Policy Lessons & Innovations in Canada

Monique Ross & Peggy Smith

Global Perspectives on Indigenous Peoples' Forestry, June 6, 2002
Forestry in Canada—Stuck in a Rut

- Forests owned by Canadian people, administered by provincial governments
- Industrial model—timber exploitation
- High volume, low value (pulp & paper, dimensional lumber)
- Dependence on United States’ market
Indigenous Forest Issues

- First Nations: sovereign before colonization
- Willingness to share, responsibility to welcome, chose to co-exist
- Treaties: protecting a way of life (hunting, trapping, fishing & gathering)
- Constitution Act, 1982: Aboriginal & treaty rights
Indigenous Forest Issues

- Jurisdiction: provinces—natural resources; federal—"Indians & lands reserved for Indians"
- Rights defined & upheld by Courts
- Rights ignored by forest managers
- Access to forest resources denied
- Ghettos within a prosperous nation
Policy Challenge: Politics *before* Business

- A new relationship among governments
- Framework agreements negotiated by Indigenous, national and provincial governments
The New Relationship

Recognition of Indigenous rights
+ tenure reform
+ incorporation of Indigenous values
+ equitable share of benefits

= joint stewardship and sustainable forest management

Is it possible?
Tenure System

- Large area, long-term (20-25 years) licenses to largely foreign-owned multinationals
- Licenses subject to rules set by provincial governments (level of cut, wood directed to mills, royalties, management)
- Lack of consultation
Tenure Innovations

- Community forest tenures, BC
- Algonquins of Barriere Lake, Quebec
- James Bay Cree, Quebec
- Ministerial authority to enter into new arrangements, but rarely implemented
- National Forest Strategy: commitment to reform policies & legislation as needed
Indigenous Values

- Document land & resource use (mapping)
- Monitor and measure changes over time
- Information collection: minimum standards, sound science
- Incorporate into decision-making
Values Innovations

- Canadian Council of Forest Ministers Criteria & Indicators of Sustainable Forest Management (1995): forest land area available for Indigenous use
- Ontario: “Native Values Mapping”
- British Columbia: “Traditional Use Studies”
- Northwest Territories: “Traditional Ecological Knowledge”
And if governments fail, will certification do the job?

- Forest Stewardship Council’s Principle 3, Indigenous Rights

  “The legal and customary rights of Indigenous peoples to own, use and manage their lands, territories and resources shall be recognized and respected.”
Certification Innovations

- Regional standards in Atlantic Canada, Ontario, British Columbia, National Boreal
- Principle 3: requirements to negotiate agreements, consult, protect use and values
- Rights? Economic Chamber: Forest companies cannot go beyond provincial governments’ interpretation of rights (no sharing)
- Provincial governments: serve industrial clients; want certification
A made-in-Canada solution
Royal Commission on Aboriginal Peoples, 1996

Government (Indigenous)-to government (national)-to government (provincial) agreements for joint stewardship of forest resources recognizing:

- Underlying Indigenous title & responsibility for protection
- Maintaining public ownership for the public good
- Economic & social justice
- Sustainable forest management for future