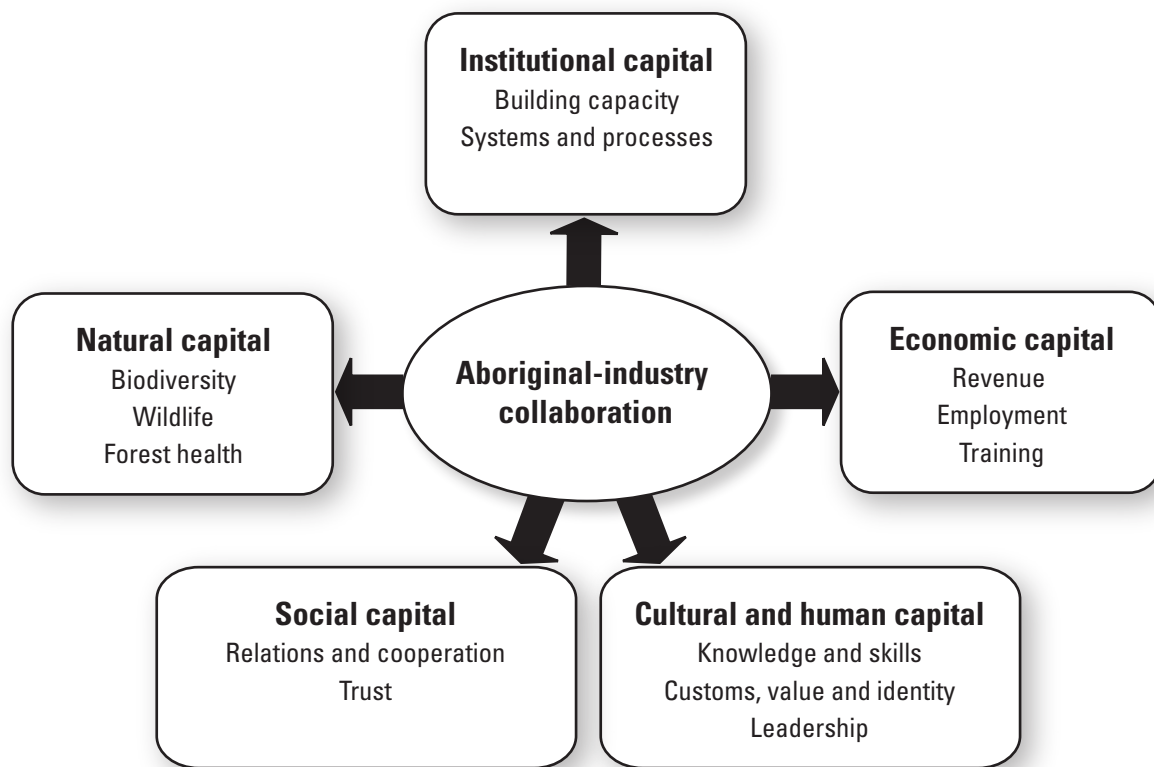
**Learning by doing** appears particularly appropriate; initiating collaborative activities, considering outcomes, and learning from the results (both good and bad).

**Clear goals, an understanding of how to achieve these, and indicators of success (or failure) for monitoring and evaluation** need to be negotiated by participants.

**Economic capital** includes money and revenue, but also signifies **employment** and **business opportunities**. The **bush or subsistence economy** is also an aspect of economic capital, emphasizing that economic capital is not limited to the cash or market economy. Most collaborative arrangements have the creation of economic capital as at least one of their main objectives.

**Natural capital** covers a wide range of goods and services provided by the environment, such as biodiversity, wildlife, soils, water, forests and the integrity of ecological processes. Berkes and Folke (2002: 6) identify three main types of natural capital: **non-renewable resources**, **renewable resources**, and **environmental services** sustained by the workings of ecosystems. Scale is an important consideration relating to natural capital, as actions that could be beneficial on a large scale (such as planting more trees) could seriously diminish ecological capital on a smaller scale (such as biodiversity or water quality).

**Social capital** for Aboriginal peoples includes the strength of a community’s social relations of cooperation. This includes both relations within a community and a community’s relations with the outside. Government and industry actions to support and build communities and society at different levels can also contribute to creating social capital. Woolcock (2001: 72) divides social capital into three main forms: “bonding” social capital, relating to **relationships within communities**, “bridging” social capital **between communities** with similar global volumes and/or composition of capital, and “linking” social capital **between actors** of different global volume and/or composition of capital. The level of **trust** between partners, a theme that has come up frequently during the workshops, can be seen as an important indicator of social capital (Coleman 1990 in Berkes and Folke 2002: 6).



**Figure 2.** Collaboration can build different forms of capital.

**Cultural capital** includes “forms of cultural knowledge, competences or dispositions” (Johnson 1993: 7). For Aboriginal peoples this type of capital includes knowledge about the land and how to use it, leadership, customs, values, and identity. **Human capital** refers to the skills and knowledge that individuals acquire through formal education as well as informal learning taking place in families, communities and workplace (Coleman 1988).

**Institutional capital** refers to organizations, social structures and rules that actors establish to govern themselves (Ostrom 1990: 190) and, more particularly, refers to the fact that these organizations can be possessors of a certain social status (Pazzaglia and Margolis 2008: 185). The legitimacy of institutions and organizations is not static. As it builds, it can become a resource in itself. Thus, institutional capital accounts for both the incremental building of institutional arrangements and the value actors give to these arrangements.

Success can be understood as an overall increase in capital for all partners. Ideally, economic capital is produced, natural capital is preserved or increased, social relations of trust are built, knowledge is gained by all partners, and solid institutions are built.

However, in practice it is difficult to measure different forms of capital, other than their general usefulness in achieving desired social goals.

**Capital (of various forms) is both an outcome of collaboration and a precondition for the success of further, more elaborate arrangements.**

As pointed out by workshop participants from the forestry industry, capital is both as an outcome of collaboration and a precondition for the success of further, more elaborate, arrangements. Ostrom (1990 190) notes that “Success in starting small-scale initial institutions enables a group of individuals to build on the social capital thus created to solve larger problems

with larger and more complex institutional arrangements”. Hence there is an advantage in allowing partners to set realistic short-term goals by focusing on increasing one form of capital that will be crucial for further successful collaborative arrangements that will have a broader impact on the whole range of outcomes.

Parties in a collaborative arrangement do not usually attach the same importance to different outcomes. Industry participants in project workshops emphasized short-term benefits from collaboration such as creating employment and training (economic capital) and building closer relations (social capital). The short-term goals of Aboriginal participants were more variable, depending on each individual context, but included greater recognition of their values and knowledge (cultural capital), reinforcing traditional institutions (institutional capital) and generating community income (economic capital). Both groups spoke of the importance of maintaining ecosystems, environmental values or natural processes (natural capital), but this was not necessarily at the same scale. Collaboration will probably require trade-offs, which will need to be negotiated by the parties over time.

## 2.7 A collaboration-building process

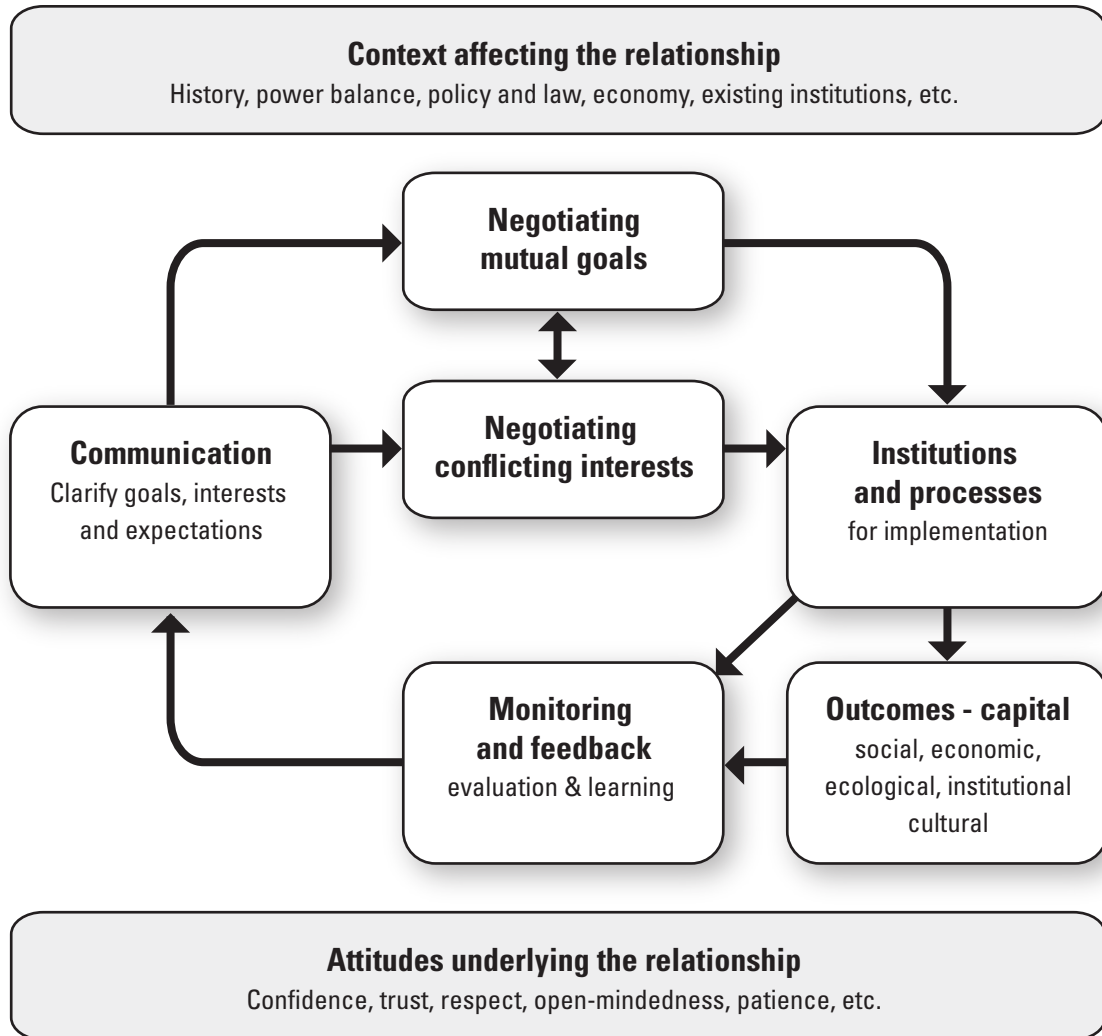
Relationships and collaboration between Aboriginal peoples and forestry companies are not static. Interests shared by parties change through time, requiring reassessments of collaborative arrangements. Changes in policies and government programmes, new judicial decisions, economic conjunctures and increasing capacity all contribute to transforming the context of forestry. These changes will render some existing models of collaboration less interesting while providing opportunities for experimenting with new forms, even in areas where core issues of rights have not yet been resolved. New activities become possible and visions and objectives are revised.

In such a changeable environment Aboriginal peoples, in particular, are concerned about static models of collaboration in which participants would be set in fixed roles. Structures of collaboration should be able to adapt as capacity builds in communities, and as their needs change.

**A collaboration-building process should provide short-term outcomes while also addressing fundamental issues and building capacity for the future.**

**All steps of this process are equally important.**

It seems premature to set “harmony” between Aboriginal peoples and the forestry industry as an end goal, as such a definition is likely to reflect current inequalities in rights and resources between stakeholders. What is needed are clear, adaptable, and constructive processes that provide short-term outcomes for the parties while also addressing fundamental issues and building trust and capacity for the future. Such processes should be circular, rather than linear, so that one collaborative experience (whether successful or not) can pave the way for another. Hence we present the following model (Figure 3) of a collaboration-building process.



**Figure 3.** A process model for building collaboration.

Each component of this process is described in further detail in Appendix 8. It is important to note that no single element of this process is more important than another in building successful collaborations. Informal accounts of particular experiences often emphasize one or two elements, such as communication or institutions. However, formal negotiation procedures that are perceived as equitable by all partners are just as important in building trust in the process. Collaborative arrangements that do not provide tangible outcomes in the short or medium term are also unlikely to persist in time. Finally, monitoring, both as a formal and informal component of the process, is essential for the evolution of a relationship as it helps to adjust the roles, goals, interests and expectations of each party as these change with time.



# 3.0

## Implications and recommendations

### 3.1 Implications for Aboriginal leadership and communities

Aboriginal people in leadership positions have a critical role in building collaboration with forestry companies. In this context, leadership includes not only the elected officials such as chiefs and councillors, but also the experts (internal and external to the community) who can provide advice and technical support, the elders and community members who can articulate their needs and vision, and Aboriginal entrepreneurs who are often at the forefront of collaborative arrangements.

#### Choosing among different forms of collaboration

Aboriginal peoples are faced with a variety of possible collaborative arrangements (section 2.3). Most communities have limited time, capacity and financial and technical resources, and must make choices about the forms of collaboration in which they can afford to engage. These choices will usually reflect the community's needs, priorities and capacity, as well as the opportunities offered by company partners and government policy. Leaders should ensure that choices are consistent with the community's vision for the future.

#### Multiple forms of collaboration are possible

Aboriginal communities can, and indeed should, embark upon different collaborative arrangements in order to meet different needs. Choices need to be made, but many communities can support several forms of

collaboration at the same time. However, it is important to ensure that multiple forms do not create internal conflicts.

#### Recognition of rights creates space for collaboration

Establishing rights, whether through treaties, negotiations, legal processes or other means, helps to create the opportunity for Aboriginal peoples to negotiate collaborative arrangements that meet their needs. However, rights alone will not provide the economic or land use outcomes that many communities seek. Fighting for rights through legal challenges and direct protest actions has proven effective for many communities, but such conflict can also become the focal point of tensions that reduce trust and confidence with the forestry industry, rendering collaboration more difficult.

### 3.2 Implications for forestry industry managers

Managers and leaders in the forestry industry are the second principal group involved in Aboriginal-industry collaboration. Within their organizations, they are often called upon to negotiate with Aboriginal leaders on subjects that go well beyond the ordinary issues of forest or business management. Major forestry companies in Canada operate across a number of provinces, and so must deal with a variety of different Aboriginal communities while respecting different provincial rules and policies.

### **Choosing among different forms of collaboration**

Industry managers are faced with a variety of possible collaborative arrangements (section 2.3). Although initially confusing, this variety enables managers to choose options that best respond to local needs. They should consider the needs, priority and capacity of the company, the opportunities and interests of specific Aboriginal communities and the framework created by government policy and other factors such as forest certification.

### **Various forms of collaboration can be used within a single company**

Companies that operate in a number of locations must usually consider a variety of collaborative arrangements to meet the distinct needs of each Aboriginal community and to comply with each province's policy and regulatory requirements. Procedures within companies should enable and encourage such a diversity, rather than seeking to establish a single model for collaboration in all divisions.

### **Aboriginal interests are wider than “forestry”**

Revenue and employment are common goals for many Aboriginal communities seeking collaboration, but they are rarely the only interests. Aboriginal rights, decision-making powers, access to land, community wellbeing or recognition may all be equally or more important. Although forestry companies are often unable to address these issues directly, managers need to be aware of the significance of these issues and of their potential impact upon collaboration.

### **Collaboration is an investment**

Establishing collaborative arrangements with Aboriginal communities can provide a variety of benefits including reduced conflicts, more secure access to timber, a labour force, learning, legal compliance and corporate social responsibility. Time,

effort and money involved in collaboration should be regarded as an investment that enables a company to obtain these benefits.

## **3.3 Implications for governments and policy-makers**

The original terms of reference for this project specified just two groups: the forestry industry and Aboriginal peoples. However, collaboration between these groups cannot be considered without recognizing the role of governments. Governments have specific responsibilities towards forests, Aboriginal peoples and any commercial sector. Policies and regulatory frameworks, forest tenure systems, support and incentive programs and even business legislation all have important impacts on how Aboriginal-industry collaboration occurs. Most importantly, Aboriginal rights are at the forefront of Aboriginal concerns and can potentially have impacts on forestry in many parts of Canada. Hence, governments are critical parties in framing collaboration.

### **Collaboration requires clarity on Aboriginal rights**

Both industry and Aboriginal participants in this project were vocal in expressing a perception that federal and provincial governments need to do more to resolve uncertainty about Aboriginal and industry rights over the same forests. Resolution of long-standing Aboriginal demands for recognition of their rights would facilitate collaboration by enabling Aboriginal and forestry company managers to negotiate on more specific issues within their responsibilities.

### **“One size fits all” does not apply to collaboration**

There are many possible forms of collaboration (section 2.3), yet government programs often focus on a single model or on a specific policy initiative, such as encouraging Aboriginal employment in the forest sector. Instead, government policy should be flexible, recognizing that success in collaboration will depend upon a variety of arrangements that meet the needs of the partners.

### **Collaboration requires clear policy frameworks**

Almost all the forms of collaboration identified in this report depend upon policy frameworks established by government. Existing arrangements such as forest tenure, consultation requirements, treaties and training programs need to be expanded and improved to incorporate other initiatives developed by Aboriginal peoples and forestry companies.

### **Importance and pitfalls of minimum requirements for collaboration**

Many provinces establish minimum requirements for collaboration, such as in consultation or tenure. These are beneficial, but governments should also encourage innovative arrangements that go beyond these limited obligations.

### **Availability of resources for promoting collaboration**

Capacity and resources are a problem in many Aboriginal communities, while forestry companies and government agencies also typically lack staff with skills and knowledge for collaboration with Aboriginal people. These mutual capacity shortfalls need to be addressed in a focused and expedited manner in every jurisdiction in this country.

## **3.4 Implications for researchers**

As researchers, the authors of this report draw a number of lessons for future work. In particular, section 2.4 showed where previous research has been concentrated and how this differs from practice. We consider that future research can provide essential support to collaboration by improving our understanding of how it occurs and what factors best contribute to success. Future research should address the following:

### **Deeper understanding of the foundations of collaboration**

Section 2.7 presented a model for building collaboration (Figure 3). This model needs

to be further verified through testing in specific collaborative arrangements across a variety of situations. This will help to provide a clearer understanding of how and why collaboration occurs.

### **Greater knowledge of collaboration in economic development**

As noted in section 2.4, economic collaboration is widespread across Canada but this subject is under-represented among research studies. More research is needed on Aboriginal participation in forestry businesses and other collaborative arrangements. Research is needed on issues such as the benefits of economic arrangements for Aboriginal peoples, the characterization of effective processes, the identification of factors that contribute to successful outcomes and impacts of collaboration upon the other interests of Aboriginal communities.

### **Assessment of the development and impacts of multiple forms of collaboration**

This study shows that many communities engage simultaneously in several forms of collaboration. However, most studies of collaboration focus on one collaborative arrangement in a specific situation at a particular point in time, or on a single form across several cases. More research is needed to understand how Aboriginal communities and forestry companies decide which forms are appropriate, how one experience affects others, and what the long-term trends are in collaborative arrangements.

### **Evaluating the effectiveness of different forms of collaboration**

Some research has sought to develop criteria for Aboriginal involvement in forestry development (e.g., Natcher and Hickey 2002). We also considered developing an assessment matrix (similar to that proposed by Beckley et al. 2006) to help forest

industries, Aboriginal leaders and government agencies consider the effectiveness of different forms of collaboration in achieving certain goals or outcomes. We were not able to undertake this, but we consider that such a tool would provide practical assistance in building collaboration.

# 4.0

## Conclusions

Aboriginal peoples, forest industries, government agencies and researchers have all gained extensive and detailed experience in different facets of collaboration over the last thirty years. This variety of experience is tremendously valuable. It would be impossible to compile all the knowledge thus obtained into a single report; the findings above indicate only briefly the range of options, experience and current thinking in this area.

However, we also consider that much of this experience has remained within silos: traditional knowledge has been distinct from business partnerships, which are separate from legal processes, which are conducted differently from discussions about forest practices, and so on. In preparing this report we adopted a broad definition of collaboration and sought to find common ground across this diversity. Based on these experiences, we articulate the State of Knowledge in Aboriginal-industry collaboration around six key ideas.

### **Collaboration is driven by Aboriginal rights, policy and other factors**

Forestry companies and Aboriginal peoples are establishing collaborative arrangements in response to various drivers, not simply because they think it is a good idea. Drivers include clarification of Aboriginal rights, changing federal and provincial policies, legal decisions, and economic challenges in Canada's forest sector, among others. These factors do not apply uniformly across the country, and so Aboriginal peoples and forestry companies may adopt various and different arrangements for collaboration. Furthermore, the importance of particular drivers can change over time, and so arrangements that are currently appropriate may not respond adequately in a future situation.

### **Collaboration can, and should, take different forms**

There are many forms of collaboration, as summarized in Figure 1. While such diversity may seem confusing, in fact it enables partners to choose different forms according to their needs. For many Aboriginal communities, a single collaborative arrangement will not meet their needs and so they will choose to engage simultaneously in multiple forms of collaboration. Selecting and using multiple forms of collaboration calls for consistency within overall strategies to meet a variety of expectations and goals. We suggest that Aboriginal and industry leaders consider where their forms of collaboration fit in the table.

### **Collaboration must meet different needs and interests**

Forestry companies, Aboriginal peoples and governments each have their own interests in relation to forestlands and forest sector development. Collaborative arrangements must therefore respond to a variety of expectations. Furthermore, these interests and expectations can change over time. It is very important that each party understand the other parties' goals and perspectives. (See sections 2.1 and 2.2.)

Often parties may be able to agree on shared goals or goals that are different but not in conflict. In cases where not all goals can be met, parties must decide which goals are the most important for each and which can be met within the context of the arrangement. Failure to agree on goals creates problems for implementing collaboration. It can also lead to situations where one party considers an arrangement to be a success while the other group decides that collaboration has failed to meet its needs.

### **Collaboration outcomes help build capital, but outcomes must be balanced**

Outcomes of collaborative arrangements are not limited to employment, revenue or recommendations to change forest practices, but can take a variety of forms. We have grouped these as economic, natural, social, human and cultural and institutional capital (section 2.6). Positive outcomes help to build capital for investment in future collaborative arrangements. Different forms of capital are not equally important for each partner. Trade-offs may be needed to decide on priority outcomes; this requires negotiation and discussion.

### **Collaboration doesn't just happen; it must be built and maintained**

Collaboration between Aboriginal peoples and forestry companies is best understood as a process that provides short-term outcomes for the parties while also addressing fundamental issues, facilitating learning and building trust and capacity for the future. This process is circular and iterative (Figure 3) so that one collaborative experience has an impact on future collaboration. An important implication of this view is that collaboration is not simply a model or a recipe that can be applied, but is rather about learning and building relationships.

### **Collaboration needs government involvement and flexibility**

Governments, both federal and provincial, are key actors in enabling collaboration between forestry companies and Aboriginal people. The federal government has primary responsibility for “Indians”, while provincial policies for land use planning, forest tenure, economic development, consultation and industry support can all have impacts on the collaboration arrangements between Aboriginal peoples and forestry companies. Changing contexts and the variety of forms that collaboration can take suggest that governments need flexibility in policies and programs, rather than seeking to apply a single model in all situations.

Federal and provincial governments have a responsibility to consult and accommodate Aboriginal peoples if forestry activities might affect Aboriginal interests. In several provinces, both industry and Aboriginal groups feel that governments (both provincial and federal) are not acting to resolve problems associated with respect of Aboriginal rights. This creates uncertainty that hampers collaboration. Many consider that the federal government should be more active in promoting Aboriginal interests in provincial natural resource development and management.

Governments also have critical roles in supporting collaboration, notably by helping strengthen capacity and by establishing processes that encourage relationships between forestry companies and Aboriginal communities. Finally, as much of Canadian research is publicly funded, government support can enable researchers to better understand the dynamics of collaboration and contribute to the development of effective approaches.

# 5.0

## References cited<sup>9</sup>

- Aikenhead, G.S. and Ogawa, M. 2007.** Indigenous knowledge and science revisited. *Cultural Studies of Science Education* 2: 539-620.
- Amnesty International. 2005.** Canada: protection of the human rights of Indigenous peoples an urgent priority – at home and abroad.
- Anderson, J., Gomez W., C., McCarney, G., Adamowicz, W., Chalifour, N., Weber, M., Elgie, S. and Howlett, M. 2010.** Natural capital: using ecosystem service valuation and market-based instruments as tools for sustainable forest management. A State of Knowledge report. Sustainable Forest Management Network, Edmonton, Alberta. 75 pp.
- Armitage, D., Berkes, F. and Doubleday, N. (eds). 2007.** Adaptive co-management: collaboration, learning, and multi-level governance. UBC Press, Vancouver, British Columbia.
- Arnstein, S.R. 1969.** A ladder of citizen participation. *American Institute of Planning Journal* 35(2): 216-224.
- ASEP. 2009.** ASEP -NB Inc. Building the forest economy for New Brunswick's Aboriginals.
- ATLAS.ti. 1993-2009.** ATLAS.ti: The Knowledge Workbench. ATLAS.ti Scientific Software Development GmbH, Berlin.
- Beckley, T., Martz, D., Nadeau, S., Wall, E. and Reimer, W. 2008.** Multiple capacities, multiple outcomes: delving deeper into the meaning of community capacity. *Journal of Rural and Community Development* 3(3): 56-75.
- Beckley, T., Parkins, J. and Sheppard, S. 2006.** Public participation in sustainable forest management: a reference guide. Sustainable Forest Management Network, Edmonton, Alberta.
- Beierle, T. and Cayford, J. 2002.** Democracy in practice: public participation in environmental decisions. Resources for the Future, Washington DC.
- Berkes, F., Colding, J. and Folke, C. 2000.** Rediscovery of traditional ecological knowledge as adaptive management. *Ecological Applications* 10(5): 1251-1262.
- Berkes, F., Colding, J. and Folke, C. (eds). 2003.** Navigating social-ecological systems: building resilience for complexity and change. Cambridge Univ. Press, Cambridge, U.K.

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<sup>9</sup> Legal cases mentioned are listed separately below.

- Berkes, F. and Folke, C. 2002.** Linking social and ecological systems for resilience and sustainability. *In* Linking Social and Ecological Systems. Edited by Berkes, F. and Folke, C. Cambridge University Press, Cambridge. pp. 1-25.
- Berkes, F., George, P. and Preston, R.J. 1991.** Co-management: the evolution in theory and practice of the joint administration of living resources. *Alternatives* 18(2): 12-18.
- Blakeney, S. 2003.** Aboriginal forestry in New Brunswick: conflicting paradigms. *Environments* 31(1): 61-78.
- Bondas, T. and Hall, E.O.C. 2007.** Challenges in approaching metasynthesis research. *Qualitative Health Research* 17(1): 113-121.
- Borrini-Feyerabend, G. 2000.** Co-management of natural resources: organizing, negotiating and learning by doing. IUCN, Yaounde, Cameroon.
- Bouthillier, L. and Roberge, A. 2007.** Les intentions des programmes de participation du public appliqués par l'industrie forestière : état de la situation au Québec. *The Forestry Chronicle* 83(6): 810-817.
- Boyd, J. 2006.** Aboriginal economic development by two Cariboo Chilcotin joint ventures. Master's thesis, Faculty of forestry, University of British Columbia, Vancouver, Canada. Available at <http://hdl.handle.net/2429/17861>.
- Brubacher, D. 2003.** Report on First Nation-held forest tenures In Canada. National Aboriginal Forestry Association, Ottawa.
- Brubacher, D. 2007.** Second report on First Nation-held forest tenures In Canada. National Aboriginal Forestry Association, Ottawa.
- Butt, E. and Hurley, M.C. 2006.** Specific claims in Canada. Parliamentary Information and Research Service, Library of Parliament. PRB 06-18E, Ottawa.
- Cajete, G.A. 2000.** Native science: natural laws of interdependence. Clear Light, Santa Fe, NM.
- Carlsson, L. and Berkes, F. 2005.** Co-management: concepts and methodological implications. *Journal of Environmental Management* 75(1): 65-76
- Coleman, J.S. 1988.** Social capital in the creation of human capital. *The American Journal of Sociology* 94: S95-S120.
- Collier, R., Parfitt, B. and Woollard, D. 2002.** A voice on the land: an Indigenous Peoples' guide to forest certification in Canada. National Aboriginal Forestry Association and Ecotrust Canada, Ottawa and Vancouver, Canada.
- Compact Oxford Dictionary**, On-line edition. [www.askoxford.com/dictionaries/compact\\_oed](http://www.askoxford.com/dictionaries/compact_oed), Accessed March 5, 2009.
- Cornell, S. and Kalt, J.P. (eds). 1992.** What can tribes do? Strategies and institutions in American Indian economic development. University of California, Los Angeles.
- Courtois, V., Schlossek, T., Jennings, D. and Shangreux, M. 2008.** Five Year Operating Plan for Forest Management District 19A (Goose Bay), January 1, 2008 - December 31, 2012. Province of Newfoundland & Labrador and Innu Nation of Labrador.
- Curran, D. and M'Gonigle, M. 1999.** Aboriginal forestry: community management as opportunity and imperative. *Osgoode Hall Law Journal* 37(4): 711-774.
- Davidson-Hunt, I. and Berkes, F. 2003.** Learning as you journey: Anishinaabe perception of social-ecological environments and adaptive learning. *Conservation Ecology* 8(1).
- Duinker, P. 2009.** Forest futures: introduction and scenarios. Presentation at the Sustainable Forest Management Network conference, Gatineau, Québec, 23 April 2009.



- Finfeld, D. 2003.** Metasynthesis: the state of the art - so far. *Qualitative Health Research* 13(7): 893-904.
- FNQLSDI 2004.** First Nations and harmonisation measures in the forest environment. *In* First Nations of Québec and Labrador Sustainable Development Institute, Essipit, Québec.
- Fortier, J.-F., Wyatt, S., Israr, M., Larose, D., Miller, A., Natcher, D., O'Donnell, S. and Parker, L. 2009.** Inventory of collaborative arrangements between Aboriginal communities and the forest sector in Canada: trends in practice and in research. *Faculté de foresterie, Université de Moncton, Edmundston New Brunswick.*
- Glaser, B.G. 1998.** Doing grounded theory: issues and discussions. Sociology Press, Mill Valley, California.
- Glasmeier, A.K. and Farrigan, T. 2005.** Understanding community forestry: a qualitative meta-study of the concept, the process, and its potential for poverty alleviation in the United States case. *Geographical Journal* 171: 56-69.
- Gosselin, M. 2004.** Revue de modèles de cogestion du territoire. Institut de développement durable des Premières nations du Québec et du Labrador.
- Greskiw, G. 2006.** Communicating 'forest': co-managing crises and opportunities with Northern Secwepemc First Nations and the province of British Columbia. Doctoral thesis, Faculty of Forestry. University of British Columbia, Vancouver, BC. Available at <http://hdl.handle.net/2429/18474>.
- Greskiw, G. and Innes, J.L. 2008.** Comanaging communication crises and opportunities between Northern Secwepemc First Nations and the province of British Columbia. *Canadian Journal of Forest Research* 38(7): 1935-1946.
- Greskiw, G. and Innes, J.L. 2009.** Respecting the oral and literate in co-management communication. *The Forestry Chronicle* 85(5):719-724.
- Hickey, C. and Nelson, M. 2005.** Partnerships between First Nations and the forest sector: a national survey. Sustainable Forest Management Network, Edmonton, Alberta.
- Hiebert, D. and Van Rees, K. 1998.** Traditional knowledge on forestry issues within the Prince Albert Grand Council. Prince Albert Model Forest, Prince Albert, Saskatchewan. 33 pp.
- Holling, C.S. (ed). 1978.** Adaptive environmental assessment and management. John Wiley and Sons, New York.
- Horvath, S., McKinnon, L., Dickerson, M. and Ross, M. 2001.** The impact of the traditional land use and occupancy study on the Dene Tha' First Nation. Sustainable Forest Management Network. Project Report 2001-18, Edmonton, Alberta.
- Johnson, R. 1993.** Editor's introduction. Pierre Bourdieu on art, literature and culture. *In* The Field of Cultural Production. Columbia University Press, New York. pp. 1-25.
- Lertzman, D.A. and Vredenburg, H. 2005.** Indigenous peoples, resource extraction and sustainable development: an ethical approach. *Journal of Business Ethics* 56(3): 239-254.
- Lester, G.S. 1977.** Primitivism versus civilization: a basic question in the law of Aboriginal rights to the land. *In* Our Footprints are Everywhere. Edited by Brice-Bennet, C. Labrador Inuit Assoc, Nain, Labrador (Nfld). pp. 351-374.
- Lewis, J.L. and Sheppard, S.R.J. 2006.** Culture and communication: can landscape visualization improve forest management consultation with indigenous communities? *Landscape and Urban Planning* 77(3): 291-313.
- Mabee, H.S. and Hoberg, G. 2006.** Equal partners? Assessing comanagement of forest resources in Clayoquot Sound. *Society & Natural Resources* 19(10): 875-888.

- McGregor, D. 2006.** La participation autochtone à l'aménagement durable des forêts en Ontario: des avancées vers la coopération. *Recherches amérindiennes au Québec* 36(2-3): 61-70.
- Mistik. 2009.** Mistik Management Ltd. Public involvement. [www.mistik.ca/public\\_involvement.htm](http://www.mistik.ca/public_involvement.htm). Accessed 28 May 2009.
- Nadasdy, P. 1999.** The politics of TEK: power and the integration of knowledge. *Arctic Anthropology* 36(1-2): 1-18.
- Nadeau, S., Martineau, C. and Fortier, J.-F. 2004.** Enquête sur la participation publique à la gestion des forêts dans certaines régions du Québec. Commission d'étude sur la gestion de la forêt publique québécoise. Rapport de mandat de recherche externe.
- NAFA. 2000.** Draft protocol for meaningful consultation with Aboriginal Peoples on forest management in Canada. National Aboriginal Forestry Association and Forest Stewardship Council Canada.
- NAFA/IOG. 2000.** Aboriginal-forest sector partnerships: lessons for future collaboration. National Aboriginal Forestry Association and the Institute on Governance.
- Natcher, D. 2001.** Land use research and the duty to consult: a misrepresentation of the Aboriginal landscape. *Land Use Policy* 18(2): 113-122.
- Natcher, D., Davis, S. and Hickey, C. 2005.** Co-management: managing relationships, not resources. *Human Organization* 64(3): 240-250.
- Natcher, D.C. and Davis, S. 2007.** Rethinking devolution: challenges for Aboriginal resource management in the Yukon Territory. *Society & Natural Resources* 20(3): 271-279.
- Natcher, D.C. and Hickey, C.G. 2002.** Putting the community back into community-based resource management: a criteria and indicators approach to sustainability. *Human Organization* 61(4):350-363.
- Notzke, C. 1995.** A new perspective in Aboriginal natural resource management: co-management. *Geoforum* 26(2): 187-209.
- Olsson, P., Folke, C. and Berkes, F. 2004.** Adaptive comanagement for building resilience in social-ecological systems. *Environmental Management* 34(1): 75-90.
- Ostrom, E. 1990.** *Governing the Commons: the evolution of institutions for collective action.* Cambridge University Press, Cambridge U.K.
- Padgee, A., Kim, Y. and Daugherty, P. 2006.** What makes community forest management successful: a meta-study from community forests throughout the world. *Society & Natural Resources* 19(1): 33-52.
- Pâquet, J. and Deschênes, L. 2005.** Lignes directrices pour la mise en œuvre des objectifs visant le maintien de a qualité des paysages et l'harmonisation des usages. Gouvernement du Québec, Ministère des Ressources naturelles et de la Faune.
- Parkins, J.R., Stedman, R.C., Patriquin, M.N. and Burns, M. 2006.** Strong policies, poor outcomes: longitudinal analysis of forest sector contributions to Aboriginal communities in Canada. *Journal of Aboriginal Economic Development* 5(1): 61-73.
- Pazzaglia, G. and Margolis, E. 2008.** Cultural capital. *In Encyclopedia of social problems, second edition. Edited by Vincent N. Parillo.* Sage Publications, London. pp. 185-186.
- Pinkerton, E. 1998.** Integrated management of a temperate montane forest ecosystem through holistic forestry: a British Columbia example. *In Linking social and ecological systems: management practices and social mechanisms for building resilience.* Edited by Berkes, F., Folke, C. and Colding, J. Cambridge Univ. Press, Cambridge U.K.

- Ross, M.M. and Smith, P. 2002.** Accommodation of Aboriginal rights: the need for an Aboriginal forest tenure (Synthesis Report). Sustainable Forest Management Network, Alberta, Canada.
- Ross, M.M. and Smith, P. 2003.** Meaningful consultation with Indigenous Peoples on forest management in Canada. *In XII World Forestry Congress*, Québec, Canada.
- Rynard, P. 2000.** “Welcome in, but check in your rights at the door”: The James Bay and Nisga’a Agreements in Canada. *Canadian Journal of Political Science - Revue canadienne de science politique* 33(2): 211-243.
- Sandelowski, M. and Barroso, J. 2007.** Handbook for synthesizing qualitative research. Springer Publishing Company, New York.
- Schreiber, R., Crooks, D. and Stern P.N. 1997.** Qualitative meta-analysis. *In Completing a qualitative project: details and dialogue* (Morse, J.M., ed.), Sage, Thousand Oaks, CA, pp. 311–326.
- Selin, S. and Chavez, D. 1995.** Developing a collaborative model for environmental planning and management. *Environmental Management* 19(2): 189-195.
- Senge, P.M. 1990.** The Fifth Discipline: the art and practice of the learning organization. Doubleday Currency, New York.
- Shearer, J., Peters, P. and Davidson-Hunt, I. 2009.** Co-producing a Whitefeather Forest cultural landscape monitoring framework. *In Changing the culture of forestry in Canada: engaging Canada’s Aboriginal Peoples in sustainable forest management.* Edited by Mark Stevenson and David Natcher. CCI Press, Edmonton, Alberta. pp. 63-84.
- Smith, M.A.P. 2007.** Creating a new stage for sustainable forest management through co-management with Aboriginal Peoples in Ontario. *In Graduate Department of Faculty of Forestry.* University of Toronto, Toronto, Ontario.
- Smith, P. 1996.** Aboriginal participation in forest management: not just another “stakeholder”. *The Forestry Chronicle* 72(1): 2-5.
- Smith, P. 1998.** Aboriginal and treaty rights and Aboriginal participation: essential elements of sustainable forest management. *The Forestry Chronicle* 74(3): 327-333.
- Smith, P. 2006.** Community based framework for measuring the success of Indigenous Peoples’ forest based economic development in Canada. *In Managing the Commons: Indigenous rights, economic development and identity.* Edited by L. Merino and J. Robson. Instituto de Ecologia, Mexico City.
- Spash, C.L. 2008.** How much is that ecosystem in the window? The one with the bio-diverse trail. *Environmental Values* 17: 259-284.
- Statistics Canada. 2008.** Aboriginal Peoples in Canada in 2006: Inuit, Métis and First Nations. Statistics Canada. 2006 Census, Catalogue no. 97-558-XIE.
- Stefanick, L. 2001.** Environmentalism and environmental actors in the Canadian forest sector. *In Canadian forest policy: adapting to change.* Edited by Michael Howlett. University of Toronto Press, Toronto. pp. 157-171.
- Stevenson, M. and Perrault, P. 2008.** Capacity for what? Capacity for whom? Aboriginal capacity and Canada’s forest sector. Sustainable Forest Management Network, Edmonton, Alberta.
- Stevenson, M. and Webb, J. 2003.** Just another stakeholder? First Nations and sustainable forest management in Canada’ boreal forest. Chapter 3. *In Towards sustainable management of the boreal forest.* Edited by Burton, P.J., Messier, C., Smith, D.W. and Adamowicz, W.L. NRC Research Press, Ottawa. pp. 65-112.
- Trosper, R. 2009.** Resilience, reciprocity and ecological economics: northwest coast sustainability. Routledge, New York.

- Trosper, R., Nelson, H., Hoberg, G., Smith, P. and Nikolakis, W. 2007.** Institutional determinants of successful commercial forestry enterprises among First Nations in Canada. *Canadian Journal of Forest Research* 38(2): 226–238.
- Trosper, R.L. 2007.** Indigenous influence on forest management on the Menominee Indian reservation. *Forest Ecology and Management* 249(1-2): 134-139.
- Vertinsky, I. and Luckert, M. 2010.** Design of forest tenure institutions: the challenges of governing forests. Sustainable Forest Management Network, Edmonton, Alberta. 36 pp.
- Walters, C. 1986.** Adaptive management of renewable resources. Macmillan, New York.
- Weed, M. 2005.** “Meta interpretation”: a method for the interpretive synthesis of qualitative research. *Forum: Qualitative Social Research* 6: 1-37.
- Williams, T. 2008.** Journey to economic independence: B.C. First Nations’ perspectives. Ministry of Economic Development.
- Wilson, J. 2001.** Talking the talk and walking the walk: reflections on the early influence of ecosystem management ideas. *In Canadian forest policy: adapting to change.* Edited by Michael Howlett. University of Toronto Press, Toronto. pp. 94-126.
- Wilson, J. and Graham, J. 2005.** Relationships between First Nations and the forest industry: the legal and policy context. Institute on Governance.
- Woolcock, M. 1998.** Social capital and economic development: toward a theoretical synthesis and policy framework. *Theory and Society* 27(2): 151-208.
- Woolcock, M. 2001.** The place of social capital in understanding social and economic outcomes. *In The contribution of human and social capital to sustained economic growth and well-being.* Human Resources Canada and OECD, Québec City, Canada. pp. 65-88.
- Wyatt, S. 2004.** Co-existence of Atikamekw and industrial forestry paradigms: occupation and management of forestlands in the St-Maurice river basin, Québec. Doctoral thesis, Faculté de foresterie et de géomatique. Université Laval, Québec, Canada. 376 pp. + xiv. Available at <http://archimede.bibl.ulaval.ca/archimede/files/99280882-0d45-4ae0-9cee-8e21c40bcc7/21721.html>
- Wyatt, S. 2006.** “Si les autres le font, pourquoi pas nous?” La quête des Atikamekw de Wemotaci pour un rôle dans la foresterie au Nitaskinan. *Recherches amérindiennes de Québec* 36(2-3): 9-18.
- Wyatt, S., Fortier, J.-F. and Hébert, M. 2009.** Multiple forms of engagement: classifying Aboriginal roles in contemporary Canadian forestry. *In Changing the culture of forestry in Canada: engaging Canada’s Aboriginal Peoples in sustainable forest management.* Edited by Mark Stevenson and David Natcher. CCI Press, Edmonton, Alberta. pp. 163-180.
- Wyatt, S., Fortier, J.-F., Greskiw, G., Hébert, M., Nadeau, S., Natcher, D., Smith, P., Théberge, D. and Trosper, R. 2010a.** Can Aboriginal land use and occupancy studies be applied effectively in forest management? A State of Knowledge report. Sustainable Forest Management Network, Edmonton, Alberta.
- Wyatt, S., Fortier, J.F. and Hébert, M. 2010b.** Collaboration entre Autochtones et autres acteurs forestiers du Québec : portrait d’une diversité de pratiques et de modèles. *Forestry Chronicle* 86(2): 243-255.

## 5.1 Legal cases and judgements

Full judgements of the Supreme Court of Canada (SCC) can be found at <http://scc.lexum.umontreal.ca/en/>.

*Calder et al. v. Attorney-General of British Columbia*, [1973] S.C.R. 313

*Delgamuukw v. British Columbia*, [1997] 3 S.C.R. 1010

*Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3 S.C.R. 511, 2004 SCC 73

*Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, [2005] 3 S.C.R. 388, 2005 SCC 69

*R. v. Gladstone*, [1996] 2 S.C.R. 723

*R. v. Marshall*, [1999] 3 S.C.R. 533

*R. v. Morris*, [2006] 2 S.C.R. 915, 2006 SCC 59

*R. v. Powley*, [2003] 2 S.C.R. 207, 2003 SCC 43

*R. v. Sappier; R. v. Gray*, [2006] 2 S.C.R. 686, 2006 SCC 54

*R. v. Sparrow*, [1990] 1 S.C.R. 1075

*R. v. Van der Peet*, [1996] 2 S.C.R. 507

*Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, [2004] 3 S.C.R. 550, 2004 SCC 74



# Appendices

## **1 Policy context: historical and legal aspects**

## **2 Review methods**

## **3 Drivers for Aboriginal-industry collaboration**

## **4 Collaboration practices and policy across Canada**

- a. Overview by province and territory
- b. Multiple collaboration arrangements
- c. Comparing collaboration research and practice

## **5 Harmonization of Aboriginal and industry interests in Quebec**

## **6 Rethinking collaboration: metasynthesis and lessons learned**

## **7 Collaboration outcomes and capital**

## **8 Building collaboration**





# Appendix 1 Policy context: historical and legal aspects

## Historical background

Summarizing the history of Aboriginal peoples and their relations with the Canadian state is beyond the scope of this document.<sup>10</sup> However, it can be said that since the nineteenth century, government policy for “Indians” has been based on a twofold approach or objective: first, to protect them from the adverse effects of Euro-Canadians and second, to facilitate their integration into the new Canadian society. This approach formed the basis of the Indian Act of 1876 (amended but still in force at present), many treaties, and the education and reserve systems. Since the 1960s, Aboriginal peoples have sought recognition of their rights and greater autonomy, through political negotiations, public protests and legal challenges. Aboriginal peoples are no longer prepared to be either “protected” or integrated by Canadian governments, although vestiges of both these policy approaches remain.

Government regulation of forest harvesting in Canada was established with early settlement. However, the basis of forest policy is more closely associated with an expanding forestry industry during the second half of the nineteenth century. Under the Canadian constitution (and as result of the Natural Resource Transfer Agreements with the prairie provinces in 1930), provincial governments generally hold management authority over forest resources on most public lands. They authorize private companies to undertake logging and production, while imposing regulations and royalties. During the twentieth century, professional foresters became responsible for forest management, developing a range of tools and techniques to ensure a steady supply of goods and benefits (particularly timber, revenue and employment). Canadian forestry was based on a balance of power and responsibility between government ownership and regulation of the forests, exploitation and transformation by private industries, and a corps of professional forest managers.

Recent decades have seen this established balance of power and responsibility disrupted. The environmental movement has challenged the production model of forestry, introducing ideas of ecology and sustainable development and promoting a wider scientific conceptualization of the forest landscape (Stefanick 2001). Increasing public interest in forestry and an expanding number of interest groups has made forest management more complex, often inciting governments to expand regulation and control. Aboriginal peoples seek recognition of their rights over forestlands that have already been allocated to forestry companies, a situation that involves both the federal government (responsible for Indians) and provincial authorities (responsible for lands and forests). Most recently, an economic crisis has reduced the profitability of the forest sector. This has increased the emphasis on productivity and controlling management costs and reduced opportunities for “non-essential” operations and investments.

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<sup>10</sup> Readers are recommended to see other sources, such as Stevenson and Webb (2003), for a more complete discussion of a highly complex subject.

## Legal aspects

Prior to the 1970s, there was little legal interpretation of Aboriginal peoples' rights in Canada. In fact between 1927 and 1951, the federal Indian Act prohibited First Nations from using federal funds for claims against the government (Butt and Hurley 2006). However, ongoing protests by Aboriginal people led to various recommendations between 1947 and 1969 for the resolution of land claims. The notorious 1969 federal White Paper included among its recommendations that the federal government uphold its responsibility for "Indians" and settle land claims, "upholding treaties and repairing broken promises" as described by Lester (1977). In recent decades, many rights and responsibilities have been clarified.<sup>11</sup>

### The Calder decision (1973): Aboriginal title

A breakthrough on Aboriginal rights came in 1973 with the Supreme Court of Canada's (SCC) Calder decision.<sup>12</sup> Nisga'a Aboriginal title was recognized on the basis of the Royal Proclamation of 1763. The Calder decision established that a unique form of Aboriginal ownership or "title" exists that cannot be "extinguished except by surrender to the Crown or by competent legislative authority, and then only by specific legislation" (Calder 1973).

The Calder decision applied in British Columbia and other areas of the country where no agreements had been negotiated between Aboriginal peoples and the Crown. But the case also raised the issue of Aboriginal peoples' unique ties to the land and led to discussions about the nature of land ownership among Aboriginal peoples across Canada, including those who had signed historic treaties and those who had entered into comprehensive land claims agreements.

### Aboriginal and treaty rights; responsibilities of governments

The Calder decision opened the door for political negotiations between Aboriginal peoples and the Crown, resulting in changes to Canada's Constitution. The repatriated Constitution Act, 1982, included section 35 which recognized and affirmed existing Aboriginal and treaty rights of the Aboriginal peoples of Canada, defined in the Act as "Indian, Inuit and Métis". Aboriginal and treaty rights became part of the highest law of the land and resulted in numerous court battles to define and interpret these rights. Table 1 (section 1.4) provides a summary of some of the key decisions in recent decades.

Supreme Court of Canada (SCC) decisions, after acknowledging the existence of Aboriginal title, have gone on to define the responsibilities of governments, the private sector and Aboriginal peoples in preventing, or at least minimizing, the infringement of Aboriginal and treaty rights.

The SCC has clarified that the main responsibility for upholding these rights rests with the Crown, both federal and provincial, with the main focus on upholding the honour of the Crown. The onus for proving rights rests with Aboriginal peoples.

### The duty to consult and accommodate

The constitutional responsibility to recognize and affirm Aboriginal and treaty rights has evolved through SCC cases like *Sparrow* (1990), *Delgamuukw* (1997), *Taku River Tlingit* (2004) and *Haida* (2004) to a duty to consult and accommodate Aboriginal peoples before development occurs.

<sup>11</sup> Two recent SFMN publications include related discussions relating to Aboriginal rights on Canada's forestlands: Vertinsky and Luckert (2010) and Anderson et al. (2010).

<sup>12</sup> Legal cases cited are presented after bibliographic references.

The Haida decision of 2004 clarified that the duty to consult and accommodate rests with the Crown; in this case, the Province of British Columbia. The Haida sued both the Province and Weyerhaeuser, a forest company, for failure to consult on the transfer of a forest license between two companies. The SCC stated:

*“The foundation of the duty in the Crown’s honour and the goal of reconciliation suggest that the duty arises when the Crown has knowledge, real or constructive, of the potential existence of the Aboriginal right or title and contemplates conduct that might adversely affect it.”*

The judges stated that third parties (including companies holding forest tenures on Crown land) could not be held liable for the failure of the Crown to consult and accommodate. Yet the Haida case also did not absolutely absolve industry of its responsibility to protect Aboriginal and treaty rights. The judge concluded:

*“the government has a legal duty to consult with the Haida people about the harvest of timber from Block 6, including decisions to transfer or replace Tree Farm Licences. Good faith consultation may in turn lead to an obligation to accommodate Haida concerns in the harvesting of timber, although what accommodation if any may be required cannot at this time be ascertained. Consultation must be meaningful. There is no duty to reach agreement. The duty to consult and, if appropriate, accommodate cannot be discharged by delegation to Weyerhaeuser. Nor does Weyerhaeuser owe any independent duty to consult with or accommodate the Haida people’s concerns, although the possibility remains that it could become liable for assumed obligations.”*

For private sector companies, the clarification of the Crown’s duty spelled relief, but did not settle the issue entirely. In essence, when granting licenses to forestry companies to harvest timber on publicly owned lands, provinces are delegating their forest management responsibilities to companies. Yet the “duty to consult and accommodate” rests with the Crown, although a company could be responsible for the outcomes of consultations between the Crown and Aboriginal peoples. Forestry companies may suffer the consequences of the Crown’s failure to properly consult, especially if this leads to ongoing conflict over resource development activities. Accordingly, industry might choose to lobby the Crown for more rapid progress in negotiations with Aboriginal peoples, or to seek to directly resolve issues of accommodation without the Crown’s assistance (despite the Haida decision).

## Scope of the duty

Up until 2004, most of the SCC decisions applied to areas like British Columbia where there were no prior agreements between the Crown and Aboriginal peoples. With the *Mikisew* case in 2005, the SCC affirmed that the duty to consult and accommodate also applies in areas with historic treaties. Up until this point, provinces like Ontario and the Prairie Provinces, where the majority of historic treaties have been signed, had assumed these early agreements of “ceding and surrendering” land had absolved them of any duty to consult. The judge in *Mikisew* clarified:

*“The duty here has both informational and response components. In this case, given that the Crown is proposing to build a fairly minor winter road on surrendered lands where the Mikisew hunting, fishing and trapping rights are expressly subject to the “taking up” limitation, I believe the Crown’s duty lies at the lower end of the spectrum. The Crown was required to provide notice to the Mikisew and to engage directly with them (and not, as seems to have been the case here, as an afterthought to a general public consultation with Park users). This engagement ought to have included the provision of information about the project addressing what the Crown knew to be Mikisew interests and what the Crown anticipated might be the potential adverse impact on those interests. The Crown was required to solicit and to listen carefully to the Mikisew concerns, and to attempt to minimize adverse impacts on the Mikisew hunting, fishing and trapping rights. The Crown did not discharge this obligation when it unilaterally declared the road realignment would be shifted from the reserve itself to a track along its boundary.”*

The duty to consult and accommodate is triggered when the Crown knows of the existence of a potential right or title. In Canada, with historic treaties, modern day land claims and areas like British Columbia and Labrador where there are few negotiated agreements with the Crown, one could contend that every square inch of the country is underlain with an Aboriginal right of some sort. Any development that might adversely affect Aboriginal rights triggers the duty.

Infringements of Aboriginal and treaty rights are allowed in law, but they must be justified. Any proposed development or regulation must honour the special trust relationship of the Crown to Aboriginal peoples. A valid legislative objective can justify minimal infringements of Aboriginal and treaty rights. A valid legislative objective is one “of compelling importance to the community as a whole” (R. vs. Gladstone, 1996). Agriculture, mining, forestry and hydroelectric development have all been identified by the SCC as valid legislative objectives.

### **Reconciliation: a work in progress**

The SCC has repeatedly stated that the outcome of the duty to consult and accommodate should be reconciliation, which can be achieved through negotiations. Reconciliation may require the Crown to change its plans or policies in order to accommodate Aboriginal concerns.

However, reconciliation remains elusive. Not many Aboriginal people are satisfied with processes established by the courts or governments to accommodate their interests. Differing interpretations about the meaning of Aboriginal title have led many Aboriginal peoples to insist on control over their territories, even in the face of negotiated agreements that may imply a surrendering of control.

The historic practice of requiring the extinguishment of Aboriginal title through negotiations, including historic treaties, is unacceptable to many Aboriginal peoples. The legality of “extinguishment” has been called into question by the UN Special Rapporteur (Amnesty International 2005), who has urged the Canadian government to drop its requirements for extinguishment.

While the courts have laid out some clear guidelines for more respectful relationships between the Crown and Aboriginal peoples, the Crown and Aboriginal peoples have yet to find a way to reconcile their expectations. In this process, the private sector must negotiate its own obligations to both the Crown and Aboriginal peoples.

# Appendix 2 Review methods

Analyzing and synthesizing a diverse body of knowledge and experience, such as that covered by relations between Aboriginal peoples and forest industries, requires a rigorous methodology for reviewing, selecting and analyzing material. For this report, the material included academic studies, informal reports and personal experiences. It covered issues such as economic partnerships, consultation processes, land use mapping and governance and policy initiatives.

The project unfolded in four major activities:

1. Compiling a database of scientific studies and reports analyzing and describing various aspects of relations between Aboriginal peoples and forestry companies;
2. Preparing an inventory of collaboration experiences in Aboriginal communities across the country;
3. Conducting a theoretical review of selected literature through appraisals, interpretation and re-interpretation (a metasynthesis approach);
4. Holding a series of workshops uniting practitioners, policy-makers and researchers.

## 1 Database of studies and experiences

The primary source of information for the first stage of this project was published articles and reports describing various initiatives relating to collaborative approaches involving Aboriginal peoples and forest industries, including those mapping Aboriginal land use and knowledge about forestlands. Published literature provided a variety of types of information, including: descriptions of the situation and the context; a study methodology; quantitative or qualitative results; analyses, findings or interpretations of these results; relations or comparisons with other studies, implications for theory, recommendations for practice or lessons learned. An essential first step was therefore the planning and establishment of a database for managing, accessing and analyzing the gathered information. The database contains over 250 cases and allowed us to:

**List** collaborative experiences by province and territory, identifying the form of collaboration, the locality, the policy environment, land ownership, collaborators and other information.

**Codify** the information using nominal and ordinal open codes. This codification permitted a descriptive overview of the information as well as a preliminary analysis of the data to help identify cases for the metasynthesis.

**Access** the information, either by reference to specific cases or by searching for cases that share particular characteristics.

**Analyze** the information, particularly with frequency tables and cross-tabulations in order to determine the relative importance of themes and codes.

Each published article or source was reviewed, searching for three principal types of information. First, **information about cases** allowed researchers to describe the experience or the study. Second, **information about studies** included methods used and scope, enabling researchers to consider the importance of each case and to prepare an overview of experience across the country. Finally, the **study appraisals and conclusions** constituted the primary data for our qualitative analysis and for the selection of cases for metasynthesis.

Coding of each case or experience sought to categorize information using 50 different characteristics of potential interest to researchers, practitioners and policy-makers. The coding system was developed by the research team but a single person was responsible for all coding in order to maintain uniformity in interpretation and application of codes. The system was modified on several occasions to include additional categories so that particularly innovative or significant cases could be adequately described.

We also sought to collect “**grey literature**”, meaning documents and studies that have not been published in academic works or subjected to scientific scrutiny, such as project reports, working papers and internal documents. In a rapidly evolving field, such as Aboriginal-industry collaboration in forestry, such literature highlights new directions and addresses practical issues that may not yet have been subjected to formal research. However, we were generally unsuccessful in our attempts. While this material can often be obtained by researchers undertaking case studies within a specific situation, this relies upon confidence between the parties. Systematically obtaining such material to represent the diversity of cases across the country proved to be beyond the capacities of this research project.

## **2 Inventory of collaboration experiences in Aboriginal communities**

The database of studies was complemented by an inventory of pilot projects, studies, partnerships, agreements and other arrangements in 482 Aboriginal communities in all provinces and territories (excluding Nunavut). This inventory served to “ground-truth” the database by determining the actual numbers of different types of arrangements or activities and ensuring that no potentially important forms of collaboration were overlooked simply because they had not been the subject of any formal studies. Given the high rate of change and development in the sector, it is inevitable that this inventory is incomplete. Nevertheless, this image demonstrates the diversity of collaborative experiences across the country.

## **3 Review of selected literature: a metasynthesis**

In order to obtain a better understanding of how collaboration works, we conducted a “metasynthesis” to help us push beyond a simple summary of existing experience and research. More than simply a literature review or the sum of parts, a metasynthesis can offer new understanding of findings from individual studies, developing new explanations by analyzing and then synthesizing results (Finfgeld 2003, Glasmeier and Farrigan 2005, Padgee et al. 2006). From our database of more than 250 studies we identified 90 that were particularly rich and informative, and then selected 24 that were analyzed in detail. This method enabled us to compare and analyze a range of different qualitative and quantitative case studies by integrating, interpreting and re-interpreting the results, concepts and models. Appendix 6 provides a more detailed discussion of this work.

## **4 Workshops with practitioners, policy-makers and researchers**

Finally, workshops were held with practitioners and researchers across the country. Knowledge about collaborative experience is also held by experts within Aboriginal communities, forest industries and government agencies. Experts and practitioners are often able to contribute insights and understanding that may not be contained in documents and to transfer experience from one situation to another. Furthermore, different groups within a collaborative initiative may hold differing views of the relative success or failure of the initiative, or of the factors that contributed to a particular result.

Two principal workshops were held in Ottawa and in Saskatoon to examine themes of collaboration and Aboriginal land use mapping respectively.<sup>13</sup> The Ottawa workshop developed a conceptual framework for collaborative approaches, identified principal goals of the different parties and explored a concept of collaboration as a means of building capital. In Saskatoon, participants considered the role of land use mapping in forest management and its relation to other forms of collaboration.<sup>14</sup> Other smaller workshops and focus group discussions were held in Moncton, Quebec City and Edmonton. Webinars were also used on three occasions to present preliminary analyses and to seek comments and contributions from participants across Canada. This last technique proved particularly effective in gathering information from representatives of forest industries who could rarely participate in two-day workshops.

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<sup>13</sup> Reports of these workshops can be found on the internet at [www.umce.ca/foresterie/sfmn/index.php](http://www.umce.ca/foresterie/sfmn/index.php).

<sup>14</sup> This theme is explored in more detail in a companion Statement of Knowledge report.





# Appendix 3 Drivers for Aboriginal-industry collaboration

Many of the studies and cases documented in our analysis present the origins or causes of collaboration experiences. Following the lead of the SFMN Forest Futures project (Duinker 2009), we have identified a number of policy and contextual drivers for Aboriginal-industry collaboration in forestry.

## **Driver 1: Recognition of Aboriginal rights**

Recent decades have seen increasing recognition and definition of Aboriginal rights by Canadian courts. This has led to new approaches by governments and other actors (see section 1.4). International forums and sustainable forest management processes such as certification are also recognizing that the rights of indigenous peoples must be respected. However, forest management practices and government policies are often slow to reflect these changes.

## **Driver 2: Aboriginal empowerment, autonomy and governance**

As their rights have been increasingly recognized, Aboriginal peoples have sought to obtain greater responsibility for managing their own affairs from the federal government, as well as the ability to control or influence the use of their traditional lands, often under provincial control.

These efforts are often coupled with programs to reaffirm language and cultural identity, and with economic development plans to reduce dependence upon governments.

Given the importance of forestlands to most Aboriginal communities, collaboration with forestry companies can represent a practical step in obtaining economic benefits, which can contribute towards autonomy (Parsons and Prest 2003).

## **Driver 3: Sustainable forestry concepts and ideas**

For many, sustainable forest management (SFM) has replaced sustained yield as the guiding principle of Canadian forestry. Concepts such as ecosystem management and SFM are increasingly understood to include a social component, often with a specific Aboriginal focus (Smith 1998, Wilson 2001). Equally, Aboriginal knowledge and values are increasingly seen as a useful contribution to improving forest practices and achieving SFM.

#### **Driver 4: Sustainable forestry tools**

Since the Earth Summit in 1992, Canada has engaged in a variety of mechanisms for promoting SFM, including certification and criteria and indicator (C&I) processes. All major certification and C&I processes now recognize particular roles for Aboriginal people, either through rights, consultation processes or economic participation (eg. Collier et al. 2002). For their part, Aboriginal leaders have proved adept at using these provisions to create new opportunities for collaboration.

#### **Driver 5: Public participation in forestry**

Public participation has become an important characteristic of Canadian forestry. Forest managers are facing the need to accept a change from an expert-driven, science-based system to a more socially responsive approach to decision-making (Beckley et al. 2006).

Aboriginal peoples have been able to benefit from specific mechanisms aimed at involving stakeholders, and also from an increased openness to new ideas and concepts in forest management.

However, Aboriginal peoples also stress that they have rights that are not shared by the wider public and that they are “not just another stakeholder” (Smith 1996, Stevenson and Webb 2003).

#### **Driver 6: Demographic and employment trends in forested Canada**

Across Canada, the forestry industry is becoming concerned about ensuring an adequate workforce for the sector, particularly in remote and northern areas. At the same time, the Aboriginal population is growing faster, is younger and is less urbanized than the non-Aboriginal population (Statistics Canada 2008).

Increasingly individual companies and training organizations are seeking to develop Aboriginal capacity within the forest sector.

#### **Driver 7: Changes to forest tenure**

Forest tenure systems are currently under review in a number of Canadian provinces. There are proposals for a wider variety of both tenure types and tenure holders (Ross and Smith 2002). In British Columbia, a variety of forest tenure types are available, and in 2006 First Nations there held tenures totalling 6,000,000 m<sup>3</sup> per year (Brubacher 2007). Tenure reform may provide new opportunities to Aboriginal groups to obtain tenure, while also modifying the conditions of existing tenures.

#### **Driver 8: Technology and innovation**

New technology and innovations in forest planning and management can help managers address Aboriginal concerns about forestry through tools such as modelling, GIS and visualization (Lewis and Sheppard 2006).

It is unlikely that the eight drivers identified here represent a complete list of all policy or contextual factors that could influence either an Aboriginal community or a forestry company to engage in a collaborative relationship. However, these drivers do represent forces that commonly operate in such relationships across Canada.

# Appendix 4 Collaboration practices and policies across Canada

## 4a Overview by province and territory

### British Columbia

Forms of collaboration in British Columbia	Treaties, agreements and MOUs	Land use studies	Influence on decision-making	Forest tenures	Economic roles and partnerships
Communities inventoried: 164	93% (153)	na	na	98% (160)	74% (122)
Studies in our database: 48	21% (10)	35% (17)	4% (2)	19% (9)	21% (10)

British Columbia has 198 First Nation communities, or nearly a third of the national total, with an Aboriginal population of 196,000 (Statistics Canada 2008). Aboriginal forestlands (mainly reserves) cover around 198,000 hectares (Brubacher 2007). The province is also the most important timber producer in the country, with 51.74 million hectares of timber-productive lands and a total harvest in 2004 of 87 million m<sup>3</sup>. First Nations held tenures totalling of 6 million m<sup>3</sup> in 2006, representing 7.3% of the provincial total (Brubacher 2007).

Land claims remain an important issue in British Columbia, as most of the province was not included in historical treaty-making processes. Accordingly, many claims are under negotiation and courts are frequently called upon to determine questions of Aboriginal rights and title and of appropriate consultation processes. The Nisga'a Agreement in northern coastal BC (effective 2000) is Canada's most recent treaty with a First Nation, while cases such as Calder, Delgamuukw and Haida have led to landmark decisions by the Supreme Court of Canada.

The province's forestry regime has changed significantly over the last ten years. Tenure reform beginning in 2003 aimed to reallocate 8% of total forest tenures to First Nations, contributing to an extraordinarily high proportion of communities in our inventory holding tenures and engaging in economic activities. This is also facilitated by the wide diversity of tenure types found in BC, with 12 different forms specified in the Forestry Act (Brubacher 2007). However, tenures held by First Nation are predominantly short-duration or fixed volume licenses, rather than long-term area-based Tree Farm Licenses held by forestry companies. Of particular note are the Community Forest Agreements, which were introduced in 1998 to encourage local management and harvesting by Aboriginal and non-Aboriginal communities.

The Mountain Pine Beetle epidemic has led to increased harvesting (volumes from Crown forests rose from 58 million m<sup>3</sup> in 1998 to 78 million m<sup>3</sup> in 2004), which also provided new opportunities for Aboriginal communities and individuals to engage in forestry businesses. Other initiatives include revenue-sharing agreements (Interim Accommodation Agreement), with 32 agreements totalling \$41 million being signed between 2002 and 2004

(Wilson and Graham, 2005). A revised planning process to prepare Forest Stewardship Plans now requires improved consultations with Aboriginal people to identify sites of cultural importance. The “New Relationship” document, signed in 2005, also provided for the revision of Forest and Range Agreements to make these more relevant to Aboriginal goals and interests. Finally Wilson and Graham (2005) note that government initiatives to rationalize the forestry industry have proved successful, but that these have also placed additional pressure on Aboriginal enterprises that are typically relatively small.

**Alberta**

Forms of collaboration in Alberta		Treaties, agreements and MOUs	Land use studies	Influence on decision-making	Forest tenures	Economic roles and partnerships
Communities inventoried:	44	34% (15)	43% (19)	52% (23)	18% (8)	59% (26)
Studies in our database:	21	29% (6)	10% (2)	33% (7)	10% (2)	19% (4)

There are 48 First Nations in Alberta with 91,400 status Indians (Statistic Canada 2009). Timber harvesting in 2007 was slightly over 20 million m<sup>3</sup>, making Alberta the fourth most important province in timber production. First Nations held forest tenures totalling 1,145,973 m<sup>3</sup> in 2006, representing 4.7% of provincial AAC (Brubacher 2007).

Crown lands cover 89% of Alberta, and almost all of the forested lands have already been allocated to forestry companies. Reallocation is problematic, especially as few (if any) Aboriginal communities are able to meet requirements for a Forest Management Agreement. These requirements include: operating a mill, meeting the AAC rates set by the province, and preparing detailed forest management plans. Holding a tenure is the least common collaborative approach used by Alberta Aboriginal communities. Conversely, 59% of the communities in our inventory have established economic roles, relationships and partnerships with forestry companies (often multinational).

Some communities, notably the Little Red River Cree and Tall Cree First Nations, Whitefish Lake First Nation, and Bigstone Cree Nation, have established co-management and joint tenure arrangements. In particular, Little Red River Cree Nation has had a long-standing involvement in research work through a partnership with the Sustainable Forest Management Network and several universities.

Over recent years, Alberta government has provided financial assistance to First Nations to map and document traditional land use and occupation, and this is relatively common among the communities in our inventory. The government has also established several consultation initiatives, including a consultation policy for First Nations and a comprehensive Land-use Framework.<sup>15</sup> Nevertheless, most Aboriginal and industry representatives participating in our research expressed concerns that the government was not doing enough to resolve issues relating to Aboriginal rights, appearing to leave these to consultations between Aboriginal communities and forestry companies.

<sup>15</sup> [www.aboriginal.alberta.ca/images/Policy\\_APROVED\\_-\\_May\\_16.pdf](http://www.aboriginal.alberta.ca/images/Policy_APROVED_-_May_16.pdf)  
[www.landuse.alberta.ca/AboutLanduseFramework/LUFProgress/documents/LanduseFramework-FINAL-Dec3-2008.pdf](http://www.landuse.alberta.ca/AboutLanduseFramework/LUFProgress/documents/LanduseFramework-FINAL-Dec3-2008.pdf)

## Saskatchewan

Forms of collaboration in Saskatchewan	Treaties, agreements and MOUs	Land use studies	Influence on decision-making	Forest tenures	Economic roles and partnerships
Communities inventoried: 39	28% (11)	46% (18)	49% (19)	44% (17)	54% (21)
Studies in our database: 12	8% (1)	50% (6)	33% (4)	8% (1)	33% (4)

Saskatchewan has 141,890 Aboriginal people (Statistics Canada 2008). It is the home of Norsask Forest Products, owned by the Meadow Lake Tribal Council and Canada's largest First Nation-owned timber transformer. Norsask's tenure is managed by Mistik Management, jointly owned by Norsask and an international pulp company. Mistik has developed co-management arrangements with nine local Aboriginal communities (Mistik 2009). Wilson and Graham (2005) consider that the success of Norsask encouraged the provincial government to adopt a more proactive approach towards other Aboriginal businesses.

In 1999, the Province adopted a plan to double the size of the forestry industry, then harvesting 4 million m<sup>3</sup> per year, while promoting community participation. The plan proposed reallocation of part of the existing wood supply to promote Aboriginal community businesses. The plan also proposed creation of a new forestry research centre, with Aboriginal representation on a management board.

The 1999 plan appears to have had a significant effect on Aboriginal involvement in the forest sector. In 2006, First Nations held an allocated volume of nearly 2 million m<sup>3</sup> per year, representing 24.3% of the provincial total (Brubacher 2007). This is the highest proportion of any province, well ahead of British Columbia in second place with 7.3%. More than half of the communities in our inventory have economic arrangements, while high proportions also use other approaches. In recent years, the provincial government has also promoted land use studies and mapping, and nearly half of communities have benefitted from this. Other communities may also be involved in such studies, but choose to keep this information confidential for use in land claims processes.

It should also be noted that approximately one third of Saskatchewan's 62 Aboriginal communities are to be found in the southern prairies and were not included in our inventory. Furthermore, identifying collaboration by Saskatchewan's important Métis population was difficult, and it is likely that the extent of their involvement in forestry is underestimated.

## Manitoba

Forms of collaboration in Manitoba	Treaties, agreements and MOUs	Land use studies	Influence on decision-making	Forest tenures	Economic roles and partnerships
Communities inventoried: 50	56% (28)	50% (25)	18% (9)	46% (23)	12% (6)
Studies in our database: 2	0	100% (2)	0	0	0

In Manitoba, there are more than 60 different First Nations and around 100,000 status Indians. Although Manitoba is extensively forested, the forestry industry is less developed than in most other provinces and much of the potential timber harvest remains unallocated. In 2006, First Nations held forest tenures equivalent to 154,000 m<sup>3</sup> per year (Brubacher 2007), significantly less than the volume harvested by First Nations in much smaller New Brunswick.

Although Manitoba was covered by several historical numbered treaties, a number of land claims remain. In 1997, 400,000 ha of land were transferred to 19 First Nations under Treaty Land Entitlements (Wilson and Graham 2005). However, some claims are outstanding, including 200,000 ha currently held by one forestry company, creating significant uncertainty.

A provincial forest strategy in 2002 identified five goals, including “increase co-management, employment and economic development opportunities for aboriginal communities”. As a result, forestry companies must consult First Nations occupying land within their license areas. Our inventory found relatively low levels of participation in economic roles and in influence on decision-making, an observation that is at least partly due to fact that many Aboriginal communities are in areas where forestry companies do not operate.

Consistent with the 2002 strategy, a group of 13 First Nations in southeastern Manitoba has been attempting to establish a partnership with a non-Aboriginal company to establish an oriented strandboard mill. The industry partner subsequently withdrew from the project because of the economic situation, but the group of First Nations have notified the provincial government that they are still interested in such a timber allocation. Similarly, other potential developments on the east side of Lake Winnipeg would likely involve arrangements with Aboriginal communities.

Some First Nations in Manitoba have focused on the establishment of protected areas rather than economic development. In particular, Poplar River First Nation has joined the Canadian Boreal Initiative, supporting CBI’s goal of 50% protection for the boreal and working to establish a World Heritage Site in northeastern Manitoba and northwestern Ontario (see [www.poplarriverfirstnation.ca/poplar\\_river\\_chrono.htm](http://www.poplarriverfirstnation.ca/poplar_river_chrono.htm)).

**Ontario**

Forms of collaboration in Ontario		Treaties, agreements and MOUs	Land use studies	Influence on decision-making	Forest tenures	Economic roles and partnerships
Communities inventoried:	81	23% (19)	17% (14)	33% (27)	33% (27)	62% (50)
Studies in our database:	23	17% (4)	43% (10)	22% (5)	4% (1)	13% (3)

As Canada’s most populous province, Ontario has an Aboriginal population of 242,495 (Statistics Canada 2008) and 139 First Nation communities, of which 81 were included in our inventory.

Of the 139 First Nations in the province, approximately 110 are within the Area of Undertaking (AOU) defined as part of the 1994 Environmental Assessment Board decision on timber management in Ontario (renewed and reaffirmed in 2003). The Ontario Ministry of Natural Resources (OMNR) reports annually on Aboriginal involvement in each of its districts within the AOU. In its 2004/05 report, the OMNR acknowledged that although no Sustainable Forest Licenses were held by Aboriginal groups, “harvest opportunities are made available through overlapping licences issued to First Nations”.

In our inventory, 62% of communities are involved in economic arrangements and a third hold forest tenures. Wilson and Graham (2005) estimated that First Nations in Ontario were offered or allocated 1.5 million m<sup>3</sup> of wood in 2000, although Brubacher (2007) noted that precise figures were not available. It appears that OMNR district managers have promoted specific agreements for contract and silvicultural work and for facilitating access to government training and capacity programmes.

For planning and management, the OMNR Forest Management Planning Manual requires managers to prepare Aboriginal Background Information Reports and Aboriginal Values maps, and some funding is provided for communities to do these. There is also a requirement to invite Aboriginal community representatives to sit on FMP teams, although not all Aboriginal communities take up this opportunity. Our inventory found that a third of the communities are currently engaged in some form of consultation process, but we acknowledge that this information is particularly hard to obtain.

Several First Nations north of the AOU are now involved in community-based land use planning as forestry moves into the Far North. In particular, Pikangikum First Nation, through the Whitefeather Forest Initiative, is developing alternative visions of forestland management for their traditional territory (Shearer et al. 2009, Smith 2007). The province of Ontario passed the Far North Act in 2010, committing to protecting 50% of the area and implementing community-based land use planning with First Nations.

### Quebec

Forms of collaboration in Quebec		Treaties, agreements and MOUs	Land use studies	Influence on decision-making	Forest tenures	Economic roles and partnerships
Communities inventoried:	32	59% (19)	41% (13)	88% (28)	38% (12)	72% (23)
Studies in our database:	20	25% (5)	30% (6)	35% (7)	5% (1)	15% (3)

The Aboriginal population of Quebec is 108,430 (Statistics Canada 2008) and the province's forestry industry is the second-most important in Canada after British Columbia.

Almost all First Nation communities in forested areas are engaged in some form of collaboration (Wyatt et al. 2010b). The presence of eleven different Aboriginal nations and an absence of treaties (until a treaty with the Cree in 1975) contribute to a variety of forms across the province. Three-quarters of all communities are engaged in economic arrangements, most commonly silvicultural contracting, and two communities are joint venture partners in sawmills. A third of communities hold forest tenures, benefitting from changes in the Forestry Act in 2001. A new Act, passed in February 2010, has modified tenure arrangements and expanded consultation requirements (Wyatt et al. 2010b).

Land claims and political negotiations are common, but lengthy, and their effectiveness varies. For instance the Algonquin of Barriere Lake have been engaged in a forest management process with the federal and provincial governments since 1991 (Notzke 1995). The Cree launched legal proceedings in the late 1990s over issues of forestry impacts in respect of the 1975 James Bay and Northern Quebec Agreement. Their lawsuit led to negotiations with the Quebec government and the 2002 "Paix des braves" agreement. The agreement established a joint management advisory board, set aside lands for protection and provided a sum of \$3.5 billion over 50 years.

Also important in Quebec is a provision added to the Forestry Act in 2001. This enables First Nations communities and forestry companies to negotiate "harmonization measures" that are different from standard forest practices. These can then be approved by the government for use at a local level (see Appendix 5). Such provisions encourage consultations and relations with forestry companies, but do not address issues such as management objectives or Aboriginal rights. Research is active in Quebec, but a clear majority of studies have been conducted with Cree communities while other nations have received less attention.

## New Brunswick

Forms of collaboration in New Brunswick	Treaties, agreements and MOUs	Land use studies	Influence on decision-making	Forest tenures	Economic roles and partnerships
Communities inventoried: 15	0	13% (2)	0	100% (15)	100% (15)
Studies in our database: 2	0	0	0	100% (2)	0

Forestry companies in New Brunswick produce about 5% of Canada's national sustainable yield while the Aboriginal population of 17,655 represents 2% of the national total (Statistics Canada 2008). In 1998, after the NB Court of Appeal ruled on the treaty right to harvest timber in the Paul case, the provincial government allocated 4.4% of total annual cut from public forests to Aboriginal communities (Blakeney 2003). As a result, all of New Brunswick's First Nations are involved in forest harvesting, although some communities choose to sub-contract their allocations to non-Aboriginal enterprises.

Since 2003, a capacity-building program funded by the federal and provincial governments has trained several hundred First Nation members for employment in the forestry industry (ASEP 2009). However, the ongoing crisis in the industry has resulted in wide job losses in the province and no information is available on Aboriginal employment in the industry. Eel Ground First Nation, which had developed both forest management and manufacturing on reserve, has been unable to sustain their Straight Arrow Specialized Lumber Products company. First Nations do not now own any mills in the province and are not involved in forest management activities (except as members of advisory committees).

Wilson and Graham (2005) consider that the importance of private forests in the province has led to large companies consulting with First Nations at a lesser standard than in other provinces. This may be partly attributable to the fact that only half of New Brunswick's forests are on public lands and that private owners may feel less inclined to consult Aboriginal peoples for the management of their freehold forestlands.

## Prince Edward Island

Forms of collaboration in Prince Edward Island	Treaties, agreements and MOUs	Land use studies	Influence on decision-making	Forest tenures	Economic roles and partnerships
Communities inventoried: 2	0	0	0	0	100% (2)
Studies in our database: 0	0	0	0	0	0

Few forests, a small forestry industry, little public land and a low Aboriginal population make Prince Edward Island a minor player in Aboriginal collaboration in forestry. Eco-tourism and biomass are being explored as options for economic development. Some traditional land use mapping has been carried out, but the dominance of private land in the province limits its application in forestry.



## Nova Scotia

Forms of collaboration in Nova Scotia		Treaties, agreements and MOUs	Land use studies	Influence on decision-making	Forest tenures	Economic roles and partnerships
Communities inventoried:	14	43% (6)	79% (11)	43% (6)	7% (1)	100% (14)
Studies in our database:	1	0	0	0	100% (1)	0

The First Nation population in Nova Scotia numbers 24,175 (Statistics Canada 2008) while forest industries log about 3% of the national total. As the forestland base is dominated by private lands, First Nations have problems of access to forests, to tenures and to economic development opportunities. However, the Mi'kmaq nations of Cape Breton Island have negotiated agreements with forest industries to log specific volumes. The Confederacy of Mainland Mi'kmaq has also obtained a significant role in implementing federal First Nations Forestry Program activities in the province. In particular, this collaboration has contributed to documenting traditional knowledge concerning forests and plants. First Nations do not own any mills in the province and only one Nation is directly involved in forest management - on lands that it has itself obtained. When First Nations require wood for individual use, the Province tries to make this available, but otherwise influence on natural resource development is limited to consultation processes open to the general public.

## Newfoundland and Labrador

Forms of collaboration in Newfoundland and Labrador		Treaties, agreements and MOUs	Land use studies	Influence on decision-making	Forest tenures	Economic roles and partnerships
Communities inventoried:	4	50% (2)	50% (2)	75% (3)	75% (3)	50% (2)
Studies in our database:	1	100% (1)	0	0	0	0

In relation to Aboriginal people and forestry, Labrador and the island of Newfoundland are best considered separately. Labrador has significant First Nation, Métis and Inuit populations. Commercial forestry has followed a “boom and bust” cycle, with logging currently limited to local needs. The Innu Nation and the Métis Nation of Labrador are currently negotiating comprehensive land claims settlements with the provincial government. This has coincided with Innu interest in forestry, resulting in an innovative approach to co-management and ecosystem-based management (Courtois et al. 2008). The Inuit of Postville have a small sawmilling company, and are possibly the only Inuit community in Canada to be involved in commercial forestry.

On the island of Newfoundland, the provincial Supreme Court has ruled that the Mi'kmaq do not enjoy Aboriginal or treaty rights. Furthermore, significant areas of public land are held by forestry companies under licences of up to 99 years. As a result, Aboriginal roles in forestry on the island are much less than in Labrador.

## Yukon

Forms of collaboration in Yukon		Treaties, agreements and MOUs	Land use studies	Influence on decision-making	Forest tenures	Economic roles and partnerships
Communities inventoried:	10	90% (9)	100% (10)	100% (10)	90% (9)	10% (1)
Studies in our database:	22	18% (4)	32% (7)	50% (11)	0	0

There are 14 First Nations in Yukon and an Aboriginal population of about 8,000 (Statistics Canada 2008). Commercial forestry activities have been confined to small volumes (about 20,000 m<sup>3</sup> per year) in the southern parts of the territory, although the Yukon government believes that 15% of the forestlands in the territory could sustain commercial harvesting. In 2006, a single Aboriginal-owned company held a small volume-based tenure of 15,000 m<sup>3</sup> per year (Brubacher 2007).

Comprehensive Land Claims processes are underway in the Yukon, with final settlements having been negotiated with 11 First Nations. Under the terms of the Yukon Umbrella Final Agreement, 41,595 km<sup>2</sup> of land have been awarded to the 14 First Nations. Since 2003, several First Nations have jointly developed strategic forest management plans with the provincial government. Wilson and Graham (2005) consider that five or six First Nations could play a significant role in the forest sector in Yukon.

Yukon First Nations have a voice in land use planning through several institutions. Territory-wide the Yukon Fish and Wildlife Management Board (YFWMB) is an advisory committee, comprising six members nominated by the Council of Yukon First Nations and six by the government. Renewable Resources Councils (RRCs) have been created under the final agreements to enable participation of community members in decision-making for resources management on their traditional lands. Finally, three Regional Land Use Planning Commissions (RLUPCs) are responsible for developing land use plans in specific areas (Traditional territories). Their recommendations are addressed to the three parties to the agreement: Government of Canada, Government of Yukon, and the affected First Nations.

## Northwest Territories

Forms of collaboration in Northwest Territories		Treaties, agreements and MOUs	Land use studies	Influence on decision-making	Forest tenures	Economic roles and partnerships
Communities inventoried:	27	100% (27)	7% (2)	0	37% (10)	0
Studies in our database:	12	25% (3)	25% (3)	50% (6)	0	0

In Northwest Territories, there are 26 First Nations communities and an Aboriginal population of approximately 20,000 (Statistics Canada 2008). Despite 28 million hectares of forestland, the forest sector is poorly developed with an annual harvest of 20,000 to 30,000 m<sup>3</sup>. Wilson and Graham (2005) estimate that approximately 8,000 people live in areas where industrial forestry could be practiced.

The most significant advances in Aboriginal involvement in forestry are occurring in the context of land claim settlements, self-government processes and comprehensive resource management. For example, the Tlicho land claims and self-government agreement gives the Tlicho title to 3.9 million hectares of land surrounding their four

communities (Brubacher 2007). The Tlicho share also their responsibilities through the Wekeezhii Renewable Resource Board within the larger Wekeezhii land area. Because of the existence of land settlements, all significant ventures (1,000 m<sup>3</sup> and more) require First Nations consent. Wilson and Graham (2005) also note that the Mackenzie Gas Project (including the Mackenzie Valley Pipeline) will probably affect the forest sector in a number of ways including consultation processes, clearing and harvesting for construction, economic development and revenue sharing.

#### **4b Multiple collaboration arrangements**

Most Aboriginal communities are engaged in more than one form of collaboration. As illustrated in Table 8, our inventory showed that more than two-thirds of communities were engaged in two or more collaborative approaches, while 219 communities were using three or more approaches. In fact, the real extent of multiple arrangements is almost certainly greater than our inventory suggests. Of the 482 communities in our inventory, only 13 (9 in Alberta and 4 in Manitoba) were not involved in any collaborative arrangements.

The simultaneous use of several different collaborative approaches suggests that communities do not wish to “put all their eggs in one basket”. Establishing a variety of collaborative arrangements enables communities to meet different objectives and provides a measure of security in the event of problems with one approach. It may also reflect a diversity of actors within a community. However, multiple processes also require additional resources, which are scarce in many communities, and can lead to internal conflicts.

The difficulty of obtaining accurate information for all of British Columbia’s Aboriginal communities in forest areas led us to exclude two collaborative approaches (planning, management and land use studies; and influence on decision-making) from the results of our inventory. Hence, it is particularly significant that 68% of BC communities are involved in all three of the approaches that we included in our results. It is highly likely that a significant number of these communities are also involved in one or both of the other two approaches.

Our inventory method also represents the minimum number of collaborative approaches being used. Existing arrangements that were not identified through our various sources were not included. Similarly, different examples of the same approach (such as two forestry enterprises in a single community or a land use study and a management plan) were counted as a single use of a collaborative approach. Capacity-building arrangements were not included in our inventory.

Differences between provinces are also significant. Multiple collaborations are the most common in British Columbia, possibly reflecting the absence of historic treaties, a number of significant Supreme Court of Canada cases, the large number of First Nation communities, an extensive forestry industry, and diversity in forest tenure types. Quebec lies a close second with 66% of communities using three or more approaches. Surprisingly, communities in Ontario appear to be less inclined to adopt multiple collaborations. This may be due to incomplete information, or may reflect factors such as a fully allocated wood supply or provincial government views on the duty to consult and accommodate in areas covered by historic treaties.

**Table 8. Occurrence of multiple collaboration arrangements**

PROVINCE OR REGION	Number of communities inventoried	NUMBER OF APPROACHES			
		1 approach	2 approaches	3 or 4 approaches	5 approaches
British Columbia	164	2% (3)	30% (49)	68% (112)	na
Alberta <sup>1</sup>	44	11% (5)	30% (13)	34% (15)	2% (1)
Saskatchewan	39	33% (13)	31% (12)	31% (12)	5% (2)
Manitoba <sup>1</sup>	50	38% (19)	24% (12)	28% (14)	2% (1)
Ontario	81	57% (46)	26% (21)	15% (12)	2% (2)
Quebec	32	15% (5)	18% (6)	51% (17)	12% (4)
Atlantic	35	14% (5)	37% (13)	43% (15)	3% (1)
Territories	37	40% (15)	30% (11)	30% (11)	0
<b>Total (exc. BC)<sup>2</sup></b>	<b>318</b>	<b>34% (109)</b>	<b>28% (88)</b>	<b>30% (96)</b>	<b>3% (11)</b>
<b>Total (inc. BC)<sup>2</sup></b>	<b>482</b>	<b>23% (112)</b>	<b>28% (137)</b>	<b>43% (208)</b>	<b>na</b>

<sup>1</sup> 9 inventoried communities in Alberta and 4 in Manitoba had no collaborative approaches.

<sup>2</sup> Insufficient information for BC resulted in two collaborative approaches (land use studies and management and influence on decision-making) being excluded from our results. Hence the maximum extent of multiple collaboration possible for BC in this table is 3 approaches. Accordingly, the total is presented both including and excluding BC.

**Table 9. Proportion of studies examining each form of collaboration**

PROVINCE OR TERRITORY	Number of studies	FORMS OF COLLABORATION				
		Treaties, agreements and MOUs	Land use studies	Influence on decision-making	Forest tenures	Economic roles and partnerships
British Columbia	48	21% (10)	35% (17)	4% (2)	19% (9)	21% (10)
Alberta	21	29% (6)	33% (7)	10% (2)	10% (2)	19% (4)
Saskatchewan	12	8% (1)	50% (6)	33% (4)	8% (1)	33% (4)
Manitoba	2	0	100% (2)	0	0	0
Ontario	23	17% (4)	43% (10)	22% (5)	4% (1)	13% (3)
Quebec	20	25% (5)	30% (6)	35% (7)	5% (1)	15% (3)
New Brunswick	2	0	0	0	100% (2)	0
Prince Edward Island	0	0	0	0	0	0
Nova Scotia	1	0	0	0	100% (1)	0
Newfoundland and Labrador	1	100% (1)	0	0	0	0
Yukon	22	18% (4)	32% (7)	50% (11)	0	0
Northwest Territories	12	25% (3)	25% (3)	50% (6)	0	0
Two or more prov./terr.	44	25% (11)	36% (16)	2% (1)	16% (7)	20% (9)
<b>Total</b>	<b>208</b>	<b>22% (45)</b>	<b>36% (74)</b>	<b>18% (38)</b>	<b>12% (24)</b>	<b>16% (33)</b>

## 4c Comparing collaboration research and practice

The database compiled for this project included 208 research studies within Canada that described the use of a particular collaboration initiative or approach. Most studies examined a single approach within a single community, but some studies analyzed experiences across several communities or provinces, or even nationally, while other studies covered more than one approach. Table 9 presents the relative frequency of different collaborative approaches in these studies, identifying the province in which the work was undertaken. Comparing this table with our inventory of collaborative arrangements (Table 7, section 2.4) identifies some issues concerning the state of research for collaborative approaches.

Importantly, forest tenures and economic roles are the two most commonly used collaborative approaches, used by 61% and 58% of communities respectively. However, these subjects have been of relatively little interest to researchers, with only 12% of studies addressing tenure and 16% examining economic roles and partnerships. This is particularly significant for the Maritime Provinces, where the principal form of collaboration undertaken by Aboriginal groups is economic partnerships, but where no research has been published examining the issues, benefits and difficulties associated with this approach.

The most common subject for research work has been land use studies. This may reflect both the academic origins of this tool and its importance in land claims negotiations and the negotiation of Aboriginal rights and title. Treaties and agreements have also proved to be of interest to researchers.



# Appendix 5 Harmonization of Aboriginal and industry interests in Quebec

The terms of reference for this report specifically included the term “harmonization”. The expression “mesures d’harmonisation” or “harmonization measures” has been used in forest management in Quebec since the 1980s. It has served to establish common ground where the Provincial Government and the First Nations of Quebec can address the harvesting and management of forests on Crown lands. The term “harmonization” is broad and covers many realities. It variously describes:

- a provincial regulatory framework for the “harmonization of uses”,
- a set of “harmonization practices” that First Nations would like to see applied, and
- local “harmonization processes” (each with its own dynamics and outcomes).

The regulatory framework for harmonization in Quebec rests on modifications made to the provincial Forestry Act in 2001 and on processes formalized by the Quebec government in 2005 (Pâquet and Deschênes 2005: 11-13). As a first step, forestry companies holding a forest management contract are obliged to consult First Nation communities concerning planned harvesting and management operations on forestlands. If the community has concerns, then the two parties can negotiate modifications to the standard logging and management practices set by government regulation. Any such modifications must be approved by the Minister, and then become a part of the operational plans for a particular area, as decided by the company and the community.

**“Harmonization measures” are negotiated between forestry companies and First Nation communities, subject to Ministerial approval.**

The format and content of consultations and agreements are not specified. However, government guidelines stress issues of access to land, timing of operations (e.g., silvicultural), and maintaining visual landscapes. Harmonization agreements usually lead to the development of a modified plan for interventions, with zoning, buffer strips and protection areas. Results are evaluated by stakeholders using a fairly simple “satisfied/unsatisfied” form to be returned to the government. These forms serve as a monitoring tool, and non-compliance with the agreed-upon plan can lead to fines or a reduction in the allocated volume.

In general, harmonization appears to provide results that go beyond those obtained by simple compliance with the regulatory framework. However, results do not yet fully address the aspirations of First Nations. A particular concern is the short period of time for consultation and negotiation of an agreement, generally less than three months. Another key concern is lack of flexibility as many aspects of forest management, such as setting and allocating timber

volumes for harvesting, are decided before First Nations are consulted (Dupré in FNQLSDI 2004). Lack of detailed information, as well as lack of involvement from government managers, are also raised as important issues.

Harmonization has been more successful where First Nations and forestry companies have developed institutional processes that go beyond minimal regulatory requirements, such as with the Cree in northern Quebec and the Atikamekw of the St-Maurice valley (Box 4). It has been less successful where the institutional framework for harmonization was poorly developed, or was limited to the minimal regulatory guidelines, such as with the Mi'kmaq, the Algonquin and the Innu.

**Harmonization has been most successful when processes go beyond minimal requirements.**

**First Nations concerns include the short period of time for consultations and to negotiate an agreement, and lack of flexibility (e.g., if plans are established before First Nations are consulted).**

#### BOX 4

##### **Elements of successful harmonization: the Atikamekw of Wemotaci**

The Atikamekw community of Wemotaci began a harmonization process in 1999. They established a team of community members who had formal training in land use techniques (wildlife, forestry, and GIS) and a non-Atikamekw professional forester, led by an experienced Atikamekw negotiator. In parallel, a harmonization table was established comprising elders and other community members.

The table enabled the community to communicate their objectives and concerns to the technical team. The technical team then negotiated the forest management plans and practices with representatives of companies. The team also had access to traditional land use and occupation studies undertaken in the 1990s, to a set of "Atikamekw" logging prescriptions developed by consultants and to an Atikamekw forest services company.

All these elements go beyond the requirements of the law or government guidelines. The process has led to several positive outcomes for this community:

- Harmonization has protected sites used by the Atikamekw for a variety of purposes.
- It has helped to develop forestry practices adapted to Atikamekw land use and lifestyle.
- Harmonization has contributed to developing the capacities of individuals and organizations, and has helped develop economic opportunities.
- The Atikamekw are now better able to communicate their concerns and interests about forests and the environment in other contexts.

Drawn from Gosselin (2004) and Wyatt (2004, 2006).



# Appendix 6 Rethinking collaboration: metasynthesis and lessons learned

Metasynthesis is a relatively recent research technique that is used to re-evaluate existing theory, particularly by reviewing a range of previously conducted studies. It helps to “push the level of theory” (Schreiber et al. 1997) by clarifying concepts and patterns in the data as well as by refining existing states of knowledge (Finfgeld 2003). Typically, a metasynthesis involves:

- identifying existing documented studies;
- selecting a subset of these based on criteria such as complete information, method, and research questions;
- analyzing the principal conclusions as well as the context and details of the study;
- and finally synthesizing with a conceptual framework that encompasses the diversity of studies

(Beierle and Cayford 2002, Bondas and Hall 2007, Padgee et al. 2006). More than simply a literature review or the sum of parts, a metasynthesis can offer new understanding of findings from individual studies, developing new explanations by analyzing and then synthesizing results.

The last thirty years have seen a significant body of research concerning Aboriginal peoples’ experiences in forestry and land management. Our goal for this metasynthesis was not just to review and summarize research, but rather to seek common issues that can help us better understand the basis of successful collaboration. Working from our database of more than 250 published articles, research reports and other documents, we selected 90 particularly informative documents, and then a subset of 24 papers for a more detailed analysis on three selected themes that illustrated different aspects of the range of collaborative experiences:

- Use of Aboriginal knowledge in forest management;
- Co-management and Aboriginal control of forestlands; and
- Economic development initiatives that seek to involve Aboriginal peoples in the forestry industry.

(See Box 5 for details on the methods and sources used.)

## **i. Wisdom in action towards destinations: balancing Aboriginal and scientific knowledge in forest management**

Contemporary management of and decision-making for forestlands requires the use of both scientific knowledge and traditional knowledge held by Aboriginal peoples. The foundations of these types of knowledge are very different (Aikenhead and Ogawa 2007). This often results in conflicting approaches to the use and management of natural resources (Berkes et al. 2000).

Traditions of Indigenous knowledge typically consider ways of “living in nature”, emphasizing responsible relationships between knowledge, people, and the whole of creation, often with a spiritual aspect. Science acknowledges

such traditions, but considers them unscientific, concentrating instead on examining objects, causes and effects. Aboriginal knowledge often focuses on monitoring day-to-day changes in local contexts while science aims at establishing common rules that will apply to similar situations, whether local or elsewhere.

**Aboriginal and non-Aboriginal knowledge can both contribute to forest management visions and decision-making.**

Frequently, Indigenous knowledge is described in terms that reflect a journey, rather than a static set of data. Aikenhead and Ogawa (2007) use the term “wisdom in action” for Indigenous ways of living in nature, while suggesting that scientists and managers plan for specific destinations, often overlooking the critically informative “twists and turns” of a learning journey.

Trying to combine Aboriginal and scientific knowledge is challenging. It can lead to conflicts, for instance over different intentions as to how information should be shared or used. Concerns include using studies of Aboriginal knowledge as a substitute for consultation, using information in ways that do not respect Aboriginal values, issues related to the transmission of oral knowledge, and how Aboriginal knowledge should best be used in formal planning processes.

Current management processes often emphasize written words, and are formalized by governments without consultation with Aboriginal peoples, who are then concerned that they are being excluded from natural resource management institutions (Greskiw and Innes 2009). The Dene Tha, for example, consider that exchanging knowledge should also involve cross-cultural learning and sharing of visions or perspectives (Horvath et al. 2001). Simply documenting Aboriginal knowledge is inadequate. Instead, both parties need to understand how the other views their knowledge, and must develop a common vision of how it should be used.

Despite differences, there are parallels and points of contact between these forms of knowledge, and both knowledge systems are based on careful observation and building on past knowledge. A number of current resource management methods are similar to Aboriginal practices, including management of landscape patchiness, nurturing sources of ecosystem renewal, and responding to and managing variability and surprises (Berkes et al. 2000).

A central realization here is that there are different ways of knowing nature and that a plurality of truth can provide greater understanding (Aikenhead and Ogawa 2007). This is not a contest between science and Aboriginal knowledge.

Reconciling the two should allow both sets of knowledge to contribute to decisions about forestlands. Institutional structures, such as roundtables or co-management boards, can facilitate this, enabling both sets of knowledge to contribute, especially if decision-making authority is shared (Mabee and Hoberg 2006). Monitoring the effectiveness and fairness of processes is essential (Carlsson and Berkes 2005, Armitage et al. 2007). Such reconciliation should perhaps be considered as “wisdom in action towards destinations” – where destinations and the path of the journey are decided through a process of coming to know the relevant contexts and the meaningful relationships between Aboriginal and scientific knowledge.

## **ii. Co-management: undertaking a process rather than establishing an institution**

Co-management is usually understood as a way to share management responsibilities and decision-making powers between a government and local users (Berkes et al. 1991), or as a means to gain support for regional resource management policies (Natcher et al. 2005).

Across Canada, co-management is increasingly seen as a model for relations between Aboriginal peoples, governments and companies for forestland management. It is perceived as offering Aboriginal peoples an equal role in decision-making. It is also often proposed as a solution in a crisis, particularly where Aboriginal rights, interests or knowledge have been ignored (Nadasdy 1999). Much early co-management literature concentrates on the formal arrangements between the parties. More recent studies focus on social developments, the evolution of arrangements, and on the concept of adaptive co-management and mutual learning (Armitage et al. 2007, Carlsson and Berkes 2005).

*“Co-management: a situation in which two or more social actors negotiate, define and guarantee amongst themselves a fair sharing of the management functions, entitlements and responsibilities for a given territory, area or set of natural resources.”*

(Borrini-Feyerabend 2000: 8)

Drawing from Canadian and international experience, Borrini-Feyerabend (2000) concluded that co-management could not be achieved simply by creating a board or a similar institution but that a structured learning process is critical.

According to Borrini-Feyerabend (2000), co-management is appropriate where two (or more) actors each need resources and each have historical rights, knowledge and experience. It is inappropriate where there is uncertainty about access to resources or about management and information. Unfortunately, such uncertainty currently characterizes most situations involving Aboriginal communities and forestry companies in Canada, and can act to undermine co-management and other collaborative arrangements. The lack of awareness of risks associated with co-management suggests a need for more research in this area (Carlsson and Berkes 2005, Natcher et al. 2005).

Borrini-Feyerabend (2000) proposes three phases in a co-management process:

- **The preparatory phase** is primarily concerned with ensuring adequate resources, the role of initiators and effective communications. Reviewing the Nuu-chah-nulth experience in Clayoquot Sound, Mabee and Hoberg (2006) found that co-management facilitators failed to anticipate and account for cultural variation between participants.
- **The second phase, negotiation**, involves building trust and cooperation as well as reaching solutions. Natcher et al. (2005) concluded that the development of a group identity and a shared commitment are essential to the success of any co-management process. Mabee and Hoberg (2006) also noted the importance of addressing power and of ensuring that arrangements do provide Aboriginal peoples with equal roles in “joint” decision-making.
- **“Learning by doing” is the third phase**, emphasizing the processes and the roles and responsibilities of each party, both for implementing management and for monitoring. Olsson et al. (2004) use the term “adaptive co-management”, with key characteristics of iterative learning through managing and the sharing of rights and responsibilities.

Co-management may be better understood as a verb than as a noun. Natcher et al. (2005) remind us that co-management has more to do with managing human relationships than with the actual resources. Understanding co-management as a process of “learning by doing” establishes a defined learning cycle: what are the partners aiming to achieve, how are they intending to achieve it, and how will they know if they’ve succeeded.

### iii. Economic development: growing capacity, communities and relations

Over the last decade, Aboriginal peoples have become increasingly active in the forest sector. For many, economic participation in forestry provides a means to exercise Constitutional rights, to rebuild communities and to regain self reliance (Greskiw and Innes 2008, Nadasdy 1999). As Trosper et al. (2007) noted, the twin observations that Aboriginal communities often suffer from lower socio-economic status and that 80% of such communities are

located in commercial forestry areas has led to government policies aimed at encouraging forest-based economic development. A common argument is that self-sufficiency will contribute to Aboriginal community self-determination, decolonization, and to building institutions empowered with Indigenous knowledge (NAFA/IOG 2000).

Despite these goals, typical economic indicators of well-being do not show that policies have led to significant changes in Aboriginal communities (Parkins et al. 2006). Experience across the country identifies numerous barriers to Aboriginal forestry business, particularly access to lands, finance and capacity. First, Aboriginal-controlled lands (usually Indian Reserves) account for only 0.25% of the forested area of Canada (Brubacher 2003, 2007). Provinces are increasingly allocating forest tenures to Aboriginal enterprises but these tenure systems are not necessarily consistent with Aboriginal goals and rights. Access to finance is also a significant difficulty for Aboriginal forestry enterprises, whether this is sought from commercial institutions, government programs or even existing assets (Williams 2008). Many Aboriginal communities face a shortage of management, technical and labour skills. Government and industry programs exist, such as the federal First Nations Forestry Program, but Boyd (2006) noted that in the Chilcotin region of British Columbia many such initiatives are short-term, reliant upon specific company projects or lacking co-ordination with broader education initiatives. Furthermore, the existing state of upheaval in the forest sector adds to the difficulty of new projects and enterprises.

Faced with problems of access to land, resources, finance and skills, many Aboriginal communities or businesses choose to establish economic arrangements with non-Aboriginal forestry enterprises.<sup>16</sup> These can take many forms from joint ventures to agreements (NAFA/IOG 2000, Trospen 2007) and can fulfill roles as varied as conflict avoidance, profit and socio-cultural benefits (Hickey and Nelson 2005). However, integrating Aboriginal enterprises into an industry characterized by high capitalization and centralized control presents many challenges; companies often lack understanding of the interests and constraints of their potential partners (NAFA/IOG 2000).

For many Aboriginal communities, involvement in economic arrangements is motivated more by principles such as reciprocity and respect than simply by profit motives (Trospen 2009). Recognition of each partner's goals and priorities is important, and can help ensure that they are accommodated within a given arrangement.

Greskiw (2006) noted that although Aboriginal and non-Aboriginal members of the Likely Xats'ull Forestry Corporation had not previously worked together, they realized that they had common interests that would be met by a business partnership. This enabled the two communities of Likely (non-Aboriginal) and Xats'ull (Aboriginal) to obtain a renewable area-based community forest tenure from the government and to manage this area for the benefit of both.

Cooperation, co-management and cross-cultural learning all represent significant changes to the ways that governments and corporations usually conduct business. Modest practical steps may be an effective way to achieve major advances over time (Wilson and Graham 2005).

Trospen (2007) and Williams (2008) also underline the importance of effective policy and procedures that can create stability for Band run business enterprises. Trospen (2007) found that clear policy can help separate Band council interests and business interests in order to minimize conflict of interests and perceptions of political interference.

Rebuilding self-reliance is an important goal for Aboriginal economic development and doing this through collaboration with a non-Aboriginal entity may seem paradoxical. However, economic arrangements provide opportunities for learning, improving cross-cultural communication and strengthening individual businesses, both Aboriginal and non-Aboriginal. In many cases, success may best be indicated not by employment numbers or revenue, but by progress towards community goals, increased capacity and improved relationships.

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<sup>16</sup> See section 2.3 for a consideration of partnerships and other economic arrangements between Aboriginal peoples and forestry companies.

#### iv. Lessons for successful collaboration

The three themes examined in the metasynthesis represent quite different aspects of collaboration between Aboriginal peoples and forestry companies, and research usually considers each independently. Our discussion of Aboriginal knowledge raises questions about the types of information used in management and about peoples' values and interests for forestlands. Co-management is often seen as an institutional model to follow, but is increasingly understood as a process that brings different groups together to manage use of forestlands. Economic development usually implies business development and partnership models, but also needs to be seen as part of Aboriginal peoples' quest for self-reliance. When these themes are presented in parallel, it is apparent that there are a number of common issues.

First, **communication** is an essential step in helping each party to understand other points of view and to recognize the value of the knowledge, experience and values that each can bring. Through such understanding, establishment of a shared vision, a group identity and a joint learning serve as a guide through periods of difficult negotiation. Natcher et al. (2005) concluded that success in co-management would “depend upon members' ability to engage rather than subvert differences in knowledge and experience”. As Greskiw (2006) found in the Likely Xats'ull partnership, a common purpose may be more useful than conviviality in beginning a collaboration.

Second, **fundamental issues** need to be dealt with clearly and fairly. Aboriginal peoples expect that their rights will be respected in collaborative arrangements. Ignoring these, or treating them as something outside the subject of discussion, is unlikely to help build a relationship. Power inequality is familiar to many Aboriginal people, and Clayoquot Sound research found that participants differed in their interpretation of what “equal partner” meant (Mabee and Hoberg 2006). Failing to understand the epistemological basis of Aboriginal knowledge may lead non-Aboriginal foresters simply to mark sites on a map without respecting the values and rules that guide the use of such information. Parties need to negotiate processes and standards that will respect the interests of each.

**Institutional structures**, including organizations, processes and systems, have been the focus of much research. Studies of business partnerships have been especially useful in determining guidelines for effective institutions (Troster et al. 2007, Williams 2008). Cornell and Kalt's (1992) classic work on American Indian economic development notes the importance of dispute resolution mechanisms, separating politics and business and clear responsibilities and roles. However, Carlsson and Berkes (2005) stress the complexity of co-management, suggesting that, in practice, co-management institutions are evolving, rather than being predetermined or fixed. Participatory structures, such as roundtables and joint management boards, are often proposed as appropriate institutions for collaboration, but complexity and change mean that even these should be flexible. It is also useful to recognize that the absence of an institution may be the best option – providing a space where parties can determine their own means of collaboration.

“**Learning by doing**” is the third phase of the process (Borrini-Feyerabend 2000). The emphasis is on initiating collaborative activities, considering outcomes and learning from the results (both good and bad). This corresponds to “adaptive management” as an iterative learning process where management activities themselves are viewed as the primary tools for experimentation (Holling 1978, Walters 1986), as well as to the idea of “learning organizations” (Senge 1990). For Cajete (2000), “the process of generating or learning Indigenous ways of living in nature is coming to know”. Business partnerships may be a typical example of “on-the-job” training, but NAFA/IOG (2000) noted that there has been only sporadic national co-ordination and support for learning from the successes and failures of projects.

Finally, **monitoring and evaluation** is the complement of “learning by doing”. It requires clear goals, an understanding of how these are to be achieved and indicators of success (or failure). Despite its importance, it appears that insufficient attention has been paid to monitoring and the identification of good indicators. Brubacher (2003, 2007) uses forest tenure as an indicator of First Nations' access to forest resources. However, Horvath et al. (2001) and Parkins et al. (2006) consider that standard indicators probably miss key aspects of well-being for Aboriginal

### Metasynthesis methodology and information sources used

This metasynthesis began with the coding of key information for over 250 documents in our database, including published articles, research reports and other documents describing various projects and initiatives. From this, 90 documents were selected that provided particularly rich description and analysis, while also representing a diversity of experiences, contexts and geographic situations. In order to permit a more detailed analysis, we identified three recurrent themes that illustrated different aspects of the range of collaborative experiences. Within each of the three themes, between seven and nine papers were selected for more detailed coding and analysis.

The **Aboriginal knowledge** theme brought together seven studies that identified prospects and problems in harmonizing Aboriginal and scientific knowledge. The experiences of the Little Red River Cree, the Yukon First Nations, the Dene Tha', and the Prince Albert Grand Council of Northern Saskatchewan all examine issues about the use of Aboriginal knowledge in forestry (Hiebert and Van Rees 1998, Horvath et al. 2001, Natcher and Davis 2007, Natcher and Hickey 2002). These were linked to three more theoretical discussions (Aikenhead and Ogawa 2007, Berkes et al. 2000, Davidson-Hunt and Berkes 2003).

For the **co-management** theme, specific cases were provided by the Northern Secwepemc (Greskiw and Innes 2008), the Gitksan (Pinkerton 1998) and the Nuuchah-nulth (Mabee and Hoberg 2006) in British Columbia, the Little Salmons Carmacks (Natcher et al. 2005) in the Yukon and a study of 15 co-management agreements summarized from cases across Canada (Notzke 1995). These cases were supplemented by theoretical analyses from Ostrom (1990) and Berkes et al. (1991, 2003) and Carlsson and Berkes (2005), along with a co-management guide prepared by Borrini-Feyerabend (2000).

Finally, the **economic development** theme builds on case studies from British Columbia (Boyd 2006, Lertzman and Vredenburg 2005, Williams 2008) along with several national studies (Brubacher 2003, 2007; NAFA/IOG 2000, Smith 2006, Wilson and Graham 2005).

Each of the twenty four selected papers was analyzed individually using the qualitative analysis software package Atlas.ti (ATLAS.ti 1993-2009). Based on Grounded Theory (Glaser 1998), this involved "descriptively fragmenting" the stories that are at the core of each paper, identifying elements of data, explanation and theory and coding them using the software.<sup>16</sup> Codes were based on ideas and information in each paper, rather than using a predefined list of codes. However, as coding progressed, previously identified codes were used as appropriate to facilitate linking between papers.

The software includes a network analysis tool that enables codes to be related to one another using terms such as "is a part of", "is a cause of" or even "is opposed to". Hence, within each paper we were able to group similar codes and to establish relationships between individual codes and between groups of codes. These can be represented graphically and illustrate conceptual networks. These networks were not exhaustive of all ideas in all papers in each of the themes, but they did identify the salient subjects.

Finally, we linked the networks prepared from each paper in order to identify themes that recurred across all 24 documents. These common themes provide a new synthesis of a wider set of experiences and a "metastory" that integrates and explains these. In building this explanation, we were particularly seeking to understand the basis of successful collaboration between Aboriginal peoples and forestry companies. The five "lessons" presented above are the key themes that emerged out of the networks of ideas developed through the integrated qualitative analysis of the 24 case studies.

<sup>16</sup> J.-F. Fortier undertook initial coding of all studies in the database. G. Greskiw was responsible for the metasynthesis, including analytical coding of the twenty-four selected papers and network analysis of these codes.

communities. Learning collaboration, evaluating achievements and improving policy will only be possible if parties are able to monitor both processes and outcomes in terms that reflect their own goals and views of forestlands.

These five issues are common to all three of the different collaboration themes identified in this metasynthesis. They enable us to go beyond the consideration of traditional knowledge, co-management or partnerships individually, and to consider an integrated view of collaboration between Aboriginal peoples and forestry companies.





## Appendix 7 Collaboration outcomes and capital

The term “capital” has its origins in classical economics, where it refers to physical assets that are used to generate income. Since then, other uses have followed, with “human capital” being the knowledge and skills of people and “social capital” covering norms and networks for collective action (Woolcock 1998). In relation to public roles in the management of natural resources, Berkes and Folke defined capital as “a stock resource with value embedded in its ability to produce a flow of benefits” (Berkes and Folke 2002). Within this view, capital can take various forms – financial, natural, human and social. It can therefore be used as a unifying concept for analyzing various dimensions of collaboration in the management of natural resources, as well as the complex relationships between these dimensions.

As a concept “capital” appears to be appropriate for considering the results of different approaches to collaboration. First, and perhaps most importantly, by thinking about the outcomes of collaboration as capital, we draw attention to the fact that collaboration is generally thought of as an investment, made to build up resources for the future. However, it should be kept in mind that capital can also be diminished or lost through poor decisions about investments and management. Second, the concept of capital is useful to understand conversions of one form of resources into another and trade-offs that are made by stakeholders. Leaders may make a deliberate choice to use one form of capital to build up another, such as using forest resources to gain revenue and employment, or applying traditional knowledge and values within a forest management partnership. Conversely, harvesting operations that generate some employment and revenue but that significantly decrease other types of capital may result in an overall loss.

However, using the concept of capital in this way also differs from the classic economic understanding of the term and Woolcock (1998) notes that the term “social capital” is used in a variety of ways, weakening its effectiveness as a theoretical and empirical tool. Traditionally, economic capital can be bought and sold; it is “property”, both “personal” and “real” (“real” property is connected to land; “personal” property is detachable). This gives it a market value, which can be observed or estimated. Economic capital produces “revenue” and so any depreciation in value of the capital is deducted from the revenue, along with all other expenses, in order to determine the “profit” of an activity. These characteristics of the classic meaning of “economic capital” are not shared by the wider use of “capital” as suggested by Berkes and Folke (2002). Spash (2008) goes further, noting the difficulty of attempting to value ecosystems in monetary terms and the danger of “naively” using economic approaches without recognizing the basis of these concepts. These differences in meaning, coupled with the fact that forestry company managers and government policy-makers are often familiar with the classic view, creates a risk that discussion of collaboration outcomes as “capital” will lead to further confusion and misunderstanding.

Nevertheless, in this report, we decided to discuss the outcomes or results of collaborative arrangements in terms of capital. Woolcock (1998), after discussing strengths and weaknesses, concluded that social capital is a useful

concept, particularly for treating socio-political issues in an interdisciplinary approach. We consider that this wider view of capital, in which monetary value is only one means of measuring the productive nature of various forms of capital, is useful in balancing different types of collaboration outcomes and in considering the way that the results of one collaborative arrangement can help build (or hamper) future efforts. However, we also recognize that there are weaknesses in this approach, and hope that future research will help to clarify this.

# Appendix 8 Building collaboration

The collaboration-building process presented in Figure 3 (page 29) is not a recipe on how to achieve a successful collaborative arrangement. Instead, it is a model that attempts to integrate the variety of complex relationships that have been described in numerous cases across Canada. Research often stresses the importance of clear communications, of effective institutions, of understanding the context, or of some other factor. This model suggests that all elements of the process are equally important in building successful collaborations. Furthermore, the model is circular rather than linear: one collaborative experience (whether successful or not) can pave the way for another. This appendix provides further detail on the seven elements presented in Figure 3 and on the ways that they can contribute to building collaboration.

## 1 Context affecting the relationship

No collaborative arrangement commences in a void. Characteristics such as previous relations between the parties, unequal power or freedom of action and government policies and legislation will all affect the interests and capacity of each party, as well as the confidence that each has in the other. These and other factors may change as the arrangement progresses, removing existing barriers, creating new opportunities or invalidating previous plans. Typically, neither an Aboriginal community nor a forestry company can control the context, but they need to be aware of how this context affects the collaboration process and what effect changes may have.

## 2 Communication to clarify goals and interests

As a first step, communication between the parties aims to clarify the interests and goals of each (see section 2.2) and to develop a common understanding of issues and problems (Bouthillier and Roberge 2007). Achieving mutual gains through collaboration depends largely upon how well each stakeholder's interests and goals are understood by the others. Clearly, communication involves both Aboriginal peoples and forestry companies, but there is also a consensus between these two actors that provincial and federal governments also need to be actively involved. Governments not only have their own interests and goals, but establish the policy frameworks within which collaboration must take place. If governments are not present to address fundamental issues such as rights, then Aboriginal and industry participants will not necessarily be able to advance the collaboration process.

*“Delegation of government responsibilities (to consult) to industry seems to be a problem common to many provinces. There are expectations that industry will solve some important issues, such as Aboriginal participation, on which industry does not have powers to act.”*

Industry participant, 15 January 2009

### 3 Negotiating mutual goals and conflicting interests

In situations connecting Aboriginal peoples, forestry companies and governments, most issues will involve some level of negotiation. **Negotiating mutual goals** occurs when the goals of one party do not interfere with those of the others and a “win-win” solution is possible. Negotiation is still necessary to jointly establish a clear understanding of these goals, but this can probably be achieved fairly quickly.

*“We have to talk about core issues on which there cannot be compromise; after, we can move to issues on which there is movement possible.”*

Participant at Ottawa workshop, 19 June 2008

**Negotiating conflicting interests** becomes necessary when fundamental issues are involved and when trade-offs between goals become necessary. Hopefully, the communication phase will have helped to circumscribe and clarify the source of conflict while building goodwill around common interests. However, as participants in this research indicated many times, legitimacy in a collaborative process requires a fair negotiation structure and an appropriate level of responsibilities and power. If such legitimacy is achieved, the collaborative process will be able to move forward and negotiated solutions will be implemented in practices and institutions just as mutual gains solutions will have been.

It is important to note that many communities choose to engage simultaneously in both forms of negotiation. Mutual goals offer the possibility to pursue goals that can be resolved easily and that address community priorities, such as economic development. Collaboration here can help build relationships and capacity that support progress in slower negotiations around fundamental issues.

### 4 Institutions and processes for implementation

Implementation of actions to attain negotiated goals requires some level of institution building. Institutions may be formal organizations, such as co-management boards or joint venture companies, or they may be less formal structures or agreements on processes. Building an institutional framework for collaboration can support implementation, but creating a new institution does not always have a significant impact on successful collaboration (Nadeau et al. 2004). It should also be remembered that pre-existing institutions may be inadvertently replaced by the establishment of new organizations, such as the loss of a traditional management structures involving elders when a new management committee is formed. Implementation generally requires long-term commitments and consistency, building capacity and obtaining results as projects move forward. Importantly, building trust is helped by recurring and regular interactions in a variety of contexts, not just in times of crisis or for single issues, as is often the case with *ad hoc* structures (McGregor 2006).

### 5 Outcomes

As discussed in section 2.6, the results of effective collaboration contribute to building capital, whether this is economic, cultural, natural, institutional or social. Developing institutional capital is particularly relevant to step 4 (above) of this collaboration model as organizations and processes developed for implementation also become one of the outcomes of successful collaboration. Outcomes can also be considered in other terms. Effective outcomes are perhaps the most commonly considered, being observable and “concrete” results such as employment or changes in forest tenure. Procedural outcomes relate to how things are done, such as an increased Aboriginal role in decision-making. Reflexive outcomes concern understanding and perceptions, as exemplified by increased trust or a comprehension of the importance of land for an Aboriginal community. Collaboration should provide a variety of outcomes, but different expectations and goals mean that parties will not necessarily define “success” in the same way. Accepting that collaboration brings more than just a simple set of “concrete results” can help partners to build a closer relationship and develop a more comprehensive assessment of the progress they have made as a group.

## 6 Monitoring, learning and feedback

Monitoring both the outcomes of a collaborative process and the process itself is an essential part of the collaboration model, enabling partners to learn from the process and enhancing communication for the beginning of a new cycle. Effective monitoring requires that participants have decided how to evaluate expected results and impacts, but also that they are able to recognize unexpected outcomes. Monitoring processes frequently need to deal with negative results through conflict management mechanisms or revision of objectives and institutions. But monitoring is also a positive force in collaboration, identifying elements that contributed to success, sharing knowledge and new capacity and celebrating achievements. Whether positive or negative, both forms of monitoring help to clarify interests and goals, contributing to commencing a new collaborative arrangement.

## 7 Attitudes underlying the relationship

As collaborative arrangements proceed they usually, but not always, contribute to closer relationships between the parties. This is reflected in attitudes such as greater trust, confidence in and respect for the other partner, openness towards different values or perceptions, patience and so on. Conversely, a failed attempt at collaboration risks increasing distrust and reducing confidence in the other party. This is particularly marked if one party judges the collaboration as a success while the other is less pleased, as in a forestry joint venture that improves timber flows for a company and provides Aboriginal employment without enabling the community to be part of management planning processes. The attitudes underlying the relationship are both *outcomes* of successful collaboration and *characteristics* that facilitate future initiatives.



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