

ADAPTING TO CHANGE, PERCEPTIONS AND KNOWLEDGES
IN THE INVOLVEMENT OF ABORIGINAL PEOPLES IN FOREST MANAGEMENT:
A CASE STUDY WITH LAC SEUL FIRST NATION

by

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ABSTRACT

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Keywords: Aboriginal peoples, forest management, First Nation, participation, knowledges, consultation, perceptions and understandings, adaptive management, community forest.

This study examines the involvement of Aboriginal peoples in forest management and their perceptions and understandings of the forest, forest management, participation, consultation and Aboriginal and Treaty rights in Ontario's Treaty Three area. Seeking to inform knowledge-sharing in forest management from the perspective of the Anishinaabe of Treaty Three, notions of knowledge, ways of knowing, epistemological underpinnings, as well as recommendations and the shared experiences of participants, are examined. This research also seeks to explore perceptions and understandings of Aboriginal peoples, forest management plan authors and managers within the Ministry of Natural Resources and the forest industry through a case study on Lac Seul First Nations and the Lac Seul Forest Management Unit. Combined with an examination of the proficiency of Ontario's policy and legal frameworks that determine the level of involvement of Aboriginal peoples and accepted forms of knowledges, this study illustrates the difficulties of implementing multiple ways of knowing in applied forest management and the accomplishments and struggles that have characterized the experiences of Aboriginal peoples in Ontario's forest management system. Through these examinations, this study seeks to understand what is going to determine success in our relationships with each other and the land in forest management.

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ACRONYMS

BNNA: British North American Act

DIA: Department of Indian Affairs

DIAND: Department of Indian Affairs and Northern Development

EA: Environmental Assessment

FMPM: Forest Management Planning Manual

FMP: Forest Management Plan

FMU: Forest Management Unit

GCT3: Grand Council Treaty Three

INAC: Indian and Northern Affairs Canada

LCC: Local Citizens Committee

LSFN: Lac Seul First Nation

LSFNFP: Lac Seul First Nation Forestry Program

OEAB: Ontario Environmental Assessment Board

TEK: Traditional Ecological Knowledge

OMNR: Ontario Ministry of Natural Resources

MNR: Ministry of Natural Resources

MFP: McKenzie Forest Products Inc.

PFSF: Policy Framework for Sustainable Forests

REM: Resource and Environmental Management

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CHAPTER 1 INTRODUCTION

The role of Aboriginal peoples and their knowledges in directing land use in Canada has changed and evolved drastically over the past two decades. More specifically, these changes are also re-shaping the context of Canadian forest management as the involvement of Aboriginal peoples and their knowledges have become part of the discourse and policies for sustainable forest management (SFM) (Nadasdy 1999, Usher 2000, Blackburn 2007, Sikor et al. 2007). In the 2005 report *Criteria and Indicators of Sustainable Forest Management in Canada*, produced by the Canadian Council of Forest Ministers (CCFM), the importance of the recognition of Aboriginal and Treaty rights, as well as the role of Aboriginal Traditional land-use and forest-based ecological knowledges, is recognized as fundamental to SFM in Canada (CCFM 2006). To a lesser degree, the Province of Ontario also recognizes the role of Aboriginal peoples as part of three elements of accepting social responsibilities for SFM where it “encourages and promotes increased Aboriginal participation in SFM activities” (OMNR 2007). The involvement of Aboriginal peoples and their knowledges has become a principle component of “sustainability”, a concept integrated in the Ontario Ministry of Natural Resources (OMNR) legislative mandate.

In Ontario, as 80.7% of the forests are publicly owned, the OMNR and the forest industry, through the Sustainable Forest Licence (SFL), are entrusted with forest management for the benefit of Ontario residents (OMNR 2009). Though historically this

has been a very exclusive activity, forest management and legislation in Ontario have evolved from a focus on timber harvest approvals and sustained timber yields to managing a broad set of considerations from ecological integrity to the interests of multiple stakeholders and uses (Adamowicz et al. 1998). As a result of the decision on the OMNR Class EA for Timber Management on Crown Lands (OEAB 1994), forest management planning significantly changed to recognize Aboriginal peoples as a unique group requiring a separate consideration and new process additional to legislated public consultation. The EA Board's recommendations on Aboriginal involvement were incorporated in what is now Part A, Section 4 of the Forest Management Planning Manual (OMNR 2005). Though Aboriginal and Treaty rights have led to the critical re-examination and restructuring of power and responsibilities regarding natural resources, they have yet to be recognized in Ontario legislation.

The changes in the role of Aboriginal peoples and their knowledges in forest management are local and international phenomena that are the result of the convergence of changes at various levels. The experience of Aboriginal peoples was part of a global pattern of events where "independent peoples dominated by white powers, suffered the stigmas of inferior status" (Cairns 2000:24). The involvement of Aboriginal peoples in forest management is also part of a larger discussion and shift situated in the international Indigenous rights movement, the post-colonial era and erosion of colonial assumptions, the revolution of the civil rights movement, the expansion and shift in environmental philosophy and global economic systems on the international stage. It is also evolving within the context of Canadian institutions with

high profile Supreme Court decisions on Aboriginal rights and title regarding lands and resources and the evolution of the relationship between Aboriginal and non-Aboriginal Canadians and the inequalities, colonial assumptions and interactions that characterize it. This evolution is affected by provincial legislation and jurisdictions while also taking place at the local level where Aboriginal and treaty rights, self-government, land claims and community development are changing the landscape of Canadian resource management.

1.1 PURPOSE AND OBJECTIVES

This thesis explores the perceptions, understandings and the experiences of Aboriginal peoples, plan authors and managers within the Ontario Ministry of Natural Resources and forest management companies regarding participatory requirements in forest management involving Aboriginal peoples. The overarching objective is to examine the effectiveness of participatory requirements regarding Aboriginal peoples in Ontario's forest management regime and, based on the shared experiences and understandings of participants, to inform potential legislative changes.

Through a case study of the Lac Seul Forest and Lac Seul First Nation (LSFN), interviews and participatory observations were conducted to provide an outlook on the experiences and subsequent relationships that have evolved from these requirements. The effectiveness of the requirements set out by the Forest Management Planning Manual in Part A, Section 4 are evaluated on the basis of the responses and experiences of Lac Seul First Nation residents, managers and representatives of the OMNR District office and of McKenzie Forest Products in Sioux Lookout.

This study also explores conceptions of knowledges to inform knowledge-sharing in forest management from the perspective of LSFN and Anishinaabe participants of the Treaty Three area through interviews and focus groups. Ideas and comprehensions of knowledges are explored in their role of shaping our understandings of reality and our subsequent roles in the management of forests.

1.1.1 Objectives

The objectives of this thesis are to:

- explore the experiences and the perceptions and understandings of Aboriginal peoples, plan authors and managers within the OMNR and forestry companies regarding Aboriginal peoples' involvement through the Forest Management Planning Manual participatory requirements;
- examine understandings of knowledges and the implications of sharing in forest management from the perspective of the Anishinaabe of Treaty Three; and
- seek to understand what it means to build capacity for change and what is going to determine success in our relationships with each other and the land in forest management.

The social and economic disadvantages that face Aboriginal peoples in Canada are well documented. Studies that provide recommendations and research dedicated to change providing plausible solutions are widespread in education, health, natural resource and land management and more, yet often it feels like we are at a standstill. The purpose of this study is not to re-establish the obvious in advocating for change—

though it does—but rather to investigate what it means to make changes on local and legislative levels in forest legislation.

1.2 RELEVANCE OF THE RESEARCH

The significance of research and the texts are important because “words matter”. It is through our words and our actions that we create change and empower each other (Denzin 2005). The examination of social interactions provides a foundation for good forest management as it represents the management of human interactions with the forest environment and the mitigation of the consequences of those interactions. The involvement of Aboriginal peoples in forest management is relevant as part of a larger context of reconciliation and of “achieving a full measure of justice for Canada's First Peoples” (RCAP 1996). Furthermore, the examination of perceptions, understandings and experiences in participatory processes regarding Aboriginal peoples in forest management is not only critical as a question of respect, reconciliation and overcoming epistemological barriers, but such an examination has practical and considerable implications for efficiency and effectiveness in forest management and forestry operations.

More importantly, the forest in northern Ontario is a central feature of who we are and it is also the space within which we define reality and as such our relationships, knowledges and understandings. The examination of these constructed realities and the relationships we have developed are central to the resilience of our communities. Historically, Aboriginal peoples in Canada have had few chances in defining the discourse that determines how resources and the forest are managed, let alone how

their own rights should be upheld. This reality is slowly changing with the obligations under section 35(1) of the Constitution to recognize and affirm “the existing Aboriginal and treaty right of the Aboriginal peoples of Canada”, Supreme Court rulings giving meaning to this constitutional commitment and the settlement or recognition of land claims and treaties develop and as Aboriginal peoples become increasingly engaged in the political, legal, social and cultural discourse in Canada. Adapting to this climate and reconciling our past and our relationship (Aboriginal/non-Aboriginal) requires reflection on how we perceive our role in this changing landscape.

In contemporary Canadian society and abroad, Aboriginal knowledges, traditions, experiences and institutions are increasingly finding awareness, legitimacy and support, evidently requiring changes in Canadian legislation and the way forest management is carried out. Howitt (2001) suggests that the most significant challenges faced by resource managers and Indigenous peoples are cultural, economic and ideological. Stevenson (2006:176) warns us that without “the development of a professional literacy among both Aboriginal and non-Aboriginal parties that allows them to see and think about [Environmental Resource Management](...) in different ways” and “considerable effort vested in preserving and rebuilding Aboriginal management systems, change is not likely to happen”. In this political, legal, academic, economic and social climate, the status quo is unlikely to succeed in meeting legislative requirements in Ontario and the principles and requirements for SFM. Though research considering the role of Aboriginal peoples and their knowledges, as well as social aspects of the forest and forest management, is growing, research that sets out

to understand what it means to build capacity for change in forest management at the local and legislative levels is inadequate. We have little understanding of what is needed to realize meaningful relationships in forest management, making it difficult to grasp what it means to build capacity for change through legislation. The absence of the voices of Aboriginal peoples in producing and decision-making regarding legislation to which they are subject is a fundamental cause for these inefficiencies. Though this study cannot directly affect the outcome of this inefficiency, this study seeks to explore these deficiencies through listening to and interacting with the voices of participants addressing these discrepancies.

This research builds on the works and reflections carried out by McGregor (2000) and Smith (2007) which are the most comprehensive and contemporary works on the involvement of Aboriginal peoples in Ontario forest management.

1.3 CONCEPTS AND TERMINOLOGY

Aboriginal

Terms referring to the original peoples of the lands politically delineated to encompass Canada are contentious. The state holds the power of language to define who is an Aboriginal person and what the designation means in legislation and law. Aboriginal peoples have been excluded from the process of developing that language and are subject to the terms and definitions of the State. Nevertheless, the term “Aboriginal peoples” is utilized throughout this thesis as it is the term commonly utilized and accepted. The term is employed by the Royal Commission on Aboriginal peoples (RCAP) and section 35 of the 1982 Constitution, where in the recognition and

affirmation of rights, “Aboriginal peoples” is defined as encompassing “the Indian, Inuit and Métis peoples of Canada” (INAC 2009). The term “Indian” is the legal term referenced in the Indian Act, referring to status Indians who are members of “Bands”, but the terms “Band” and “status Indians” have come to be replaced by “First Nation.”

In the thesis, First Nation refers to a Band under the jurisdiction of the Federal government that is comprised of status Indians as defined by the Indian Act (INAC 2009), but the term also encompasses the political assertion that Aboriginal peoples represented the First Nations of Canada, sovereign prior to and following Euro-Canadian settlement. This thesis is particularly concerned with the Aboriginal peoples of the Anishinaabe Nation of Treaty Three that grouped multiple Ojibway First Nations through a Grand Council of Anishinaabe Chiefs whose territories were covered by Treaty Three, signed in 1873 (Waisberg et al. 2001). The term “Indigenous peoples” is used when referring to the original peoples of a place prior to colonial contact on the international stage.

Sustainable Forest Management (SFM)

SFM is rooted in the principles of sustainable development initially coined and most famously defined in the Brundtland Report of 1987 where it was affirmed that “humanity has the ability to make development sustainable to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs” (UN 1987). SFM flourished through the Statement on Forest Principles adopted at the Earth Summit in 1992 with an objective that “forest resources and forest lands should be sustainably managed to meet the social, economic,

ecological, cultural and spiritual needs of present and future generations” (UN 1992c). Subsequently, SFM has become a core principle in forest management at international, national, provincial and territorial levels. In Canada the Canadian Council of Forest Ministers (CCFM) provides guidance in SFM through its criteria and indicators. The CCFM defines SFM as “balancing in forest management a wide range of values— environmental, economic, social and cultural—for present and future generations” where the “sustainability” in SFM is about “the way we use the forest” and where the “forest” represents a wide range of resources and values (CCFM 2008). In its execution, the former National Forest Strategy Coalition sees SFM as consisting “in part, of actions or programs that are ecologically viable, economically feasible, and socially desirable” (NFSC 2008). At the provincial level, SFM is embodied in the Crown Forest Sustainability Act’s (1994) purpose to “provide for the sustainability of Crown forests and, in accordance with that objective, to manage Crown forests to meet social, economic and environmental needs of present and future generations” where sustainability refers to the “long term Crown forest health” (OMNR 1994).

At the national level, Aboriginal peoples’ involvement in forest management is a component of SFM through the CCFM’s Criterion 6, Society’s Responsibility and the former NFSC whose initiatives were transferred to the CCFM in 2008. Though the language for the accommodation of Aboriginal peoples has been abandoned in the established objectives for SFM, Aboriginal peoples’ involvement in forest management has become an integral part of the concept of SFM. The National Aboriginal Forestry Association, though a member of the Criteria and Indicator Technical Committee for

the CCFM and the former NFSC, further emphasizes the role of Aboriginal peoples indicating that “development is not sustainable if it does not respect and provide for Aboriginal and treaty rights” (NAFA 2005).

Knowledges

When referring to knowledges in this thesis, the term is considered in terms of perception of experience, proficiency and comprehension. It is not seen as a “determination and application of criterion of truth” (Dods, 2004). Knowledges are recognized to be the product of ideas, social interaction and construction and a reflection of an understanding of a reality from which knowledge systems are produced.

Community

In this thesis, community refers to shared understandings, interests, values, concerns and actions relating to a place, idea or people through social or biotic membership (Callicott 1999, Flint et al. 2008). Communities are not limited to geographic areas, they are dynamic, complex and consider a multiplicity of factors and characteristics that are often the result of a group’s understandings of what constitutes a community.

Why “our” and “we”

The use of “our” and “we” in this thesis is not strategic. Its use is the result of my association to the people, places and issues discussed in this thesis, of the need for reconciliation and the reality of the interactions between Aboriginal and non-Aboriginal individuals or communities, in places like Sioux Lookout,

where residents share common land and are linked in one way or another. “Our” is a reflection of the places and people that took part to this study and the results, the sentiments and voices portrayed in this research.

1.4 THESIS STRUCTURE

This investigation begins with the research approach and methodologies in Chapter 2 through a critical examination of assumptions and research approaches in qualitative inquiry. The epistemologies, methodologies and strategies of inquiry are then presented and examined through five phases: The Researcher (1); Interpretive Paradigms (2); Strategies of Inquiry (3); Methods of Collection and Analysis (4); and Ethics and the Politics of Interpretation (5) (Denzin et al. 2008). The methods chapter concludes with a description of the responsibilities of the researcher and the limitations of the study.

In Chapter 3, a review of literature and events regarding the circumstances of the evolution of the role of Aboriginal peoples in sustainable forest management in Canada and abroad is conducted. The review is followed by an examination of the Class Environmental Assessment for Timber Management on Crown Lands in Ontario (OEAB 1994), the Policy Framework for Sustainable Forests (OMNR 1994) and the Forest Management Planning Manual (OMNR 2004) as they relate to the involvement of Aboriginal peoples. A description of the case study on the Lac Seul Forest and Lac Seul First Nation is then undertaken through a brief examination of the historical context of the evolution of relationships between Aboriginal and non-Aboriginal peoples in Canada, the signing of Treaty Three, the consequences of the St. Catherine’s Milling

case and the timber trespass and the floods on Lac Seul First Nation's territory. The review of the literature is then concluded with the state of knowledge on the involvement of Aboriginal peoples in forest management in Ontario.

In the fourth chapter, the results from the interviews and focus groups relating to the perceptions and understandings of the participants regarding the forest, forest management, forestry operations, participatory requirements in the Forest Management Planning Manual (FMPM), and Aboriginal and Treaty rights are presented through tables, figures and text organized in the following themes:

- The role of the forest
- Forest management and forestry operations
- Participatory requirements in Part A, Section 4 of the FMPM
 - Planning Teams & LCCs
 - Consultation Proceedings
 - Documentation
- Aboriginal and Treaty Rights
- Appropriate Participation and Consultation
- Sharing Knowledges and Understanding

Chapter 5 presents the discussion of the results through four themes that emerged from the interviews and focus groups: Failing Frameworks, Mala Fide, Capacity and Reciprocity. In the conclusion, based on the results of the study, realizing meaningful relationships in forest management and understanding what it means to build capacity for change through legislation is explained through the implementation of adaptive management and community forests. These changes are recommended to be coordinated with local levels of dialogue taking place on the land where there is shared interest and Nation-to-Nation levels of dialogue and negotiation between the

Provincial and First Nation governments founded on the recognitions and revitalization of Aboriginal and Treaty rights.

CHAPTER 2 METHODOLOGIES: PERCEPTIONS AND PRINCIPLES OF RESEARCH

Language does not reflect social reality, but produces meaning, creates social reality. (...) Language is how social organization and power are defined and contested and the place where our sense of selves, our subjectivity, is constructed. Understanding language as competing discourses, competing ways of giving meaning and organizing the world, makes language a site of exploration and struggle. Laurel Richardson

2.1 ASSUMPTIONS AND RESEARCH APPROACHES

An investigation of perceptions and understandings required a qualitative approach as it emphasizes “how social interactions are routinely enacted” and “how people do and see things” (Silverman 2003). This inquiry approach is also best described as “interdisciplinary, transdisciplinary, and sometimes counterdisciplinary” (Nelson et al. 1992). Qualitative research is committed to and focused on “the socially constructed nature of reality” and “the intimate relationship between the researcher and what is studied”, seeking “answers to questions that stress how social experience is created and given meaning” (Denzin et al. 2005). Because it is “inherently multi-method in focus” and embraces contradiction, multiplicity and reflexivity, it offers the most suitable research approaches to exploring the complexity surrounding perceptions, understandings and ways of knowing (Denzin et al. 2008).

Qualitative research is also appropriate based on the nature of my assumptions regarding inquiry. I assume that reality and objective truths are socially constructed convictions; that positivism is inadequate as a philosophical principle for research in

the social sciences; and that inquiry must have an “ameliorative purpose” (Smith et al. 2005, Steinmetz 2005).

Attempts to describe social experiences are, however, problematic as the exploration of the perceptions and understandings of experiences in forest management and ways of knowing risks reinforcing a monolithic discourse that may produce oversimplifications of the groups identified and their relationships and perceptions. In social analysis, generalizations and stereotypes that categorize groups of individuals, based on assumptions that are often insensitive to diversity and changing characteristics, are often reified (Bayat 2005). Though as a researcher it is not my intention to perpetuate these types of generalizations, the terms, symbols and events referred to are subject to recreating generalities and symbols.

2.2 FROM EPISTEMOLOGIES TO CONCEPTIONS OF SELF: PUTTING QUALITATIVE INQUIRY IN PERSPECTIVE

Taking a qualitative approach to research—across critical and participatory disciplines—imposes certain expectations and demands for reflexivity and the examination of the interpretative framework that will guide the researcher’s actions and analysis. Additionally, conducting research with Aboriginal peoples requires a more conscientious examination of the origin and nature of the epistemologies, methodologies and approaches informing the study, as well as the way and why research is carried out. This reflexive process will be completed through Denzin and Lincoln’s (2008) five descriptive sections.

Denzin and Lincoln (2008) depict qualitative research as a “process” that is defined by five levels. These five levels represent the biography of the researcher and the interpretive paradigms that have shaped his or her thinking, putting into context the lenses through which the researcher sees the world. This exercise will be undertaken to efficiently situate myself to the reader and put into context my assumptions and understandings before embarking on the examination of that of others. The five phases, recommended by Denzin and Lincoln, will be interpretively utilized in the following order: The Researcher (1); Interpretive Paradigms (2); Strategies of Inquiry (3); Methods of Collection and Analysis (4); and Ethics and the Politics of Interpretation (5) (Denzin et al. 2008).

2.2.1 Phase 1: The Researcher, ‘Situated’

This section is meant to situate the researcher and qualitative inquiry in its particular context. The researcher, his or her background—ideologies, and cultural, social, spiritual and political upbringing—influence what is observed or documented (Hanson 1958, Smith et al. 2005). As a result, without the convenience of claiming neutrality, the following will provide what can only be a fragmentary account of the context of the researcher and qualitative research in this particular place and time.

2.2.1.1 Who and Why

I was born and raised in northeastern Ontario in a predominantly Francophone and Aboriginal community. Until I attended University, I went to French-Catholic schools, after which I pursued my undergraduate degree at the University of Ottawa in

International Studies and Modern Languages. Throughout the four years of my undergraduate studies I encountered political thought and philosophy, environmental science, international politics, development, anthropology and activism from human rights to environmental rights. I discovered activism as a central feature of democracy and research as a central feature of effective activism and social change.

Though my formal education falls primarily within Western traditions, the rest of my education was distinctively defined by the relationships my family had with the land and how I came to experience and define that relationship throughout my teenage and young adult life, and through this research. I also grew up in the context of the dysfunctional relationship between Aboriginal and non-Aboriginal peoples over our lands. The incoherence of our policies regarding the land and each other most likely influenced my desires to return to the North and study these very issues. I have a very strong sense of belonging to a Northern community beyond the confinements of Hearst—my home town. I feel connected to the people and the places I have visited and met, and as such, I cannot project myself as an outsider, having been far too familiar with the issues and situations underlying this research project. I am immersed, involved and compelled to do this research and do not make assertions of objectivity or distance between myself and research participants.

As a French Canadian educated in a predominantly Western and positivist way of knowing, I will most likely never be able to reach a profound and complete understanding of Anishinaabe knowledges and their struggles to affirm their rights. Nonetheless, I hope that by committing to a critical and participatory approach to

inquiry and having the desire and will to understand central features of Anishinaabe knowledges, and the perceptions and experiences of participants, that this study will contribute to community objectives and further our understanding of knowledge-sharing and relationships in forest management from the community perspective.

2.2.1.2 Western Thought: A Thought-provoking Legacy

Qualitative research and the social sciences, from the beginning, were “implicated in a racist project” and have served as a “metaphor for colonial knowledge, for power, and for truth” (Denzin et al. 2003). Yet qualitative research, across all its disciplines, has genuinely and profoundly evolved. Founded on ‘racist’ and positivist assumptions complaisant to imperialistic purposes, qualitative inquiry is also home to critical, feminist, Indigenous and queer theories (Smith 1999, Steinmetz 2005). This evolution of thought and disciplines has made the qualitative landscape complex and wonderfully conflicted, requiring perpetual discussions and self-reflection.

Nevertheless, though assertions of “theory-free observation and knowledge”, where the researcher plays the role of the neutral spectator, now have a reduced audience, “revised positivism is alive and well” (Smith et al. 2005, Steinmetz 2005).

2.2.1.3 A legacy for whom?

As a researcher and student, I carry this legacy with me to the field through the language, terms and methods I use that are embedded in imperialistic and exclusive assumptions of knowledge (Usher 2000, Houde 2007, Mendis- Millard 2007). No matter the amount of reflexivity, critical thinking and soul-searching a researcher does,

the language, terms and theories in qualitative research were developed within an evolving patriarchal and imperialistic culture that undeniably influence all aspects of research and attempts to discard colonial tendencies, including my own.

Nevertheless, we can improve only by understanding the past and what we inherit from qualitative research and Western traditions and associate new meaning to the language and our practices with respect and compassion. After all, the single most important measure of validation in any study is not necessarily the procedures, rather the "... relationship to those things that it is intended to be an account of..." (Maxwell 1992).

2.2.2 Phase 2: Interpretive Paradigms

A researcher is guided by a "set of beliefs and feelings about the world and how it should be understood and studied", beliefs and understandings partly shaped by interpretive paradigms (Denzin et al. 2008). These interpretive paradigms inform or help shape understanding of reality, perceptions of knowledges and how it is produced. Strictly defining all the philosophical traditions, ideas and disciplines to have influenced a person's thinking and interpretation of the world is, however, an arduous task. The ability to reflect on one's guiding philosophies or theories is also an interpretive exercise, limited by one's understanding and exposure to literature and experience in the field. Yet it is crucial to present (and be aware of) the theoretical perspectives and principles that have been most fundamentally influential. In this case, the prominent paradigms are (but not restricted to) relativism, post-structural feminist theories and critical Indigenous philosophies.

2.2.2.1 Adopted Principles and Perspectives

Interpretive paradigms in qualitative research have evolved from (or as a result of being subjected to) imperialistic and patriarchal discourses. Yet relativism, post-structural feminism, and critical Indigenous philosophy have also evolved from a critical standpoint of that space, facing imperialistic and positivistic characteristics and creating democratic and open spaces for diversity and unrepresented narratives. These characteristics were particularly alluring and enlightening while their premises allowed for my re-education. They helped shape my understanding of actions in research, the significance of knowledges as social constructs, and the role of participants in research.

Actions in Research

Relativism helped me understand inquiry as an “act of construction that is practical and moral and not epistemological” without setting aside criteria and regulation (Smith et al. 2005). Seeing research as a set of relationships, interactions and processes led by values and principles helps overcome tendencies of treating research as a calculated endeavour when overwhelmed with methods and research strategies. Relativism also reminds the researcher of the importance of keeping an open mind and “accept[ing] that if one wishes to persuade others, one must be equally open to being persuaded” (Smith et al. 2005).

Post-structural feminist theory, relativism and critical Indigenous theory also critically deconstruct methodologies and relationships in research to challenge oppression, exploitation and domination (Smith et al. 2005). Aboriginal authors and theorists expose the level to which the institutions that govern universities,

apprenticeships, research and legal and political discourses are immersed in colonialism and are “conformed to the interests of the states” (Alfred 2005, Turner 2006). They critically analyze the “profoundly exploitative nature” of research that has been a space for the exploitation of Aboriginal peoples (Turner 2006). As explained by Madriz, a feminist theorist, just as “scientific” theories justified or confirmed racial and gender inferiority for centuries, “elitist social theories and methodologies have served to perpetuate inequalities” (Madriz 2003). Through these multiple perspectives, actions in research are understood as being reflections of patriarchal and colonial oppression when they are not addressed critically and wholeheartedly by the researcher in partnership with participants.

Concepts of Knowledges

Research represents, in most forms, the production of or inquiry about knowledges. As such, developing ideas of what knowledges represent should precede the act of research. Feminist researchers are amongst those that have articulated in qualitative inquiry some of the most critical and thoughtful reflections of power dynamics in research and knowledge production. In this particular case, knowledges, and the authority over its validation, is considered as the power to impose a narrative (Liftin 2005). Consequently, in exploring ways of knowing, attention to how knowledges are produced, its origins, how it is collected and for whom, are central questions that are internalized in this study (Olesen 2008).

The Role of Participants in Research

The principle that research participants have the “potential to exert social change” and are agents of knowledge in post-structural feminist theory has also been internalized in this research (Madriz 2003). As this research initiative involved individual and group interviews, the participant plays a fundamental role.

Nevertheless, this exercise of rejecting colonial, patriarchal and positivist principles and methods in research is a challenge when a researcher is part of an elitist and imperialistic discourse. Decolonizing research is described by Linda Tuhiwai Smith (1999) as requiring the

“... unmasking and deconstruction of imperialism, ... in its old and new formations alongside a search for sovereignty; for reclamation of knowledge and, language, and culture; and for the social transformation of the colonial relations between the native and the settler.”

This is not something that can be addressed in a single research project or thesis. More importantly it is not the place of non-Aboriginal researchers. It is when Aboriginal peoples become the researchers rather than the “researched” that research can be transformed to discard colonial ways of research and inquiry (Smith 1999). Though non-Aboriginal people need to be part of the decolonizing discourse and must be part of the solution, it is an undertaking that must be led by Aboriginal peoples and researchers (Turner 2006). Subsequently, this research lies on the fringes, as it is undertaken by a non-Aboriginal researcher who is fundamentally committed to change the discourse and approaches in research and provide a space for an Aboriginal—in this case Anishinaabe—narrative.

2.2.3 Phase 3: Strategies of Inquiry

Though a particular methodological approach encompassed the principles and direction needed for this research, it would be inappropriate to define a singular approach as having shaped the methods of inquiry. There were multiple influences that varied from the standard literature on qualitative inquiry to the people and the places who gave this research meaning. Though the methods utilised—focus groups, interviews and participatory observation—are quite standard, the research experience was anything but ordinary and every aspect of inquiry was shaped by the participants. Throughout the study, the research approach was adjusted to better reflect the participants’ teachings and observations. The methods of inquiry identified in this chapter evolved and were transformed throughout the study as further knowledges and understanding was gained through trial and error and “experiential learning” (Ellis 2003, Creswell 2007).

2.2.3.1 Informing Approach

It has been widely recognized that conventional Western qualitative and quantitative approaches to inquiry are inadequate to generate approaches that will render productive results and generate the necessary level of understanding of Aboriginal knowledge systems and experiences (Smith 1999, Nadasdy 1999, Ellis 2003, Davidson-Hunt et al. 2007, Houde 2007). Castellano (2004) indicates the need for different methods of “gathering and validating information” where knowledge creation is distinctively different and points to participatory research as having positive reception in Aboriginal communities (Castellano 2004). Participatory Action

Research (PAR) not only represents a different method in inquiry, but also allows for the sacrifice of “methodological sophistication” to allow for the transformation of the methods according to the evolution and context of the study, e.g. the study of local experiences and perceptions in forest management (Reason et al. 2000).

The change from restrictive perceptions of knowledges to its broader acceptance as being socially constructed and “distributed” advocated in PAR also establishes a conceptual space to address power dynamics in research (Greenwood et al. 2008). There has been increased criticism of research regarding Aboriginal knowledges for the lack of consideration for Aboriginal peoples’ perceptions and control over the use and interpretation of their knowledges and its use and institutionalization in service of dominant social groups and worldviews (Smith 1999, Nadasdy 1999, Reason et al. 2000, Agrawal 2002, Davidson-Hunt et al. 2007, Houde 2007). PAR can be a response to these deficiencies.

2.2.3.2 Participatory Action Research ... For the Most Part

Greenwood and Levin (2008) explain action research as a response and challenge to “social disengagement” in research in creating spaces of “democratic inquiry” and advocating to move beyond “conventional views of knowledge grounded in explicit form”. It is, then, asserting that “theory without action is meaningless”, that this study is founded on the principles and inquiry approach of Participatory Action Research (PAR) in an attempt to address the dimensions of power in research and forest management in the Lac Seul Forest and broader Treaty Three area (Denzin et al. 2000). With a focus on the perceptions and understandings of participants and seeking a

“collaborative process” within which the participants shape the process of the research and conceptualization of knowledge-sharing, the conceptual foundation of this research is based on the principles of Kemmis and McTaggart’s conception and inquiry strategies of Participatory Action Research (Denzin et al. 2000). The principles of PAR are undertaken specifically to challenge power inequalities in research and forest management to expand on who participates in the process of knowledge production and dissemination (Reason et al. 2000, Creswell 2007). Yet, this research does not embody all of the principles in PAR as the research questions and study were not created and instigated by the community itself. Initially, the research was instigated by a perceived gap and need to understand the experiences and understandings regarding our forests and their management to reconcile interests and relationships. However, the meetings and conversations with people in the Treaty Three area and members of Lac Seul First Nation that followed changed the course of the research.

Though the initial decision to instigate this inquiry was not initiated by the community, before carrying out the research exploratory trips were conducted in the Treaty Three area. One was conducted very early in spring of 2008 with my thesis supervisor. We travelled within the Treaty Three territory, from Thunder Bay to Dryden, Kenora and Fort Frances to meet with potential participants. Following this visit, research objectives were adjusted to reflect what was shared during the visit and what was learned about the ecological, political, cultural and historical landscape of the area. A second exploratory trip was also conducted in early summer 2008 at the

Council Treaty Three (GCT3) National Assembly with the permission of the office of the Ogichida (Grand Chief of Treaty Three) in Wauzhusk Onigum First Nation. This opportunity was specifically important as Chiefs, community representatives and Elders gathered for the election of the Ogichida/Ogichidakwe. The opportunity to speak and meet with Aboriginal leaders from all over Treaty Three was a unique and wonderful experience that helped me adjust, once more, the research objectives to better reflect the needs of communities. It is also where I met the Chief of Lac Seul First Nation, who subsequently invited me to his community.

2.2.4 Phase 4: Methods of Inquiry and Analysis

To gain a better understanding of the experiences, perceptions and understandings of Aboriginal people, plan authors and managers from industry and the Ministry of Natural Resources regarding the forest and knowledge-sharing, semi-structured and unstructured open-ended interviews and focus groups with key community members of GCT3 were conducted. Interviews and focus groups with traditional land users, Elders, Grand Chief's Office of GCT3 representatives (most importantly those involved in economic development and resource management), community members who have been involved in forest management planning processes in the GCT3 area and Lac Seul Forest managers and planners from regional OMNR to forest industry employees were carried out.

The selection of the individuals and sites for the study was based on the supposition of their capacity to "purposefully inform an understanding of the research

problem and central phenomenon in the study” (Creswell 2007). When appropriate, ‘opportunistic’ and snowball sampling was also utilized (Creswell 2007).

The particular area and the Anishinaabe Nation of GCT3 were selected based on the forestry activities in the area and their expressed desire to see management in their territory reflect their traditional values. The Lac Seul Forest was then chosen as a case study based on the invitation of the Chief of Lac Seul First Nation and the cooperation and willingness of District staff of the local Ministry of Natural Resources to participate. It was also selected because the community’s experience was reflective of Aboriginal communities in northern Ontario. Though the achievements and perseverance of Aboriginal communities such as Pikangikum and Grassy Narrows are significant, they represent high profile and distinctive situations that are not representative of the situation and development of most Aboriginal communities in northwestern Ontario.

Interviews and focus groups were conducted in familiar settings selected by the participants to address the power dynamics of the relationship traditionally held between the interviewer and interviewee. There were, however, exceptions in the focus groups conducted in White Fish Bay, Kejick Bay and Frenchman’s Head (Lac Seul First Nation) were held at the community complexes. Participants were encountered in one of three ways: by introduction through contact persons that were initially my Supervisor, the Chief, District Manager or contact person with industry following discussions and requests relating to the research; by asking each participant about who, in their knowledge, could best inform this study and should be contacted and; by

being in Lac Seul, Sioux Lookout and Kenora and knocking on a few doors. After every interview and visit, more potential participants were identified.

2.2.4.1 Interviews

Interviews are an effective approach in qualitative research as the world is a “pervasively conversational one” and interviews enable us to present underrepresented narratives “to make their actions explainable and understandable to those who otherwise may not understand” (Heritage 1989, Silverman 2003). Though a great number of individual interviews were carried out, only eleven were utilized as only eleven participants agreed to sign the consent forms. The other interviews, though profoundly informative, represent exchanges between myself and that individual. For these reasons, and respecting their reluctance to have their words used in research, they will only be reflected in personal observations throughout this study.

2.2.4.2 Focus Groups

The focus group is a “collectivistic” research method that “focuses on the multi-vocality of participants’ attitudes, experiences and beliefs” (Madriz 2003). The most appealing characteristic of focus groups lies in the collective experience and its ability to minimise the power relationships between the researcher and the participant that have often been reproduced and perpetuated through one-on-one interviews (Madriz 2003, Wilkinson 1998). The focus group is a principal tool in shattering the exploitative nature of research and was instrumental in this research as eight focus groups and

group interviews were held in Frenchman's Head, Kejick Bay, Whitefish Bay, Sioux Lookout and Kenora Ontario. The size of the focus groups ranged from a minimum of two to a maximum of nine participants.

2.2.4.3 Participatory Observation

Throughout a study, the observations and experiences of a researcher affect the outcome of the research. Though keeping track is challenging, a log book was kept throughout this thesis to record what was seen and done, as well as the reflections and thoughts held at various points in time.

2.2.4.4 Data Analysis

Using software for word counts or text management was considered to be ineffective, given the nature and purpose of the research. It is evident that language plays a fundamental role in analysis, but words sometimes are used differently by different participants and imply different meanings. Wittgenstein (1968) warns researchers about the "word game", so that we account for what words mean and how they are used. Consequently, the text of transcribed individual and group interviews underwent a process of coding, based on meaning and significance associated with the words or statements through content analysis. The experiences, themes, concepts, and perceptions identified from the interviews were analyzed to understand how they were linked together in a "theoretical model" (Ryan et al. 2003). The cases where there were responses in which the themes, comments or beliefs did not seem to relate to other responses were not excluded from the analysis, but rather

embraced to show the complexity of the issue. As coding categories emerged, they were linked to one another in theoretical models by comparing and contrasting themes and concepts with particular attention to why, when, and under what conditions they occurred. Nevertheless, coding schemes were used carefully and not entirely so as to avoid creating “conceptual grids” that may be helpful in organizing data but may deflect attention away from uncategorized activities (Silverman 2003).

2.2.4.5 Analyzing Text

In order to understand the legislation and frameworks that have thus far delineated interactions in forest management between resource managers and First Nation communities, a review of documents and legislation was completed. As policy determines the level of participation of Aboriginal peoples and accepted forms of knowledges, principal policies and regulated management approaches in forest management such as the Class Environmental Assessment for Timber Management on Crown Lands in Ontario (OEAB 1994), the Policy Framework for Sustainable Forests (OMNR 1994) and the Forest Management Planning Manual (OMNR 2004) were examined. The Ontario Ministry of the Environment’s Environmental Assessment Board (OEAB 1994) decision on the OMNR’s Class EA for Timber Management on Crown Lands is a significant document as it is through Term and Condition 34 (originally T&C 77) that the responsibility of the OMNR to engage in negotiations with local Aboriginal communities to “identify and implement” opportunities for participation in the forest sector was created (OMNR 2005). The Forest Management Planning Manual (FMPPM) was also reviewed as it outlines the requirements for Aboriginal peoples’

involvement in forest management planning through Part A, Section 4.0 (OMNR 2004). Stipulated in this section are the requirements for district managers and plan authors to provide opportunities for Aboriginal communities to participate in the planning process and create an Aboriginal Background Information Report and a Report on Protection of Identified Aboriginal Values (OMNR 2004).

A review of the literature on Aboriginal knowledge systems in resource management and Aboriginal rights in Canada and adaptive and reflexive natural resource management systems was also conducted.

2.2.5 Phase 5: Ethics and the politics of Interpretation

“... accountability and respect ... is more than following approved bureaucratic structural codes” Peter Cole (2002)

2.2.5.1 Ethics

Ethics were approached in a multifaceted way and recognized to be the validated ethical codes established by our institutions, while also being a representation of the principles and emotions that are drawn from the relationships with the people and places encountered during this study. The necessity for ethical codes in research are apparent while the necessity for ethics in research regarding Aboriginal peoples is critical given the patriarchal and colonial attributes of research conducted in most Western institutions. Some of the most predominant ethical standards in Canada are those to have come from the Royal Commission on Aboriginal Peoples and Section 6 of the Tri-Council Policy Statement on research involving Aboriginal peoples (Castellano 2004). These codes for ethical conduct in research

were thoroughly examined and applied throughout this research and through its approval by Lakehead University's Research Ethics Board.

Respect was nevertheless the most foundational principle or ethics. Codes of conduct on their own fall short in providing an adequate level of engagement and owed respect to the participants. Most importantly, our methodologies, institutional requirements and traditions are also often impediments to meaningful and respectful relationships. Castellano (2004) explains: "Research that seeks objectivity by maintaining distance between the investigator and informants violates Aboriginal ethics of reciprocal relationship and collective validation." Despite having been well aware of such warnings by multiple authors, I came into communities, armed with my structured protocols and consent forms, still clinging to the requirements and traditions of this University. Elders in Kejick Bay quickly shattered this rationalization, letting me know that we had an understanding and had established a relationship beyond the confinements and definitions of my "papers". I quickly learned that there is no level of scrutiny in methods and ethical codes that can replace the creation of meaningful and respectful relationships. Though methods and ethical codes were followed, the relationships, needs and concerns of the people and communities I had the privilege to work with were the foundation of ethical requirements in this research.

2.2.5.2 Responsibilities of the researcher

As a researcher, I assume the responsibility to ensure that my research is congruent with community objectives and that my research activities be directed

towards the validation and empowerment of the role of Aboriginal peoples in the management of our forests. Further responsibilities were also developed through the interview protocols. Responsibilities and requirements included in this protocol are:

- Maintaining the confidentiality of participants;
- Properly informing all participants of the nature, purpose and design of the study;
- Seeking the informed consent from all participants;
- Indicating if there is any possibility of risk associated with the participation of this study;
- Making all information, results, and any published work regarding this research available to participants;
- Recognizing the contribution of all participants to the research; and
- Reporting back to the communities on the results of the study

Adopting an advocacy and participatory approach, I also had the obligation to pay close attention to the philosophical and knowledge assumptions that have shaped my understanding of the issues and ways of addressing them. I accept that all knowledge claims are “fallible” and that the results produced from this research are shaped by particular social, cultural, political and circumstantial contexts (Denzin et al. 2000, Dods 2004, Creswell 2007). As a researcher, I also must pay close attention to the power dimensions that have thus far delineated interactions among Aboriginal peoples, researchers and resource managers. Being conscious of these tendencies in research, I assume responsibility to ensure that I take every possible precaution to ensure that this exploration of Anishinaabe knowledges and their implementation in forest

management does not reinforce or serve the perpetuation of the exploitation of the knowledges of Aboriginal peoples.

2.2.5.3 Unremitting Concerns

Despite precautionary and critical approaches to research, there is always the fear and concern that “anonymous imperial violence that slips quietly into our best intentions and practices” would creep into this study (Scheurich 1997). Power inequalities and the subjugation of a group by another are underlying issues larger than this study, region and even country. Though critical of power dynamics, I am uncertain of its effectiveness in this research or context. Addressing power dynamics is particularly important as research historically was “instrumental in rationalizing colonialist perceptions of Aboriginal incapacity and the need for paternalistic control” (Castellano 2004). Yet, as research in Aboriginal communities and the political, academic and legal discourse regarding the rights of Aboriginal peoples, their culture and language are dominated by non-Aboriginal peoples, indiscretions and power dynamics of the past are perpetuated.

2.3 LIMITATIONS

My research represents a glimpse regarding experiences and relationships that are far more complex, extensive and dynamic than this research will portray. Furthermore, the research is also restricted by the relativity of the act of research and writing itself. “Academic writing is treated as a discrete set of technical skills that are effectively context free”(Kamler 2008). However, a study, experiment or knowledge

claim cannot be context free. There can be no knowledge or observation free of theory or the cultural, epistemological, political, linguistic and social circumstances of a researcher (Reason et al. 2000, Creswell 2007).

The researcher is also limited to the level to which research is an act of construction. Every interaction with participants may have created change where interviews and focus groups can represent an access to “experience” or can simply be the activity of constructing narratives (Silverman 2003). Writing, like research, is just as relative and subjective. Richardson (2003) describes the act of writing as

... a constitutive force, creating a particular view of reality and of the Self. Producing ‘things’ always involves value –what to produce, what to name the productions, and what the relationship between the producers and the named things will be. Writing ‘things’ is no exception. No textual staging is ever innocent (including this one). Styles of writing are neither fixed nor neutral but reflect the historically shifting domination of particular schools or paradigms. Social scientific writing, like all other forms of writing, is a sociohistorical construction, and, therefore, mutable. (Richardson 2003).

Though this perspective indicates that research, and the subsequent product of writing, are only a reflection of how we “word the world”, the activity is no less important or vital (Rose 1992, Richardson 2003).

CHAPTER 3

THE CIRCUMSTANCES OF THE EVOLUTION OF THE ROLE OF ABORIGINAL PEOPLES IN CONCEPTS OF SUSTAINABLE FOREST MANAGEMENT

The contemporary circumstances of the role of Aboriginal peoples in forest management have been shaped by legal, social, cultural, political and economic circumstances at local and international levels. This chapter is a brief exploration of the circumstances and events that cultivated the development of the role of Aboriginal peoples and their knowledges in conceptions of SFM in Canada and abroad. Canadian law and the political mobilization of Aboriginal peoples across Canada, with their significant impact on the legal, political and theoretical progressions of the role of Aboriginal peoples and their knowledges in the forestry sector from the national and provincial levels, will be examined. A brief historical overview of relationships between Aboriginal peoples and the State in Canada, as well as in the northwestern region of Ontario and the case study, will also be discussed. These explorations will lead into a review of the literature on the implications of these changes.

3.1 BACKGROUND ON THE EVOLUTION OF THE RECOGNITION OF ABORIGINAL PEOPLES AND THEIR KNOWLEDGES IN SUSTAINABLE FOREST MANAGEMENT—FROM INTERNATIONAL TO PROVINCIAL SETTINGS

3.1.1 International Progressions

Peak interest from a broad range of policy-makers, resource managers, ecologists, and governments in the traditional land-use and knowledge systems of Aboriginal peoples arose as a result of numerous factors in the shifting discourse on the

environment and Indigenous rights, both domestically and internationally. The emergence of the consideration of Aboriginal peoples and their knowledges is most famously related to the introduction of the principles of sustainable development on the international stage through the 1987 Brundtland Report and the Convention on Biodiversity of 1992 (Cordell 1995, Jasanoff 2004, McGregor 2004). However, a shift in the attitudes and receptivity of 'Western' scholars and societies towards the environment and Aboriginal peoples was fundamental to enabling legal and institutional changes (Berkes 1999, Wallace 1996).

The first images of Earth Rise that were captured during the 1969 Apollo mission are often considered to have been an event that sparked the elevation of global environmental concerns that gradually changed 'Western' perceptions of the environment throughout the 1970's and early 1980's (Jasanoff 2004). The increased realization of the diminishing health of the environment caused a weakening in faith in past resource and environmental management practices that were focused on commodity production. This change "left more room" for other ways of knowing (Liftin 2005). As a result, resource and environmental management also changed to include a broader set of values and factors such as biodiversity, maintenance and restoration of ecological processes and social components, in attempts to move towards more adaptive and inclusive management systems (Wallace 1996). Moreover, adhering to the concept of the need for cultural diversity to sustain biodiversity, it also became recognized that resource and environmental management would require the involvement of the cultures and knowledges of the people that spent extensive time on

the land (Usher 2000). Along with the promotion of Aboriginal knowledges or traditional ecological knowledge (TEK) as a means for empowerment, to “secure” the participation of underrepresented and underprivileged local groups, the involvement of Aboriginal peoples and their knowledges would become a key element in achieving sustainable forest management (Agrawal 1995, Smith 2007).

Crucial to the shift in perceptions and the standing of Aboriginal rights and traditional forms of knowledges in the international discourse was, however, the growing global Indigenous rights movement and the political, legal and theoretical implications that followed. The growing legitimacy and challenges brought by postcolonial theories challenging colonial institutions, ideologies and assumptions were also important to this shift. In nation states such as Canada, as well as abroad, the rights revolution, identity politics and the ethnic and Indigenous revival were fundamental to providing a climate where the historic marginalization of Indigenous peoples could no longer be justified (Cairns 2000).

International initiatives such as the International Union of Conservation of Nature’s (IUCN) symposium on TEK in 1982, the creation of its Traditional Ecological Knowledge Working Group (TEKWG) in 1984 and the 1989 International Labor Organisation (ILO) Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries have been fundamental to the progression of Indigenous rights and their ways of knowing (Anaya 1996, Cheveau et al. 2008). Having the support and recognition of a great number of nation states signatory to their agreements and principles, the 1987 Brundtland Report, the 1992 Convention on Biological Diversity

and, most recently, The Declaration on the Rights of Indigenous Peoples are the commonly recognized landmarks on the international stage for the recognition and promotion of Indigenous rights and their knowledges (Cordell 1995, Berkes 1999, McGregor 2004, Houde 2007).

In 1987, the international community recognized the crucial role of Indigenous cultures as mechanisms for environmental adaptation in association with “sustainable development” in the Report of the World Commission on Environment and Development (Brundtland Report) (Gedicks 1997, Usher 2000, McGregor 2004).

Making reference to “indigenous and tribal peoples”, the Brundtland Report indicated the need to create policies that respect the traditional rights of Aboriginal peoples for the benefit of not only Indigenous groups but also for the larger society (World Commission on Environment and Development, 1987). The report also indicated the importance of the recognition and protection of Indigenous peoples and their knowledges if nations and organizations were to strive for the creation of “just and humane” policies for the accomplishment of sustainable development (UN 1987).

The formal recognition of the need for encompassing environmental and Indigenous knowledges in environmental management occurred, however, in 1992 at the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro (McGregor 2004, Jasanoff 2004). Of the resulting documents of the 1992 Earth Summit, it was Principle 22 of the Rio Declaration and Chapter 26 of Agenda 21 that explicitly codified the recognition of the relationship of Indigenous rights and sustainable development. Principle 22 of the Rio Declaration implied the responsibility

of nation states for the recognition of the “vital role” Indigenous peoples and their cultures should play in sustainable development (UN 1992b). Adopted by 179 governments, Agenda 21 also had significant implications for Indigenous rights, as it instructed the implementation of directives for policies relating to “environmentally sound and sustainable development” to “recognize, accommodate, promote and strengthen the role of indigenous people and their communities” (UN 1992a).

Furthermore, the Earth Summit marked the legal recognition of sustainable development as a concept; for the first time, environmental justice, Indigenous rights and knowledges were institutionally integrated into a legal binding international convention, the Convention on Biological Diversity (UN 1992b).

Specific to forestry, and apart from the Convention on Biological Diversity that has implications for the forestry sector given the abundance of terrestrial biodiversity in forests, there is no legally binding agreement or instrument that regulates forest exploitation on the international stage (Dimitrov 2005). We have witnessed internationally four consecutive institutional initiatives to create “international forest policy” from the 1992 UNCED negotiations’ leading Chapter 11 of Agenda 21– Combating Deforestation and the Statement on Forest Principles, to the Intergovernmental Panel on Forests (IPF), the Intergovernmental Forum on Forests (IFF) and finally the United Nations Forum on Forests (UNFF) (Gulbrandsen 2004). Nonetheless, though the UNFF has come short of providing legal binding agreements, the results of the negotiations and forest principles have set norms for sustainable management of forests that have recognized the importance of the role of Indigenous

peoples and their knowledges in forest management (Gulbrandsen 2004). Most recently in 2007, a non-legally binding instrument on all types of forests was adopted by the UN Economic and Social Council and by the General Assembly. Though a non-legally binding instrument (NLBI), this newly adopted NLBI recognizes the need to “support the protection and use of traditional forest-related knowledge and practices (...) with approval and the involvement of the holders of such knowledge (...)” (UNFF 2007). Consequently, even in the sectors where sustainable development and the rights and knowledges of Aboriginal peoples have not become legally integrated within international institutions, they have become prominent in the international discourse which has significantly influenced Canadian policy.

3.1.2 Canada

The international recognition of the significant role of Aboriginal peoples in achieving sustainable resource management irrefutably instigated change in Canada. Yet, Supreme Court of Canada rulings, comprehensive land claims and the recognition and establishment of Aboriginal rights in the Canadian Constitution Act of 1982 were also central factors of change that accompanied the transformations in the relationship between Aboriginal and non-Aboriginal peoples in Canada (Notzke 1995, Blackburn 2005, Houde 2007). The *Calder* case in 1973 initiated a period of the expansion of judicial recognitions of Aboriginal rights in Canada (Murphy 2001). The *Guerin* case in 1984 was the first clear decision that indicated that Aboriginal rights came from a “pre-existing indigenous legal order” (Murphy 2001). As a result, Aboriginal rights and title have since evolved in our courts. The *Sparrow* ruling in 1990 confirmed Aboriginal and

treaty rights to resource use and gave “weight to Aboriginal demands to participate as major decision-makers in resource management” (Mitchell 2004). The Supreme Court ruling of *Delgmuukw v. British Columbia* in 1997 gave weight to orally transmitted knowledges and the title of Aboriginal peoples when proposed resource development might infringe Aboriginal and Treaty rights. The responsibilities and obligations of provincial governments towards Aboriginal and treaty rights and consultation were also made obligatory in the 2004 *Haida Nation vs. British Columbia* and the 2005 *Mikisew Cree First Nation v. Canada* Supreme Court rulings (*Haida Nation v. British Columbia 2004, Mikisew Cree First Nation v. Canada 2005*). However, the British North America Act gives jurisdiction over the management of lands and resources through section 92 A to provincial legislatures while the management of “Indian and the lands reserved for Indians” are under the jurisdiction of the Federal government under section 91(24) (BNA 1867). As a result, Aboriginal peoples have been subjected to muddled jurisdictional interpretations and differences between two levels of government.

Though not an exhaustive representation, these constitutional and legal changes reinforced the responsibilities of governments in Canada towards Aboriginal peoples and the recognition of Aboriginal title and rights (*R v. Sparrow, 1990, Delgmuukw v. British Columbia 1997 and Haida Nation v. British Columbia 2005*). These changes also raised the political and legal profile of Aboriginal rights in Canada and gave Aboriginal peoples leverage to increase their role in the forestry sector (Notzke 1995, Houde 2007). Aboriginal peoples and governments have also been increasingly seeking even-handedness in allocations and development of natural resources and in doing so often

endorse traditional land use and knowledges to promote their involvement (Stevenson 2005). Subsequently, the responsibilities, power and relationship between Aboriginal and non-Aboriginal Canadians, resource industries, natural resource managers and government have been transformed (Murphy 2001, Blackburn 2005). As a result, Aboriginal and treaty rights were recognized at the national level of the forest sector within the National Forest Strategies, and within criteria and indicators established by the National Forest Strategy Coalition (NFSC) and the Canadian Council of Forest Ministers (CCFM), though only up to 2008. The policy commitments of the NFSC and CCFM recognize the need for the facilitation of meaningful participation, consultation and the integration of traditional land use and knowledges of Aboriginal peoples as a vital aspect in improving forest management practices (NFSC 2006, CCFM 2003, 2006). In the NFSC's "Lessons from the National Forest Strategy (2003-2008)", the need to do more "to recognize institutional arrangements, to incorporate traditional knowledges in managing forest lands and resources, to create partnerships that share benefits, and to increase the impacts of these gains" is recognized (NFSC 2008). In 2009, the NFSC was dismantled and replaced with a new initiative driven by the CCFM (2008) entitled the *A Vision for Canada's Forests: 2008 and Beyond*. The significance of these initial recognitions by the CCFM, however limited, was diluted in the language used to recognise the role of Aboriginal peoples in this vision, reducing it to the acknowledgement that Aboriginal peoples are part of the forest economy and part of the commitment to SFM (CCFM 2008).

In the past decades, Canadians have increasingly become aware of the well-documented social and economic disadvantages Aboriginal peoples face in Canada (RCAP 1996). Yet our historical relationship, through its numerous changes, has left us with complex issues remnant of the assimilatory and colonial policies that until recently overwhelmingly characterized 'Indian' affairs and natural resource management. As much as the relationship has drastically improved in the past decades, failures in recognizing Aboriginal and treaty rights and our difficulties in reconciling these rights with Federal sovereignty were made evident with the decision of the Canadian government to vote against the Declaration on the Rights of Indigenous Peoples in September 2007 after 20 years of negotiations (UNPFII 2007). The declaration (Article 26) directly addressed rights to the land and resources—amongst many other principles—stating that Indigenous peoples had rights “to the lands, territories and resources”, and rights to their ownership, development, and protection in a manner that respects “the customs, traditions and land tenure systems of the indigenous peoples concerned” (UN 2006). The decision of the Federal government to vote against the declaration and the reasoning used to justify that decision, has significantly hindered the process of reconciliation between Aboriginal and non-Aboriginal peoples in Canada. Until the declaration is recognized, “achieving a full measure of justice for Canada's First Peoples” is unlikely (RCAP 1996).

3.1.3 Recognition and the Legislative Framework for Forest Management in Ontario

Influences from changes in the legal and political assumptions and discourse on the international stage and in Canada have been catalysts for change in provincial

forest management planning. In 1988, following the year of the Brundtland Report, the Environmental Assessment (EA) of Timber Management on Crown Lands in Ontario commenced as a class EA of the Ontario Ministry of Natural Resources' timber management planning and operations across northern Ontario (the Area of the Undertaking) (OEAB 1994). Following four-and-a-half years of hearings and consideration, the Ontario Environmental Assessment Board (OEAB) delivered its decision in 1994, approving the undertaking of timber management planning by the MNR subject to Terms and Conditions (T&C) as per the Environmental Assessment Act (1990) (OEAB 1994). The new direction stipulated by the EA approval was embodied in the Crown Forest Sustainability Act (CFSA) (1994), the key forestry legislation providing the principles of sustainability, forest values and participatory requirements. The T&Cs were spelled out, as required by the EA Board, in a new Forest Management Planning Manual (FMPM) (OMNR 1996, OMNR 2004).

As part of the many changes that came with the EA and the T&Cs, Aboriginal peoples were for the first time considered in forest management as more than "persons and groups with an interest in timber management planning as 'stakeholders'" (OEAB 1994). The OEAB recognized that Aboriginal peoples required separate "parallel" processes to address Aboriginal needs and values (McGregor 2000). This recognition was reached through hearings that included the participation of Grand Council Treaty Three (GCT3), Nishnawbe-Aski Nation (NAN), Windigo Tribal Council, the Ontario Métis and Aboriginal Association (OMAA), the North Shore Tribal Council, Councils of Manitoulin and the Union of Ontario Indians. These political organizations

shared their history, concerns and obstacles regarding forest management (OEAB 1994).

The T&Cs set by the EA Board for Aboriginal involvement, as summarized in Table 3.1, addressed improvements in the participation of Aboriginal peoples in forest management planning, including the preparation of values reports and maps, and requirements for the OMNR to provide more forest-based economic opportunities to Aboriginal communities. Consequently, extensions and amendments of the original 1994 Timber Class EA, evolved into Part A Section 4 of the current 2004 FMPM (OMNR 2004). As part of condition 114 of the OEAB decision on the timber class EA, the decision was reviewed in 2003 and a decision to continue to implement the original decision of the OEAB, as well as the amendments, was implemented through Declaration Order MNR-71 (OMNR 2003). In these extensions and amendments, little has changed over the past fifteen years in relation to the involvement of Aboriginal peoples in forest management.

Table 3.1. Extended and Amended T&Cs from the 1994 Timber Class EA decision that were integrated into Part A, Section 4 of the 2004 FMPM.

Amended and Extended T&Cs on the decision of the OEAB on the 1994 Timber Class EA (2003 Declaration Order MNR-71) regarding the involvement of Aboriginal peoples	Forest Management Planning Manual (2004) – Part A, Section 4 and the requirements for the involvement of Aboriginal peoples
<p>T&C 6 (b) and (c) – requirements for reports on Values in the Forest Management Planning Manual</p> <p>T&C 7 – Requirements for consultation with Aboriginal communities in development of the Forest Management Plan</p> <p>T&C 10- (d) Requirements for the Aboriginal Background Information Report</p> <p>(e) Values Mapping</p> <p>T&C 19 – Report on Protection of Identified Aboriginal Values</p> <p>T&C 34 (77) – Negotiations for a more equal participation in the benefits of forestry and planning</p>	<p>4.2 Planning Team – opportunity for a representative for each community in or bordering the Forest Management Unit</p> <p>4.3 Local Citizens Committee – invitation for the nomination of a representative for each Aboriginal community</p> <p>4.4 Development of consultation approach for forest management planning or;</p> <p>4.5 Proceeding without an Agreed upon consultation approach</p> <p>4.5.1.1 Phase I Consultation – Stages 1 to 5 on the invitation to participate and reviews</p> <p>4.5.1.2 Phase II Consultation (second 5 year term) – Stages 1 to 3 on the review</p> <p>4.6 Documentation</p> <p>4.6.1 Aboriginal Background Information Report (ABIR)</p> <p>4.6.2 Social and Economic Description</p> <p>4.6.3 Report on Protection of Identified Aboriginal Values (RPIAV)</p> <p>4.6.4 Summary of Aboriginal Involvement</p>

OEAB 1994, OMNR 2003 & 2004

The OEAB decision on the Timber Class EA changed the forest management planning regime in Ontario to include a broader set of forest values and required the participation of Aboriginal peoples in order to manage for sustainability (OEAB 1994, McGregor 2000). McGregor (2000) indicates, however, that though the FMPM reflects the EA's decision on "the conditions required for Aboriginal participation in the process it does not necessarily represent what Aboriginal people want from participation in forestry". In the implementation of the T&Cs in forest management planning Smith (2007) also indicates the frustration of First Nations with Ontario's failure to recognize its responsibilities in the protection of Aboriginal and Treaty rights.

3.1.3.1 Policy Framework for Sustainable Forests

The Policy Framework for Sustainable Forests (PFSF) is a policy statement released in 1994 that is entrenched in law through the CFSA. The statement is meant to provide direction on SFM regarding all forest related activities with the goal to “ensure the long-term health of our forest ecosystems for the benefit of the local and global environments, while enabling present and future generations to meet their material needs and social needs” (OMNR 1994).

The PFSF, in meeting its objectives for SFM, includes consideration for social needs and the involvement of the public. Section 4.0 indicates that forest policy should strive to inform “local communities, [A]boriginal communities ... and businesses” regarding the surrounding forest environment that are described as “partners in making decisions regarding their effective use and management” (OMNR). In this policy statement, Aboriginal peoples are considered alongside other stakeholders. In section 4.2.2 of the policy statement, the importance of committing to the protection of social values through the protection of cultural and spiritual values, the development of applying knowledge and understanding and developing the recreational potential of Ontario’s forests. The policy in section 6.0 establishes that management practices must be flexible and take steps towards ecosystem management, where decisions must be founded on consideration for the best “available science, public involvement, local knowledge, and appropriate inventory” to work together for the production of “effective decisions” (OMNR 1994).

Also the policy discusses the necessities in maintaining an

adaptive approach to policy development and ecosystem management, an approach with a built-in learning process. The adaptive approach involves establishing clear goals and targets and maintaining a monitoring process that measures how well the goals and targets have been achieved.

While policy in Ontario regarding forest management is process-driven and prescriptive, it does not truly embody requirements to achieving adaptive management and has led to an intensively reactionary system to both environmental and social issues.

3.1.3.2 The Ontario Forest Management Planning Manual and the participation of Aboriginal peoples

Stipulated in Part A, Section 4 of the FMPM are the requirements for district managers and plan authors to provide the opportunity for Aboriginal communities to participate in the planning team and Local Citizens Committees. Additionally, managers and plan authors are required to create an Aboriginal Background Information Report (ABIR) and a Report on the Protection of Identified Aboriginal Values (RPIAV) (OMNR 2004). The ABIR summarizes the resource use and concerns relating to forest management of affected Aboriginal communities while also producing a values map (OMNR 2004). More specifically, the report includes a “summary of the use of natural resources on the management unit by Aboriginal communities”, “forest management-related problems and issues”, an “Aboriginal Values Map” and “summary of the negotiations between MNR and Aboriginal communities” (OMNR 2004). The Aboriginal Values Map most commonly contains—as stipulated by section 4.6.1 of the FMPM—areas used for “traditional or recreational activities”, sites of “local

archaeological, historical, religious, and cultural heritage significance”, boundaries for registered trap lines, reserves and Aboriginal communities, areas identified for reserve land or “economic or capital development” and areas used for fuel wood or building materials (OMNR 2004).

Once the ABIR has been completed, the legislation requires that the planning team produce a Report on the Protection of Identified Aboriginal Values (RPIAV) to “document how Aboriginal interests, including values” identified in the ABIR, have been addressed. The preamble to Section 4.0 states that the involvement of Aboriginal communities in planning “is intended, in part, to assist the Crown in addressing obligations it may have under subsection 35(1) of the Constitution Act, 1982.” In keeping with this, the RPIAV requires a discussion of how “local Aboriginal hunting, fishing, and gathering activities” were addressed in the planning of operations (OMNR 2004). Finally, a summary of “Aboriginal involvement” throughout the production of the forest management plan, including the list of Aboriginal communities and their representatives, a summary of the correspondence provided to the communities, communications and comments made by the communities is produced (OMNR 2004).

The participatory process available to Aboriginal peoples occurs parallel to public consultation that occurs in two planning phases in the schedule for the forest management planning process. The first phase represents the long-term planning as well as the planning for the first five years of operations. During this phase the five stages of public consultation entails: the invitation through public notice to participate in the planning process (stage one); an invitation to review the proposed long-term

management direction (stage two); invitations to an information centre to review the proposed operations for the first five-year term (stage three); information centre for the review of the draft Forest Management Plan (stage four); and an invitation to inspect the MNR-approved Forest Management Plan (Stage five)(OMNR 2004).

Though the participatory process of Aboriginal peoples in forest management parallels that of public consultation, Aboriginal communities are to be contacted six months prior to the beginning of public consultation with the invitation to “discuss the development of a consultation approach for forest management planning with the community” (OMNR 2004). If there is not a particular consultation approach developed with a community, the FMPM details a set of requirements that also occurs within the five stages of the first phase, as in public participation, with modifications for the review of the ABIR and the RPIAV and modifications specific to the Aboriginal community (OMNR 2004: section 4.5).

The second phase of planning involves the planning of operations for the second five-year term to which there are three specific stages of public consultation (OMNR 2004 Part A, Section 2). The first stage of phase two is to provide the opportunity to review the proposed operations for the next five-year term through an information centre; stage two entails the opportunity to review the drafted planned operations; and the third stage is the inspection of the MNR-approved planned operations (OMNR 2004 Part A section 3). Aboriginal consultation, where there is no specific process developed, mirrors these three stages with modifications for the review of values maps, ABIR and RPIAV as well as supplemental notices (OMNR PART A, Section 4.6).

3.2 OUR RELATIONSHIP IN CONTEXT: CANADA, TREATY THREE AND LAC SEUL FIRST NATION

"We do not meet as strangers, confronting each other for the first time, with no encumbrances from the past. We are conditioned by the histories of all our previous encounters."

Alan C. Cairns

Producing a thorough historical account of the relationship between Aboriginal and non-Aboriginal peoples in Canada is not among the objectives of this research. Yet, considering the history of the people and places that are examined is essential to understanding the issues that complicate our relationship. The contemporary political and legal position of Aboriginal peoples and their acknowledgement by non-Aboriginal Canadians is very recent. The relationship between Aboriginal and non-Aboriginal peoples has been changing and evolving over five centuries and much of it has been played out over the lands and resources that fall within the political lines drawn and known today as Canada. As such, the relationship we have and have had is important in understanding the dynamics of the relationship in forest management.

In the context of these evolving relationships, the case study area will be presented with a brief account of the history of forestry operations in relation to Lac Seul First Nation.

3.2.1 Historical, Legal and Cultural Contexts: Canada and First Nations

The history of the relationship between Aboriginal peoples—the Inuit, First Nations and Métis—is overshadowed by colonial ambitions and intolerance towards Aboriginal peoples that were founded on colonial concepts of sovereignty, perceptions of divine certitudes and racial superiority. Yet our relationship has also been

characterised by interdependence that involved sharing resources and lands that were based on principles of consent, purchase and non-interference (Murphy 2001). Though the relationships fell on both sides of these principles—from alliances and intermarriages to outright racism and marginalization—the relationship was nevertheless one of mutual dependency. However, with growing pressures on the land, expansion of settlements, changes in the colonial economic base and the political landscape for Confederation, treaties and agreements were sought out and used deceitfully to push aside Aboriginal peoples (Murphy 2001, Saul 2008).

The embodiment of colonial assumptions in our institutions and agreements in Canada commenced officially in 1763 with the Royal Proclamation within which the provisions of the doctrine of discovery were incorporated to vest title in the colonizing nation of Britain. The Royal Proclamation also established some form of protection of the lands of Aboriginal peoples and provided the basis for the development of the fiduciary relationship (Murphy 2001). Nevertheless, the underlying principles that have inspired Canadian law and policy on Indigenous affairs were inspired by the philosophy of the “trusteeship doctrine”. This doctrine was based on the perceived obligation of the British government to civilize the “savage” and “backward” neighbours in the colonies before they became “burdens upon the State” (Anaya 1996). In 1837, a special committee of the British House of Commons announced that a policy was to be implemented to civilize the “inferior citizens” (Indigenous peoples) in the “education” of their children to ensure the disappearance of the “backward race” (Anaya 1996). These conceptions and philosophies advocating for the assimilation of the “backward

race” guided and inspired the creation of policies such as the Indian Act in 1876 and were blatantly reaffirmed throughout Canadian history.

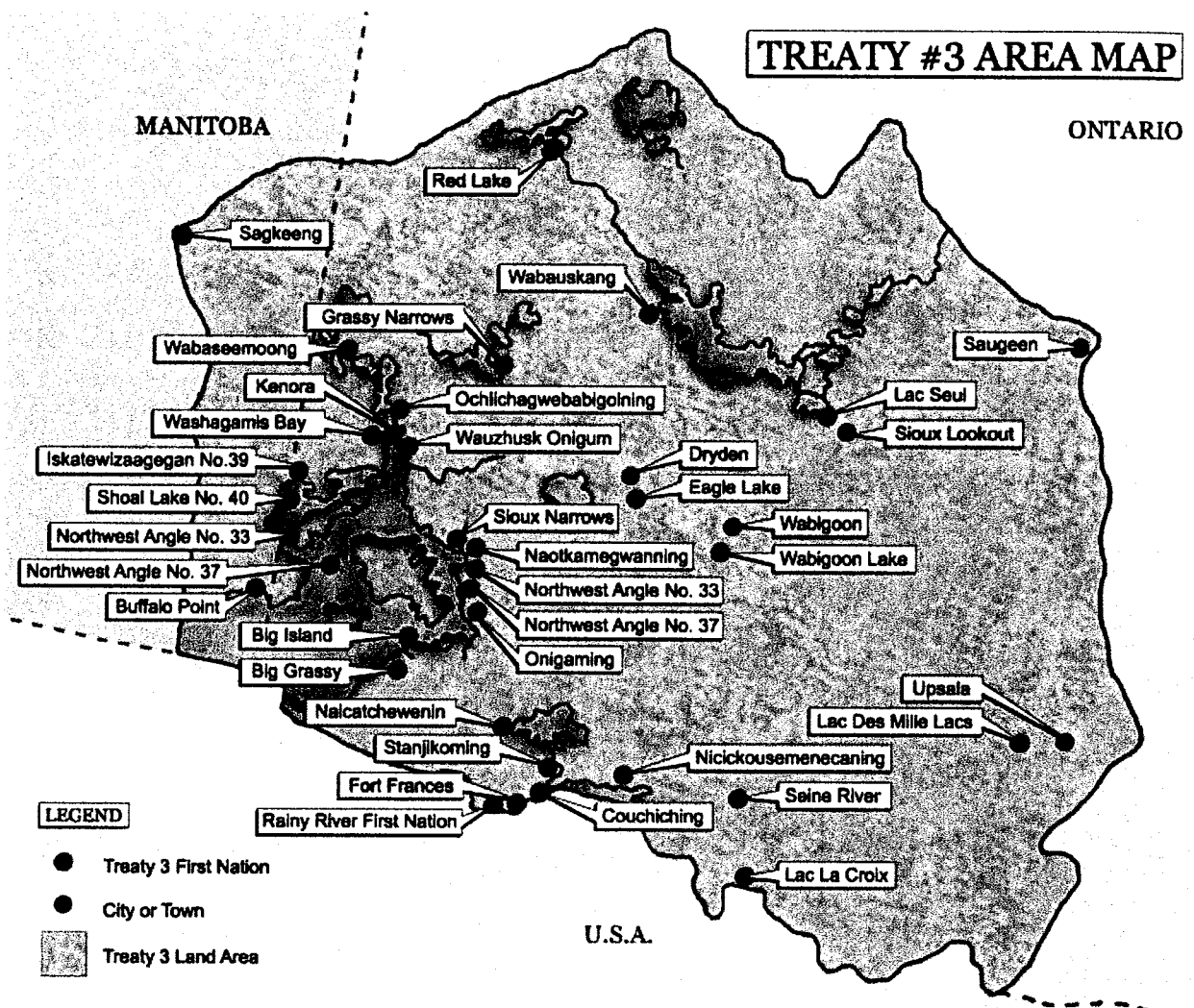
In 1867, the creation of Canada came with no consideration or even discussion with Aboriginal peoples, whose views were considered a “non-issue” (Cairns 2000). They were considered only in Section 91 (24) of the British North America Act (BNA), giving the federal government jurisdiction over “Indians and the lands reserved for Indians”. Through the Indian Act (1876) Aboriginal peoples became subjects of the Crown and were destabilized, subordinated, stripped of responsibility for their own lives and made dependent on government measures as they were displaced, enfranchised and turned into “sedentary communities” (RCAP 1996, Dupuis 2002).

With changing circumstances, ‘Indian policy’ followed suit with the objectives expressed by John A. Macdonald to “do away with the tribal system” (RCAP 1996). This attitude was reaffirmed in 1920 by the Deputy Superintendent General of Indian Affairs, Duncan Campbell Scott, when he announced that Canada was to move forward with the intent to “get rid of the Indian problem” and to “continue until there is no single Indian in Canada that has not been absorbed” (Cairns 2000). Such objectives were well established in law and political discourse until the 1970’s. Before the era of the White Paper—a document presented by the Trudeau government proposing to abolish the Indian Act and promote the assimilation of Aboriginal peoples in Canadian society—from 1967 to the eventuality of section 35(1) created with the repatriation of the constitution in 1982, the political and legal relationship between the Canadian

State and Aboriginal peoples was characterized by assimilatory and colonial ambitions (Turner 2006).

Just as in the rest of Canada, the balance of the relationship in the area of what is now known as Treaty Three deteriorated throughout the 1800's, changes that were embodied in legal transformations through the Treaty in 1873 and the *St-Catherine's Milling Case*. Grand Council Treaty Three (GCT3) is the Political Territorial Organization (PTO) for 26 First Nation members of the Treaty Three area in northwestern Ontario. This area, as shown in Figure 3.1, encompasses the communities that were delineated within the historical treaty of 1873 between the Crown and the Saulteaux Tribe of the Ojibway Indians (INAC 1966).

Figure 3.1. Map of Treaty Three Territory and Lac Seul First Nation Location.



Source: Rainforest Action Network 2008.

Through the GCT3 administrative department of Land and Resources, the Anishinaabe Nation of Treaty Three have expressed concerns over forest management practices and demanded a “proper response” from the OMNR on appropriate consultation requirements (GCT3 2007). Involved in various land and resources management initiatives, the Anishinaabe Nation of Treaty Three have set out objectives to develop negotiation strategies for the implementation of their own

resource law, Manito Aki Inakonigaawin (MAI). GCT3 has also been involved in numerous initiatives such as the Ontario Boreal Forest Stewardship Council Standards Working Group, which developed forest management standards under the Forest Stewardship Council's (FSC) Principles and Criteria reflecting economic, social and environmental sustainability, including Principle 3 which recognizes Indigenous rights (GCT3 2007).

3.2.2 Treaty Three and the Crown: Trust, Deception and Sovereignty

In 1870, Rupert's Land was acquired from the Hudson's Bay Company for the continued realization of Confederation and the preparation of the transcontinental railway (Daugherty 1986). The Saulteaux Indians (Anishinaabe) inhabited part of this territory, more specifically the area "extending from Lake Superior in the east edge of the Prairies in the west, south to Rainy River and Lake of the Woods along the international boundary, and north to the height of land from which the rivers commence to flow into Hudson Bay" (Daugherty 1986). Most of this vast territory is now known as the Treaty Three area in northwestern Ontario.

From 1869 to 1873 the Secretary of State of the Provinces and the Dominion of Canada held negotiations with the Anishinaabe tribe of the area in order to reach an agreement on a treaty. With the Métis Red River Rebellion, concerns regarding the unhindered passage of troops to the West, the increased recognition by settlers of the value of the territory, the establishment of the Dawson Road and the aspirations of a transcontinental railway, the government was eager to extinguish the Anishinaabe's title to the land (Daugherty 1986, Walmark 1993, Cottam 1995). As for the Anishinaabe,

Chiefs were becoming equally eager to establish agreements with the Crown due to the increased number of settlers with interest in the lands and resources in their territory. According to reports, the Anishinaabe of Treaty Three wanted to outline the terms and conditions for future development and compensation for access and to protect the traditional way of life of their people (Walmark 1993).

In 1873, accompanied by a military escort, the Indian Affairs commissioners—Alexander Morris, Joseph Alfred Norbert Provencher, Robert Pither and Simon James Dawson—entered into negotiations with the Saulteux tribes and in October the Treaty was signed. In 1874, Lac Seul First Nation signed an adhesion to the Treaty. Though four years of negotiations led to the signing of the Treaty, throughout the four years of negotiations the Chiefs maintained their rejection of proposals by the federal government to surrender their title to the land (Daugherty 1986, Walmark 1993). Though the Chiefs signed the treaty and accepted certain levels of compromises with the commissioners, much of the treaty is still disputed today. The reports of the commissioners and transcribers demonstrate that a number of items discussed during the negotiations pertaining to assurances that the Anishinaabe would not be required to fight in the case of a war, that minerals in the territory would not be exploited without the consent and compensation of the Ojibway, as well as a number of guarantees regarding hunting and gathering on the territory and cultural protection, were omitted from the written Treaty (Daugherty 1986, Walmark 1993). These omissions are also concurrent with the Paypom Document, an original set of notes from the Treaty Three negotiations by Joseph Nolin that were returned to Chief

Powasson many years later and recognized by GCT3 as the accurate version of Treaty Three (GCT3 and Daugherty 1986).

There are many irregularities and contextual details that support Anishinaabe concerns regarding the Treaty. It is suggested that the Chiefs at the time of the Treaty did not understand the surrender clause nor did the legal terms utilized in the Treaty have an existing translation to Ojibway (Daugherty 1986). There has also been evidence that the treaty that was signed in 1873 was not the document resulting from the negotiations but rather a copy of the tentative agreement that had been written in 1872 and rejected by the Chiefs (Walmark 1993).

The documented deception and attitudes of the Crown representatives during negotiations for the Treaty need to be taken into account to understand current attitudes and perceptions towards Federal and Provincial officials. The exploitation and violation of the Treaty is more than a breach of a contractual agreement as it represents to many Aboriginal Nations the formalization of a relationship by “creating kinship within a larger circle” (Saul 2008). Turner (2006:26) reminds us that the “treaty position, in its various forms, takes the political stance that the treaties represent not only binding political agreements, but also *sacred* agreements, and that to violate them is morally reprehensible in a political relationship between nations.”

The violation of the terms of the Treaty is still contested today by the Anishinaabe governing bodies of Treaty Three, where the interpretation of the Treaty still figures prominently in their mandate (GCT3 2008). Our relationships in northern Ontario with the forest and each other is overshadowed by this long history of moral

and legal infringement and the forests, and their resources, are at the very centre of these relationships.

However, though much of the responsibility for the differing interpretations and disrespect for the terms of the Treaty are attributed to the Federal government, from its inception the province of Ontario has disregarded the rights and title of the Anishinaabe in Treaty Three. The Province of Ontario violated the terms of the Treaties and sought out to establish their authority over the lands and resources of the Anishinaabe (Walmark 1993). From the beginning, the forest was the grounds over which the contest for authority was fought through the St. Catherine's Milling and Lumber Co. case.

3.2.3 The St. Catherine's Milling Case and Aboriginal Title

The case of *St. Catherine's Milling and Lumber Company v. The Queen 1887* became a landmark case as it was the first in our legal history addressing the nature of Indian land title to reach the Privy Council. However, the case did not stem from an attempt to clarify or establish Aboriginal title but rather it was the result of a boundary and ownership dispute over the land and resources of the northwestern boundary of Ontario (Cottam 1987). This dispute between the Federal and Provincial governments had been ongoing since the purchase of Rupert's Land as both governments asserted their ownership over the resources. In 1884, the province of Ontario decided to challenge the Federal government's claims through a test case against the St. Catherine's Milling & Lumber Company, a resource licence recipient from the Federal government in the disputed territory. The Federal government asserted that the

resources were under their jurisdiction as the previous owners of that land had transferred ownership of the land and its resources to the Dominion in 1873 through Treaty Three. The Province on the other hand claimed that title to the land rested in the provincial Crown. As such, “Indians” had a right of occupation only at the pleasure of the Crown, an argument justified through international law and concepts of Anglo-Saxon and Christian superiority and colonial notions of sovereignty (Cottam 1987).

Following a number of appeals and political scuffles, in 1887 the Judicial Committee of the Privy Council reached a decision regarding the case of *St. Catherine’s Milling* in favour of the Ontario government. The Privy Council accepted the province’s argument and indicated that Aboriginal title derived from the Royal Proclamation of 1763 and as such derived from British colonial law that asserted that the province of Ontario exercised exclusive sovereignty (Murphy 2001, Turner 2006). Aboriginal rights were considered “a personal and usufructuary right, dependent upon the good will of the Sovereign” (Turner 2006, S.C.R. 577). Ascribing an “usufruct right” was a convenient way for the Crown to recognize the presence of Aboriginal peoples without inconvenience to the Crown’s rights while reconciling the colonial notion of acquisition with the presence of Aboriginal peoples (Cottam 1995). For the province of Ontario, this decision meant that according to the highest law of the land the Anishinaabe had signed away any other existing interests to the land and that any regulations or revenues deriving from the licences for timber extraction were under the jurisdiction of the Province (Turner 2006). However, the purpose of the *St. Catherine’s Milling* case was never about the clarification or discovery of the true nature of Aboriginal title to

the land and resources but rather represented a manipulation of the notion of Aboriginal title to serve the interests of the Federal and Provincial governments in their claims for the disputed territory (Cottam 1987).

3.2.4 The Significance of our Past: Treaty Three, St. Catherine's Milling and the Political Evolution of our Relationship

By 1850, the principles of the past and the relationship between Aboriginal peoples and Euro-Canadians had been discarded and Aboriginal peoples were to be assimilated and dispossessed for settlement and development (Murphy 2001). The deceitful use of Treaty Three and the *St. Catherine's Milling* case were an illustration of the changes in Indian policy and the development of theories to "fill the gaps of Federal land tenure" (Youngblood 1977). The legal interpretations of the Federal and Provincial governments were meant to narrow the rights of Aboriginal peoples and justify resource extraction and the marginalization of Aboriginal peoples without responsibility towards the original owners and occupiers of that land.

A legal and political turning point would come only with the outcry of the Aboriginal community about the 1969 White Paper and the *Calder* decision in 1973 that would recognise that Aboriginal rights predated the 1763 Royal Proclamation, overruling the *St. Catherine's Milling* case (Murphy 2001, Turner 2006). In 1982, the rights of Aboriginal peoples would be entrenched in section 35 of the Constitution Act with the repatriation of the Constitution. Significant advances in the Supreme Court of Canada would follow to enhance the rights and recognitions of Aboriginal peoples. Nevertheless, the dispossession of the Anishinaabe by both governments and the

dispute over ownership regarding the resources in the Treaty Three territory remain disputed between the Anishinaabe, Provincial and Federal governments. The history of the region is full of difficulties regarding resources extraction due to disputed title and jurisdiction over the territory and reserve lands that have been ongoing since the signing of the Treaty (Cottam 1995).

In Canada, the consequences of colonial policies have been the physical, political and social marginalization of Aboriginal peoples in Canadian society (Turner 2006). Subsequently, Aboriginal peoples have been part of the political discourse and the legal and legislative institutions only as subjects, not as full participants exercising influence and meaning in our nation-building. Yet the contemporary situation provides us with an opportunity to move forward as we get “closer to having an actual discussion than we have ever been” (Cairns 2000). We need to retain from these historical passages not only the obstacles and injustices Aboriginal peoples have faced in this region and abroad, but also that the authority and ‘sovereignty’ over the land enjoyed by the provincial and federal governments are founded on imperfect notions of sovereignty and the marginalization of Aboriginal peoples. Canada, not unlike similar nations, faces cultural, political, societal, judicial and legislative struggles in defining the relationships between settler and Aboriginal communities within our nation. The management of our lands and resources, such as forest management, are part of this struggle. However, in the past two decades, our relationship has drastically changed due to international and domestic movements regarding Indigenous rights and the

environment. Though the past is reflected in the contemporary political and legal relationship, so are the modern recognitions and dynamics of that relationship.

3.2.5 Obishikokaang and the Lac Seul Forest

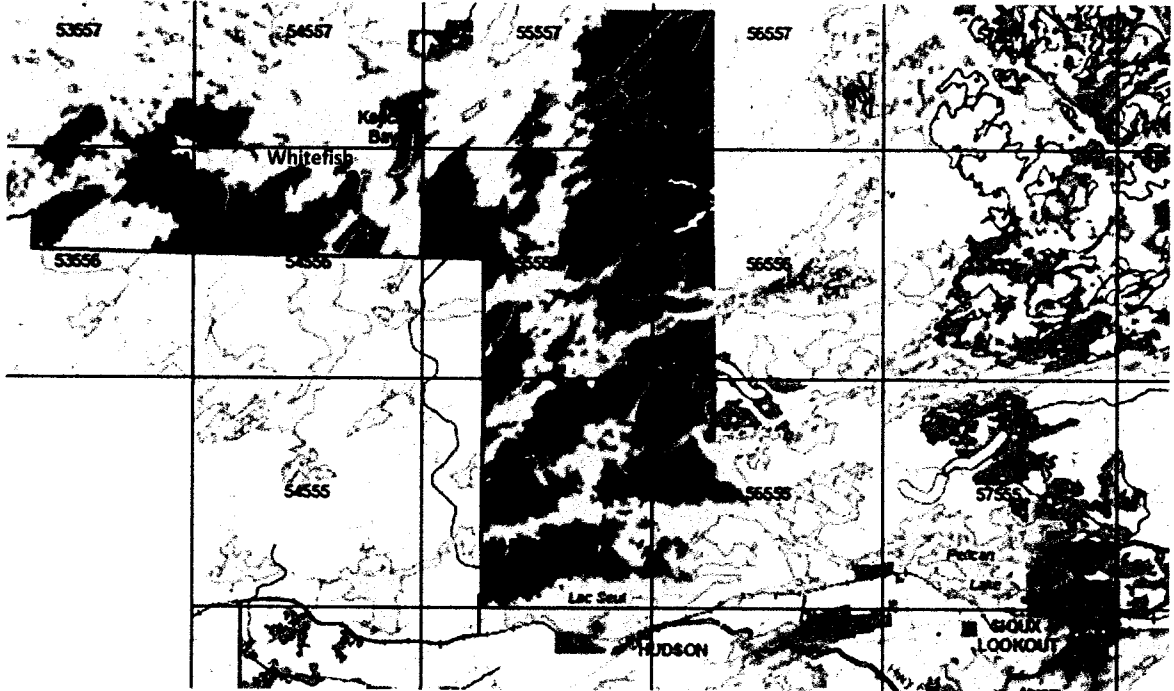
2.2.5.1 Lac Seul First Nation–Obishikokaang

Lac Seul First Nation (LSFN), traditionally called Obishikokaang, is located (from its closest point) approximately 38 kilometres northwest of Sioux Lookout and 56 km northeast of Dryden in northwestern Ontario. The reserve—legally named Lac Seul 205—consists of three settlements: Kejick Bay, Whitefish Bay and Frenchmen’s Head (Figure 1) with a total registered population of 2,898, of which an approximate 939 live on reserve (INAC 2009, IFNA 2009). LSFN is a member of the Independent First Nations Alliance (IFNA), a tribal council based in Sioux Lookout representing five First Nations, a part of the Provincial Territorial Organization of Grand Council Treaty Three as members of the Treaty and an affiliated member with Nishnawbe Aski Nation (IFNA 2008). At the local level, the communities are organized politically under one Chief and seven councillors: three in Kejick Bay, three in Frenchmen’s Head and one in Whitefish Bay, with local band offices and community centres in all three communities.

In terms of location and accessibility, INAC (2009) qualifies LSFN as a zone 4 community, indicating the level of remoteness of the community as having “no year round access to a service centre”. Being located on Lac Seul and as a result of the floods associated with the Ear Falls dam, until recently Frenchmen’s Head was the only part of the community accessible by road. However, the community moved forward with the construction of a bridge and roads to Whitefish Bay in the fall of 2008 and

plans to connect Kejick Bay are also underway as part of an Memorandum of Understanding with Mackenzie Forest Products Inc. to develop a community All Weather Access Plan (Kenny 2000). The Lac Seul reserve is also the largest reserve of Treaty Three with an approximate of 26 821.50 hectares (INAC 2009).

Figure 3.2. Map of Lac Seul First Nation Reserve.



Source: Lac Seul Forest Management Plan 2006-2026.

2.2.5.2 The Timber Trespass

As far as records show, commercial forest exploitation surrounding and within the reserve of Lac Seul First Nation has been taking place since the early 1900's. According to estimates prior to commercial harvesting, the timber on the Lac Seul reserve in the early 1900's "represented what was arguably the most valuable tract of marketable wood that Indian Affairs administered in eastern Canada" (Kuhlberg 2004).

Indian Affairs, with “the consent of the council of a band”, through Band Council Resolutions, has jurisdiction on personal and commercial timber extraction under section 93 (Removal of Materials on reserves) and section 53 (Management of Reserves and Surrendered and Designated Lands) in the Indian Timber Regulations of the Indian Act (INAC 2009, Indian Act 1985). The Indian Timber Regulations forbids the cutting of timber on reserve lands without permits or licences from the Minister of Indian Affairs and operates through three main instruments for the management of timber: permits to cut timber for Indian use, for sale and licences for individuals or companies. Though the federal government holds the right to impose the protection of certain trees or areas through section 22(2) on conservation, the Indian Timber Regulations do not provide direction or regulations for operations, monitoring or reporting on forestry operations on reserve lands. The Regulations establishes a process to allocate timber rights on reserve lands and stipulates that permits, licences, records, compliance and revenues generated from royalties are managed by the Federal government.

The Indian Act forest management regime, widely criticised, lacks basic consideration of modern resource management principles and has a history of mismanagement and timber theft since the 19th century (Westman 2005). In the case of LSFN, timber licences were mismanaged, infractions by operators were overlooked and, as a result, LSFN was deprived of timber revenue and was a victim of unrestrained timber extraction on their territory. In a report produced for LSFN in support of a timber claim to address INAC’s forest mismanagement and loss of revenue, Kuhlberg (2004) concludes that the interests of LSFN were not protected by Indian Affairs during

their administering of timber and operations on the reserve. As a result of the Federal government's poor administration of timber on reserve land, LSFN suffered losses in environmental and economic returns. The ongoing timber claim covers the period from 1907 to 1961 in favour of Charles W. Cox and at the expense of the First Nation, asserting that INAC failed to live up to its fiduciary duty. Reports show that the federal government, on several instances, failed to issue licences that established conditions for the extraction of timber on reserve land despite Timber Regulations under the Indian Act (Kuhlberg 2004).

3.2.5.3 The Floods

In addition to the timber trespass, LSFN suffered further losses with the creation of the Ear Falls dam and the flooding of Lac Seul in the 1930's and the 1950's in order to create reservoirs to regulate the flow of water for the potential creation of power stations on the Winnipeg River (Kuhlberg 2004). The process that began in 1915 by studies anticipating the damages indicated little consideration for the First Nations that would be affected by the flooding. Early on, Lac Seul First Nation's Chief, John Ackewance, expressed his concerns to the Indian Agent in Kenora. His concerns were forwarded through a letter to the Secretary of Indian Affairs that was addressed with assurances that if such a project took place, the Department and the Agent would "receive consideration" (Kuhlberg 2004). However consideration from INAC would come in the form of the Department's Timber Inspector who recommended that timber be sold before the flooding occurred. From 1920 to 1926 timber on the Lac Seul reserve was sold by INAC in anticipation of the flood.

In August of 1928, an agreement with the governments of Canada, Manitoba and Ontario regarding the dam in Ear Falls was reached. Following the agreement, investigations on the projected flooding damages on Lac Seul were made and included the capital costs compensation. It was estimated that water levels would be increased by fourteen feet and that it would amount to significant losses for Keewatin Lumber Co. and C.W. Cox who were operating in the area and on the Lac Seul Reserve. The Indian agent of the time, Edwards, indicated that the damages to the Lac Seul reserve, the rice fields, houses and cemetery would be significant. During these investigations, it was also noted that C.W. Cox was harvesting illegally on the Lac Seul Reserve but INAC chose not to investigate (Kuhlberg 2004). In 1929, the dam in Ear Falls was completed. Surveying continues to determine the total amount of reserve land flooded, along with negotiations between the Federal government and LSFN for the infraction (Indian Claims Commission 2006).

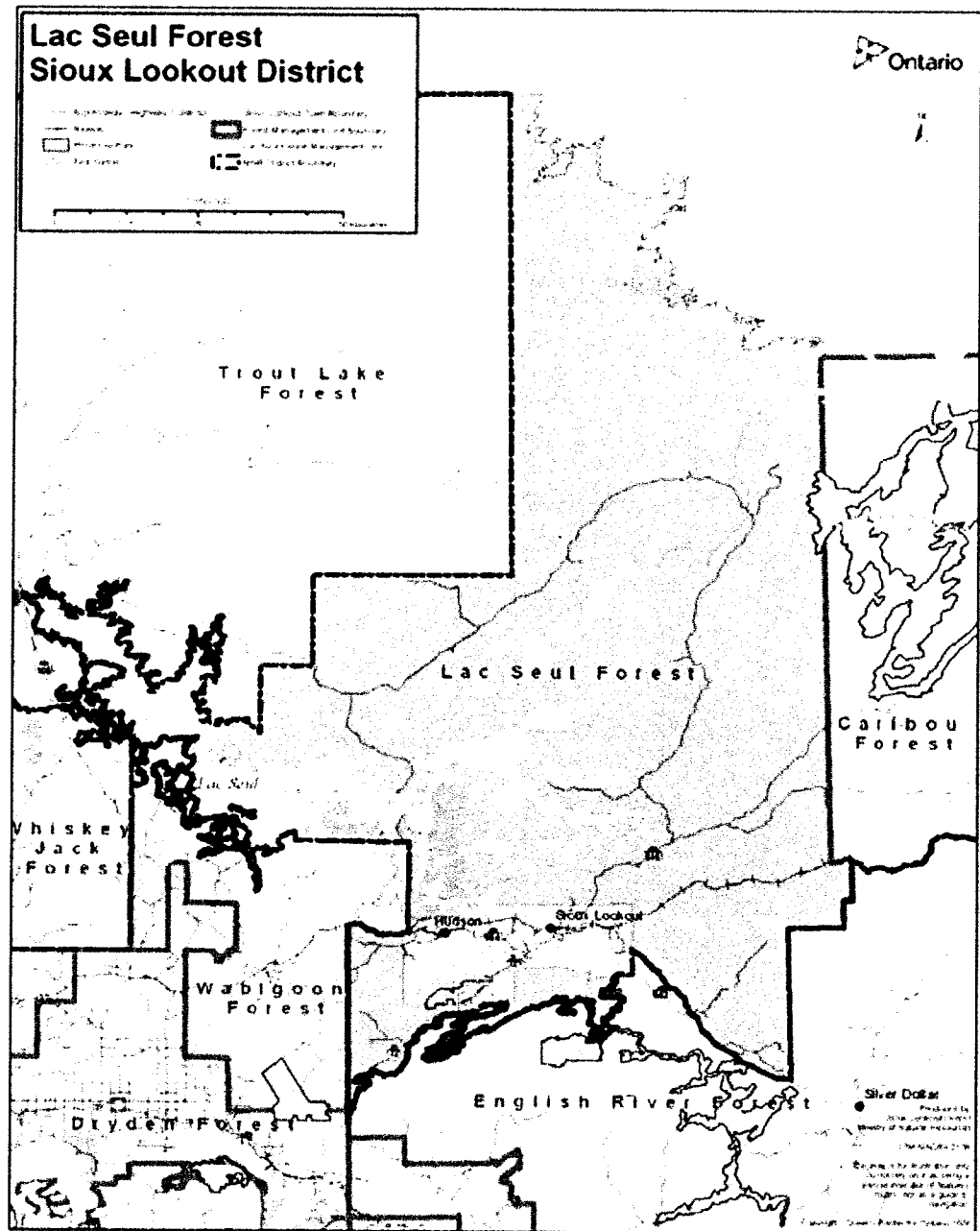
The changes to the ecosystem due to the flooding altered habitat for wildlife and altered vegetation with the flooding of wetlands and the loss of significant wild rice and medicines. Following the flooding earning a living, let alone surviving, became difficult and traditional activities were hindered (Kenny 2000). The effects of the flood and trespasses for timber extraction still affect the community and resound in the minds and hearts of members of the community as flooding damage was mentioned often during interviews and in conversation. LSFN members' lives were altered with little or no consideration from the government and the violation of their trust has not been forgotten.

3.2.5.4 The Lac Seul Forest

The Lac Seul Forest represents Forest Management Unit 702 in Ontario's Area of the Undertaking¹ for forest management. The current Lac Seul Forest is the product of the 2002 amalgamation of the Lac Seul and Sioux Lookout forests that now encompass an approximate 1.1 million hectares (LSFMP 2001). It is located in northwestern Ontario within which the communities of Sioux Lookout, Slate Falls Nation and Lac Seul First Nation are located (Figure 4.2)(Lac Seul Forest Management Plan 2001).

¹ The Area of the Undertaking (AOU) represents the geographic boundaries that define the area covering 385, 000 square kilometres of Crown land in Ontario designated for management for timber harvesting by the MNR (OMNR 1994, 2009).

Figure 3.3. Lac Seul Forest Management Unit.



Source : Arbex Forest Resources Consultant Ltd. 2009.

The Lac Seul Forest is the responsibility of the Sioux Lookout District Office of the Ontario Ministry of Natural Resources. Forest management planning and operations are administered by McKenzie Forest Products Inc. (MFP) (a division of Buchanan Forest Products Ltd.) at the Woodlands Operations office located in Sioux Lookout. As

holders of the Sustainable Forest Licence (542455) for the Lac Seul Forest, the company is responsible for the preparation of forest management plans, work schedules, reports and carrying out inventories, surveys, reforestation and renewal in accordance with the CFSA and the FMPM (OMNR 2006).

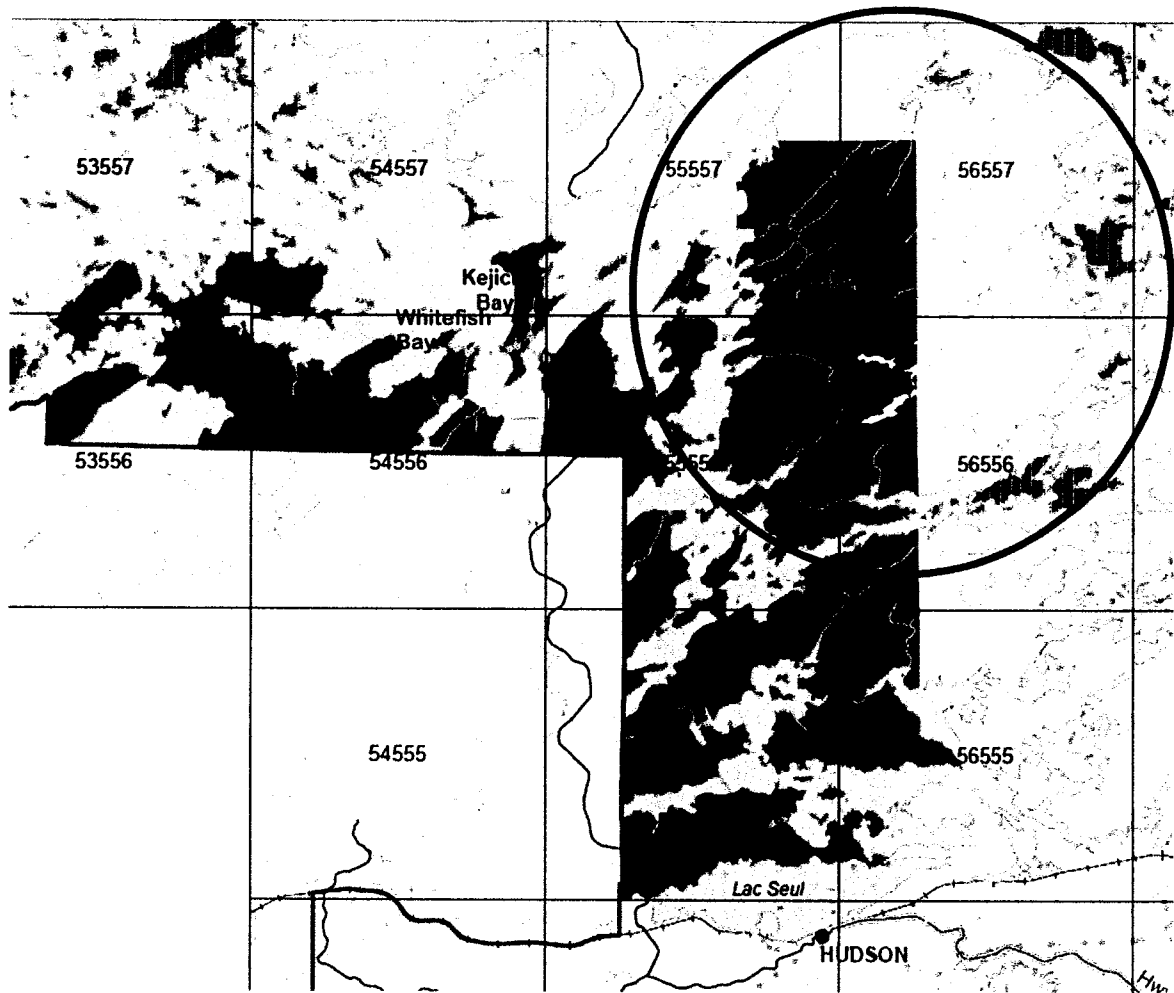
Forest resources from the forest are primarily utilized to provide the company's facility, a sawmill located in Hudson, Ontario. Under the SFL, forest resources exploited in the Lac Seul Forest have to supply multiple mills in the area with wood supply commitments that originally had been made to Longlac Wood Industries Inc., Buchanan Northern Hardwoods Inc., Weyerhaeuser Company Limited in Dryden and Atikokan Forest Products Inc. (OMNR 1998). The company must also provide opportunities for harvesting through Memoranda of Agreement to ten independent "traditional operators" of the area (OMNR 1998). However, wood supply commitments from the Lac Seul Forest are dependent on market conditions and with idle mills and closures wood supply commitments have experienced shortfalls. The company has nevertheless committed wood supplies to Weyerhaeuser Company Limited in Dryden with residuals committed to Northern Wood Preservers and Solid Wood Research (MFP 2006).

MNR records show that, although the history of logging in the Lac Seul Forest is not well documented, the records of earliest logging operations took place in the early 1900's for railroad ties. As a result of forestry practices prior to the 1970's, the forest was significantly changed to "lower stocking and increased hardwoods" (OMNR 2001).

3.2.5.5 Contemporary relationships in forest management

In 2003, Lac Seul First Nation initiated a community based Forest Management Plan (FMP) for the reserve as part of the Lac Seul First Nation Forestry Program (LSFNFP). The LSFNFP was the result of a partnership with Buchanan Forest Products and a Memorandum of Understanding (MOU) with MFP (Smith 2008). The agreements were made with the objective of developing an FMP for the “reserve lands and also adjacent Crown lands on Big Island and Manitou Peninsula” (Figure 4.3) (Kenny 2008). The MOU between LSFN and MFP had the purpose of fostering a “cooperative, respectful and mutually supportive relationship”; to develop plans that assist LSFN in developing a viable logging contracting business, develop capacity in resource management planning through training and acquire skills to enable LSFN to “take on forestry services contracts in the future”, develop a community All Weather Access Plan and commitment to apply to all funding opportunities to offset costs (Kenny 2008).

Figure 3.4. Big Island: Subject area for the MOU between Mackenzie Forest Products Inc. and Lac Seul First Nation.



Source: Lac Seul Forest Management Plan 2001.

This agreement was part of an integrated plan, dedicating the half of Big Island (Figure 4.3) that is designated as Crown land to LSFN [participant 030 (Pers. Comm., March 10, 2009)]. The integrated plan with Big Island represents an initiative where concessions in the 2006-2026 plan were made to improve relations in forest management with LSFN while meeting objectives and deadlines set by the mandated schedule in FMP. Agreements with LSFN provided MFP with access to a ferry landing and roads on reserve that permitted an approximate 200 kilometre bypass to the

Hudson Mill reducing operational costs due to transport. The agreement also provided potential access to the fibre located on Big Island without the associated costs.

However, LSFN has yet to act on the plans to harvest Big Island though employees at Mackenzie Forest Products have expressed their intention to renew and renegotiate this agreement as it relates to Big Island. The 20-year agreement was not renegotiated as a result of the present economic conditions, the Hudson mill closure and reduced operations.

3.3 STATE OF KNOWLEDGE: ABORIGINAL PEOPLES' INVOLVEMENT IN FOREST MANAGEMENT

The Courts have played a central role in the progression of Aboriginal and treaty rights in Canada. The expansion or progression of rights in the political and legislative realm have been, however, slow, with governmental policy statements “not necessarily translating quickly into action” (Dalton 2006). Nevertheless, the procedures established in Ontario legislation regarding forest management represent improvements. However, the requirements established in policy continue to provide limited degrees of participation for Aboriginal peoples (Agrawal 1995, Cordell 1995, Notzke 1995, Nadasdy 1999, McGregor 2002, Smith 2007). Though initiatives in implementing Aboriginal knowledges have provided a basis for cultural exchange and relationship building, its implementation has yet to be accomplished even to the minimal standards established in the courts and political discourse (Mabee et al. 2006). Agrawal (2002), Smith (1999), Nadasdy (1999), Usher (2000), McGregor (2002) and Davidson-Hunt et al. (2007) ascribe this inability to meaningfully implement and engage

Aboriginal peoples and their knowledges in forest management to the degrees of participation of Aboriginal peoples, the way Aboriginal knowledges are utilized, the dichotomous characterization of Aboriginal science with 'Western' science and the lack of control of Aboriginal peoples over their knowledges. As a consequence, initiatives for the involvement of Aboriginal peoples in Canada have tended to consolidate more power and authority over the knowledges of Aboriginal peoples with resource managers and research representatives and institutions (Smith 1999, Nadasdy 1999).

Research specific to Ontario indicates that the institutional framework that addresses Aboriginal peoples' participation in forest management is weighed down by the provincial government's limited view "that participation is circumscribed by provincial forest management regulations that exclude recognition of Aboriginal rights" (Smith 2007). Through research and political discourse, Aboriginal communities have also indicated the shortcomings of participatory requirements in recognizing and respecting Aboriginal and treaty rights while expressing the importance of their implementation (Kant et al. 2008, GCT3 2008). McGregor (2000) indicates that values are inadequately protected despite the guidelines for the protection of non-timber values and the Native Values mapping requirements in Ontario's forest management planning framework. She explains that, as currently practiced, values mapping "is not readily compatible with the meeting of Aboriginal goals and needs" where not all values are effectively protected and the areas around identified sites are destroyed (McGregor 2000). In an analysis of the process of Aboriginal values identification and protection in forest management planning in Ontario, Sapic (2006) identified problems

in the FMPM where “definition, protection and management objectives regarding Aboriginal values are not dealt with” and left to be addressed and developed at local levels where the process of defining, identifying and protecting Aboriginal values at the local level potentially creates inconsistencies. Research specific to Aboriginal peoples involvement in Ontario’s forest management have indicated that the role of Aboriginal peoples is situated within the limits of the objectives of enabling “participation of, and gather information of First Nations in Ontario” (Brubacher et al. 1998). Studies also suggest that the process does not represent what Aboriginal peoples want from participation and that unaddressed power inequalities have caused many to withdraw from these ‘sharing’ processes (Smith 1999, McGregor 2002, Mabee et al. 2006, Houde 2007). Furthermore, beyond the legislative specificities, Turner (2006) accredits the limitations and fault of past and contemporary efforts that have affected Aboriginal peoples to the “failure to accommodate and respect Aboriginal voices on their own terms” (Turner 2006).

3.3.1 Addressing inequality and the developing role of Aboriginal peoples in resource management

In response to such deficiencies and the evolving role of Aboriginal peoples in forest management, variations of co-management, joint ventures and concepts of shared and integrated responsibilities, authority and knowledges between governments, industry and local users (in most cases Aboriginal peoples) over a land base have been advocated by a great number of researchers (Agrawal 1995, Notzke 1995, Fitz-Maurice 1997, Sundar 2000, McGregor 2002, Carlsson & Berkes 2004, Houde

2006, Mabee & Hoberg 2006, Stevenson 2006, Sikor & Thahn 2007, Smith 2007). Co-management and other concepts of power-sharing are depicted as a means to address poverty in forest dependent communities, as a process that combines Western and traditional knowledge, and as an integral part of Aboriginal rights (Jumbe & Angelsen 2006, Natcher & Hickey 2002, Campbell 1996). While multiple variations of power-sharing and inclusive systems are promoted, many questions arise as to which approach is preferable. There are numerous examples of co-management and devolution initiatives in Canada such as the special management area in the Lower-Peace River Valley with Little Red River Cree Nation and Tall Cree First Nation, the John Prince Research Forest between Tl'azt'en First Nation and the University of Northern BC, Clayoquot Sound with the Nuu-chah-nulth on Vancouver Island and the Province of BC, La Paix des Braves between the Crees of Northern Québec and the Province of Québec, Pikangikum First Nation's Whitefeather Forest with the Ontario Ministry of Natural Resources, and the co-management boards and committees in the Territorial North under the Inuvialuit Agreement (Campbell 1996, Natcher & Hickey 2002, Mabee & Hoberg 2006 and Grainger, Sherry and Fondahl 2006, Davidson-Hunt et al. 2007).

Such agreements represent a few of the many agreements and initiatives that have been created or are emerging. Mabee and Hoberg (2006) and Notzke (1996) indicate that such initiatives have created valuable results in relationship building and cross-cultural exchange that are crucial to reconciliation and to reaching "equality". Conversely, research and analysis of past and contemporary co-management and power-sharing initiatives suggest that devolution is not "inherently inclusive" and can

perpetuate inequalities and reinforce state control over forest lands where there is a lack of adaptation to the local context (Sundar 2000, Castrén 2005, Jumbe & Angelsen 2006, and Sikor & Thanh 2007). Success in devolution initiatives is indicated to depend on institutional quality, good-governance in public agencies and context-specific analysis for quality policy-making (Castrén 2005). Yet pessimism still overshadows devolution policies said to have only provided a new context, framework and machinery within which states and interest groups can manoeuvre and where they will be localized “where and when they serve or do not threaten dominating interests” (Swatuk 2005).

More specifically in Canada, authors have identified obstacles to the success of co-management in the institutions, the recognition of rights and cultural differences. Most initiatives in Canada remain based largely on Western traditions of governance and resource management that are not structurally or legally inclusive or sensitive to Aboriginal traditions, knowledges and culture (Nadasdy 1999, Mabee & Hoberg 2006). This exclusion can also be related to the lack of political will. Most policies and commitments made by provincial and federal governments have been limited to either playing advisory roles or have yet to be implemented beyond rhetoric, being described as a “softened top-downism” (Natcher & Hickey 2002, Notzke 1995). In addition, the understanding of key terms such as ‘full’ or ‘equal partnerships’ between partners have not been consistent and the transfer of decision-making power has varied significantly.

Because of the varying characteristics and nature of participation, some communities and participants have lost faith or become disillusioned with the process

which may simply perpetuate conflicts over lands and resources (Campbell 1996, Nadasdy 1999, Mabee & Hoberg 2006). Subsequently, in order for Aboriginal communities to achieve legitimacy and authority of government within the current Western institutions, decision-making power over land needs to be returned to Aboriginal communities (Nadasdy 1999, Campbell 1996). Indications of greater success in the Territorial North also suggest that clarity or settlement of land claims (which have been an important source for co-management schemes) are important components of the success of co-management (Campbell 1996).

Settlement and clarity regarding jurisdiction or ownership of lands and resources—as part of a sacred contract and relationship—has been advocated by Aboriginal leaders in Canada (RCAP 1996). The federal and provincial governments have also expressed the importance of creating certainty in ownership and jurisdiction regarding lands and resources, most often characterized as a question of public interest and stability for important corporate investments (Rynard 2000). With the evolving nature of Aboriginal rights and title and the diverse legal and political landscapes of Canada having Aboriginal nations with historic treaties, nations with modern treaties and nations without treaties, it is likely that creating certainty regarding lands and resources will have varied outcomes. Though modern treaties and land claims have been the primary processes to this end, different approaches and institutions have been suggested.

The revitalization of treaties and the establishment of a modern treaty process was a central part of the recommendations made by the Commissioners (RCAP) as part

of their vision for reconciliation of Aboriginal and non-Aboriginal Canadians. Treaties in Canada have historically been poorly respected by the provincial and federal governments yet Aboriginal peoples recognize treaties as sacred agreements and have indicated little interest in their renegotiation. Rather, it is the revitalization of historic treaties—with their original spirit and intent—in contemporary form that is most widely advocated. The recommendations regarding treaties by RCAP (1996) emphasized the role of treaties in reconciliation through separate processes for historic and modern treaties. The Commissioners recommended in the case of historic treaties to “establish a continuing bilateral process to implement and renew the Crown’s relationship and obligations” in accordance to principles respecting the spirit and intent of the treaties and recognizing that the Aboriginal leaders signatory to the treaties did not intend to extinguish their rights, title and inherent rights to government (RCAP 1996). The recommendations also indicated the need to develop new processes and institutions for making treaties to replace the comprehensive claims policy. The Comprehensive Land Claims regime in Canada has largely treated Aboriginal title as an obstacle to be eliminated where land claims are often regarded by Aboriginal leaders as “conquest attempted with a fountain pen” where extinguishment of Aboriginal title remains a central principle of the land claim regime (Rynard 2000).

Participants in Treaty Three consistently referred to the past and contemporary violations of the original intent of the Treaty while also emphasizing the importance of the Treaty which suggests an interest in the renewal of the relationship intended by the Treaty. Revisions to the interpretation of Treaty Three are part of the mandate of GCT3

along with assertions of self-governance as part of Anishinaabe inherent rights (GCT3 2008). Rynard (2000) emphasizes the need to revitalize historic treaties and establish new treaties according to evolving concepts of Aboriginal rights to land indicating that the success of the reconciliation envisioned by RCAP is in part dependent on dismantling the extinguishment of Aboriginal title in the land claim regime. Aboriginal leaders are insisting on the development of bilateral relationships in many jurisdictions such as health, education and natural resources. With the respect awarded to treaties by the treaty nations and the evolving nature of the interpretations and settlements regarding Aboriginal rights and title to lands and resources, the recommendations made in the RCAP (1996) provide the most suitable scenario. Though as indicated by Rynard (2000), this scenario is most unlikely to succeed without the termination of the extinguishment clause as indicated by Rynard (2000).

3.3.2 Considering Knowledges

The involvement of Aboriginal peoples in forest management is part of the question of knowledges and the contemporary difficulties in combining different ways of knowing. The integration or consideration of the knowledges of affected Aboriginal peoples in resource exploitation or management has become a common requirement in many jurisdictions across Canada. However, initiatives in considering or integrating Aboriginal knowledges have become increasingly criticised for reducing that knowledge to supplemental information that is withdrawn from the people, places and context that give it meaning (Nadasdy 1999, Usher 2000, Agrawal 2002, Houde 2007).

3.3.2.1 Defining Aboriginal Knowledge

Though traditional knowledge systems are increasingly endorsed in resource management across Canada, there has yet to be a definition or term that is universally accepted. Numerous terms are commonly utilized such as: traditional ecological knowledge, traditional environmental knowledge, Aboriginal traditional knowledge, Aboriginal knowledge, Indigenous knowledge, Indigenous science and traditional knowledge. Nonetheless, in specific application to resource management that takes interest in the “environmental knowledge” of Aboriginal peoples, the term traditional ecological knowledge (TEK) is largely utilized in the literature as a “subset” of Aboriginal knowledges (Berkes 1999). Widely referenced, Berkes’ (1999) definition of TEK defines traditional forms of knowledges as referring to the “cumulative body of knowledge, practice, and belief, evolving by adaptive processes and handed down through generations by cultural transmission” particularly concerning “the relationship of living beings (including humans) with one another and their environment” (Berkes 1999). In addition to these defining characteristics, Stevenson (1996), Usher (2000) and McGregor (2004) indicate that these holistic and cumulative knowledge systems are evolving from specific geographical areas and represent “a lifetime of observation and experience of a particular environment” that is constantly being transformed by the experiences, needs and values of each generation. Subsequently, the knowledges and understanding of the land and ecological processes referred to as TEK are embedded in cultural, social and spiritual traditions that are deeply rooted in the land and peoples

from which they develop (Butz 1996, Berkes 1999, Wenzel 1999, Usher 2000, Nadasdy 1999, McGregor 2004, Stevenson 2005).

3.3.2.2 The Controversy in the *Traditional*, the *Ecological* and the *Knowledge*

Though there are common elements and themes in most definitions of traditional forms of knowledge, proponents of TEK (Aboriginal and non-Aboriginal) disagree in many instances on the term or the way traditional knowledges are portrayed, defined or applied. Additionally, Aboriginal peoples and scholars involved in the applications of traditional knowledges in various fields indicate discrepancies in the way the knowledges are viewed by non-Aboriginal people (McGregor 2004). The dominating definitions and literature on TEK mainly represent the understandings of non-Aboriginal scholars and researchers that are depicted as Eurocentric. Though Aboriginal authors present similar definitions, they usually focus on the “way one relates” to the environment rather than how one “does TEK” (McGregor 2004). In her article, *Coming full circle*, McGregor (2004) refers to Winona LaDuke’s definition of TEK as “the culturally and spiritually based way in which indigenous people relate to their ecosystem ... founded on spiritual-cultural instructions from time immemorial and on generations of careful observation within an ecosystem.” Marie Battiste, a Mi’kmaq educator from Potlo’tek First Nations, and James Sakej Youngblood Henderson of the Chicksaw Nation, describe Aboriginal knowledges as the “expression of the vibrant relationships between people, their ecosystems, and other living beings and spirits that share their lands” (Battiste et al. 2000). Though providing a “conceptualization” of

Indigenous knowledges, these authors refer to the relational aspects of the knowledges attempting to disassociate from Eurocentric tendencies and preoccupations with definitions that often portray TEK as a “uniform concept” across all Aboriginal peoples (Nadasdy 1999, Battiste et al. 2000).

Evidently, TEK is not something that can be (or should be) precisely defined as it does not represent a static or homogenous term. Aboriginal authors teach us that TEK is not a noun but a way of life, a way of knowing and a way of being. Holding such a cultural meaning to Aboriginal peoples, the discussion of the role of TEK in resource management, the process of conceptualizing, defining or interpreting it, is political and often precarious as the use of terms such as TEK are often made without “consideration of the holistic context in which the knowledge of Aboriginal peoples are often embedded”, and as such restricts the contributions that can be made to decisions required to realize sustainability by Aboriginal peoples (Stevenson 2005).

The terms utilized to describe these relationships with the land, the understanding and knowledges that stem from it are also contested. The use of the term “traditional” is considered inaccurate as it may ascribe static or archaic characteristics to forms of knowledge that are dynamic and continuously evolving (Usher 2000, Chapman 2007). Berkes (1999), Smith (1999), Menzies (2006) and Houde (2007) argue that the use of the term ‘traditional’ also risks the impositions of standards of a certain way of life, where policy-makers, resource managers and governments may no longer recognize the holders of the knowledges as ‘traditional’, as they may or may not have adopted more modern lifestyles, thus providing an excuse to

dismiss the validity of TEK and the authority of Aboriginal peoples over their knowledges. The discussion of TEK is also controversial, as most discussions of traditional forms of knowledge often exclude the creators of those knowledges (Menzies 2006). Most information informing policy and resource management is based on the consideration of publications and ‘experts’ of TEK that are, for the most part, non-Aboriginal scholars, researchers and resource managers. Though Aboriginal peoples are becoming more involved in informing policy in attempts to “decolonize” research relationships, TEK continues to represent a Western concept that has been imposed on Aboriginal peoples as the terms that should be utilized to describe their knowledges, their relationships and understanding of and with the land (Nadasdy 1999, Smith 1999, McGregor 2004, Davidson-Hunt et al. 2007). Consequently, the discussion of TEK is most often dominated by the ‘Western’ lexicon. This research and discussion makes no exception as I am undeniably immersed in the ‘Western’ discourse of TEK.

3.3.3 Resistance to Change

The involvement of Aboriginal peoples and the integration or implementation of their knowledges, ideas and culture in resource management or even political culture is being met with resistance beyond sluggish political activity, but rather conceptually. Widdowson (2007) considers recommendations for the integration of Aboriginal peoples and their knowledges in decision-making regarding lands and resources as misguided and fundamentally flawed—meant to justify devolution of responsibilities or to seize power. The concerns articulated by authors such as Widdowson and Howard are constructed on assumptions that Aboriginal culture and knowledges are derived

from a hunter-gatherer “stage of social history” that the authors characterize as “Neolithic” societies that have little applicability in a modern industrialized society and that are currently impeding Aboriginal people’s ability to “develop” (Widdowson and Howard 1999a, Widdowson and Howard 1999b, Widdowson and Howard 2008).

Such “Neolithic” arguments have been met with great resistance in academic fields with an understanding that they are founded on the same assumptions that justified the destruction and disruption of Indigenous cultures and societies around the world. The impacts of such assumptions are described by Howitt (2001:25) to provide resource managers with perspective on the consequences:

Non industrial societies were characterised as primitive, barbaric, inferior – doomed to extinction in the face of advanced humanity [and] superiority became a blanket justification for barbaric behaviour by the civilised nations in a crude imperialistic race for resources (...) the destruction of cultural diversity, of human life, was no more significant than the destruction of exotic environments and the biological diversity they contained.

The participation of Aboriginal peoples and their knowledges continue to be debated in the context of old ideas, those that were responsible for atrocities and infractions we consider today to be barbaric and unfounded. These represent the same assumptions that informed the colonial policies that led to Aboriginal peoples’ marginalization from economic and capacity-building opportunities that have left Aboriginal communities with a disproportionate capacity to participate and contribute as equal partners (Mabee & Hoberg, Natcher 2000).

3.4 OUTCOMES OF THE REVIEW

A review of the literature indicates that the need to expand on the role of Aboriginal peoples, their rights and knowledges in forest management is well documented. Yet despite the existing literature and recommendations on the way forest management in Ontario addresses Aboriginal peoples' involvement and the exploration of alternatives, such as co-management (Fitz-Maurice 1997, McGregor 2002, Sapic 2006, Smith 2007), we have come short of implementing such principles. Beyond the bureaucratic limitations exists a lack of understanding of what it means to carry out changes in forest management, which is the gap this study seeks to address through the exploration of perceptions and experiences of Aboriginal peoples, plan authors and managers in forest management in the Lac Seul Forest Management Unit and the GCT3 area. Investigating what it means to generate change locally and legislatively through examinations of perceptions and understandings of the issue is performed within the context of the limitations of the recognition and affirmation of Aboriginal and treaty rights in Ontario forest management (Smith 2007).

CHAPTER 4
PERCEPTIONS AND UNDERSTANDINGS OF FOREST MANAGEMENT AND THE
INVOLVEMENT OF ABORIGINAL PEOPLES: A CASE STUDY OF THE LAC SEUL FOREST

4.1 INTRODUCTION

This chapter is a representation of the experiences and perceptions and understandings of Lac Seul (Obishikokaang) First Nation community members, Mackenzie Forest Products Inc. (MFP) employees and Ministry of Natural Resources (MNR) staff in Sioux Lookout, Ontario of the participatory requirements for forest management of the Lac Seul Forest, as prescribed in Ontario's Forest Management Planning Manual (FMPM) (OMNR 2004).

A series of interviews and focus groups were held in the Lac Seul First Nation communities—Frenchman's Head, Keejick Bay and Whitefish Bay—and in Sioux Lookout, Ontario with members of the local Ministry of Natural Resources District office and employees of MFP. Of the total number of participants that were consulted for this research, as outlined in Table 4.1, Aboriginal participants outnumbered non-Aboriginal participants. These uneven proportions are a result of the nature of the strategy of inquiry. The understanding and experiences of representatives from the Ministry of Natural Resources and industry are a vital part of understanding the outcome of participatory requirements in forest management. Nevertheless, the principles of PAR are undertaken specifically in order to expand on who participates in the process of knowledge production and dissemination (Reason et al. 2000, Creswell 2007). The narrative of the industry and Ministry of Natural Resources are well

accounted for in public publications through legislation, forest management plans and various publications.

Table 4.1. Participants and Interview Types

Community /Employer	Interview	Focus Group	Total
Lac Seul First Nation	6	26	32
Anishinaabe Nation Treaty Three	3	2	5
Kenora	1		1
OMNR	2	4	6
McKenzie Forest Products	1	1	2
Total	13	33	46

Note: In the numbers of interviews for OMNR employees, one participant took part in an individual interview as well as a focus group (Participant 033) making the total of participants at 45. The interviews conducted with members of the Anishinaabe Nation of Treaty Three and the one non-Aboriginal community member in Kenora will only be utilized in the discussion and conclusion as this chapter addresses the responses from participants involved in the Lac Seul Forest. Additionally, one of the OMNR participants involved in the forest management plan for the Lac Seul Forest was not from the Sioux Lookout District Office.

In this section, the experiences, perceptions and understandings of participatory requirements for Aboriginal peoples in forest management are presented in structured summaries. Responses were summarized through text, figures and tables and grouped into categories and themes. The results are discussed in relation to the perceptions and understandings relating to the forest, forest management and forestry operations. Experiences and understandings regarding participatory requirements are then discussed under the sections reflecting Part A, Section 4 of the FMPM:

- Planning Team and LCCs (4.2 & 4.3)
- Consultation Proceedings (4.4 & 4.5)
- Documentation (4.6)

The ways forest management are considered to be affected by Aboriginal and treaty rights are also examined. Summaries of the understandings of appropriate participation and consultation in forest management are then presented with direction provided by participants regarding sharing knowledges and understandings.

4.2 RESULTS

4.2.1 The Role of the Forest

The value attributed to the forest by participants indicated clear distinctions between Aboriginal and non-Aboriginal respondents, while also indicating substantial correlation. Figures 4.1 and 4.2 summarize the responses from LSFN participants and staff from the OMNR Sioux Lookout District office and MFP respectively. The responses were grouped into three categories of forest values that emerged from the interviews: non-material, material and convergence. Non-material values relate to incorporeal aspects of the forest or utility for the forest that do not have a material existence but that exist in the contemplation and accepted realities of participants. Material values relate to the utility and physical use of the forest and forest resources. Convergence relates to the combination of material and non-material values or characteristics attributed to the use and understandings of the forest.

Figure 4.1. Responses from Lac Seul First Nation participants regarding the value of the forest.

<div data-bbox="414 859 1268 1062" style="border: 1px solid black; width: 535px; height: 98px; margin: 0 auto;"></div>	

Figure 4.2. Responses from MNR and Mackenzie Forest Products participants of Sioux Lookout, ON.

Initially, the responses were separated among the identified groups of participants: LSFN, OMNR and MFP respondents. However, the most significant differences identified between Aboriginal and non-Aboriginal respondents were specifically related to the use of the forest in relation to traditional activities, the sacred and spiritual nature of the forest and the forest as a vocation and career. Based on the results the tables were readjusted and the responses from the OMNR and MFP participants were grouped together.

The important characteristics of the forest most emphasized by First Nation participants were in relation to the spiritual, sacred and cultural aspects of the forest as they relate to traditional activities: medicines, offerings, hunting, trapping, fishing and harvesting. Nevertheless, in only one interview was the sacredness and spirituality of

all things in the forest emphasized. Participant 020 responded to the question regarding the importance of the forest (Appendix I) by discussing sacred medicines: “Tobacco is one of the sacred medicines. There is tobacco, sage, cedar, sweet grass” and indicated that “everything is spiritual, plants, even rocks” [participant 020 (Pers. Comm., July 31, 2008)]. In all other instances it was the connection or relationship with the land that was characterized as “spiritual”, relating to experiences of healing, giving, receiving and a general sense of peace [participants 010, 011, 022, 023, 024 (Pers. Comm.2008-2009)]. However, the value of the forest most emphasized was its role in providing for the continuation of traditional activities and sustenance, most significantly in relation to hunting and trapping. Activities regarding trapping, hunting, fishing, picking (foods and medicines) and the making of sacred pipes and tikinagans² were most frequently discussed. The land, or forest, was also discussed as a provider and a teacher to find where and how forest resources were to be utilized.

The land taught the people and the Elders passed it down to younger generations. [Participant 014 (Pers. Comm., July 31, 2008)].

Trees are landmarks. ... You use the forest to find or know where animals are [Participant 006 (Pers. Comm., July 30, 2008)].

Signs in the forest can be read about its stage of health. You know what type of land lies beneath different types of trees. Like you know it will rain when leaves turn over. [Participant 020 (Pers. Comm., July 31, 2008)].

There is a knowing.... Indicators are important to us Aboriginals [Participant 020 (Pers. Comm., July 31, 2008)].

² A tikinagan is a wooden cradle with a skin or cloth covering used to carry and hold infants.

On the other hand, in Figure 4.2, the attributed value to the forest in the responses by MNR and MFP respondents was primarily linked to what is physically utilized or drawn from the forest and to a profession and, often, a vocation. It is not to say that the non-Aboriginal participants have not and did not have spiritual or sacred experiences or relationships with the land: as stated before, these were brief encounters with participants that have relationships with the forest that are far more holistic and meaningful than can be described in this study. However, the sacred or spiritual characteristics of the forest or the relationship with the forest did not figure in the responses by non-Aboriginal participants as they did for the Aboriginal participants. Career, economic, recreational and environmental aspects of the forest were emphasized in the non-Aboriginal experiences.

You can look from personal and from work related ... like the outdoors, I like fishing, kayaking, canoeing, hiking, that kind of thing. And ... we value the fibre for our mill, from the company perspective [Participant 027 (Pers. Comm., March 10, 2009)].

I've lived in the north all my life.... [I] have always been interested in the forest as a kid hunting and fishing with my dad.... The forest has a huge impact on you.... That's my vocation and I think forestry is a huge part of northern Ontario [Participant 028 (Pers. Comm., March 10, 2009)].

It's my life, it's my career, it's my avocation [Participant 030 (Pers. Comm., March 10, 2009)].

...Everything.... I value the complexity associated with the forest, the fact that it creates so many diverse and varied different emotions from peoples" [Participant 034 (Pers. Comm., April 9, 2009)].

Despite the significant distinctions, there was a great deal of similarity in the nature of responses, most significantly regarding the importance and complexity of the forest as a place central to participants' lives. Though non-Aboriginal peoples focused

on the forest as a place of recreation, career vocation and Aboriginal participants emphasized hunting, trapping and gathering as part of a spiritual experience, both indicated the forest as a “home” and place where important aspects of their lives take place. Referring to the forest as “home” and/or implying it, and responding to the question of the value of the forest as “everything” were the most common responses by First Nation, MNR and industry participants. However, the level of correlation cannot be measured as words such as “home” and “everything” can hold different meanings for every individual. Nevertheless, the participants’ responses indicate that there was a constant for all participants: all participants depend on the forest.

4.2.2 Forestry and forest management

In the discussions regarding their experiences with participatory requirements in forest management, participants shared their perceptions regarding forest management and forestry operations. As a result of the responses that very rarely addressed both topics separately and subsequent to the fact that forestry operations are dependent on the fulfilment of forest management requirements under the FMPM, perceptions regarding forestry operations and forest management will be addressed jointly.

4.2.2.1 Impacts of forest management and forestry operations on traditional activities

LSFN community members referred to forest management and forestry operations mainly in the context of their impacts on traditional activities, referring to trapping, hunting, fishing and harvesting plants for medicinal purposes, fuel wood and

food. There was also reference to the perceived health of the forest environment not only relating to the impacts of clear cuts but most significantly in reference to the impacts of herbicide and pesticide use.

What about after they cut? I don't like the use of chemicals after cuts. We pick blueberries and eat them, a lot of First Nations do [Participant 002 (Pers. Comm., July 30, 2008)].

I have two traplines, the one close to the reserve is fine but the one I own has nothing left. The bush has been cut. I have had to relocate my cabin three times because it was out in the open. They damage it and don't replace it. There is a lot of pollution such as drums of hydraulic oil, oil cans spilled, old tires, burned skidders. I have seen change over the past 15 years (...) have a lot of Elder trappers disappointed with this cutting business" [Participant 004 (Pers. Comm., July 30, 2009)].

It has affected us directly. Our trapline area was affected.... The animal population is down, muskrats are gone, the marten are disappearing [Participant 001 (Pers. Comm., July 30, 2008)].

I have seen forests wiped out. After they cut, they spray which prevents Aboriginal peoples to use the land the way it was intended" [Focus Group Kejick Bay (Pers. Comm., January 20, 2009)].

In every interview and focus group with LSFN participants, traplines and trapping were discussed in reference to their experiences in forest management. In many instances, the condition of traplines and the quality or quantity of harvests were used as a way to evaluate the effectiveness and merit of forest management. In most instances, based on the conditions of the traplines, forest management was believed to have failed community members.

The continued use of pesticides and herbicides was also used to demonstrate that the concerns and knowledges shared at information sessions, open houses or other participatory processes were not respected or considered. Many also implied

that the reason concerns and information regarding the effects of chemical sprays were ignored resulted from corporate interests prevailing over Aboriginal interests and rights.

They have to realize what they do when they affect the balance of any ecosystem and the people, on anything. They have to be made aware. I think they only look at revenue-generating aspects of industry. Forest management has a hidden agenda. Manages for extraction not for forests—it's just a good ruse [Participant 014 (Pers. Comm., July 31, 2008)].

It is a place where corporate law supersede Aboriginal rights. It's offensive [Participant 003 (Pers. Comm., July 30, 2008)].

We've had a few MNR discussion tables regarding herbicides. Why is it that when you get beyond the First Nation boundary, the region, why does it no longer have a value? Fears and concerns are supposed to be put aside by one person saying 'we'll just apply it when there is no wind'? It is an inconsiderate way of treating our Elders, the rest of us can expect less [Participant 029 (Pers. Comm., January 21, 2009)].

Herbicides, these are issues that they never listened to, it's like a repeat without any results. We repeat ourselves over the years ... they are always overruled by companies" [Participant 022 (Pers. Comm., January 22, 2009)]

Issues relating to forest management, forestry operations and their impacts on traplines also indicate frustrations with the consultation process. In some cases, the use of pesticides and herbicides is considered as an expression of disrespect for the community and their concerns. This issue also indicates the level to which LSFN consider the consultation process to have failed over the years, as the use of herbicides and pesticides persists and activities around traplines are deteriorating.

4.2.2.2 Forest Management and Forestry: A Part of the Landscape

The dissimilarity between the perceptions of LSFN respondents and those of the MNR and MFP was most evident in regards to understandings of forest management and forestry operations. In the cases of MNR and MFP participants, forest management and forestry operations were described as processes and activities that have become part of the landscape.

Forestry is a huge part of northern Ontario” [Participant 028 (Pers. Comm., January 2009)].

I personally feel that we benefit the forest ... natural processes that have been impeded like forest fires ... because they are suppressed ... we kind of have a role there to be one of those renewal systems on the landscape [Participant 027 (Pers. Comm., January 2009)].

In discussions with MNR and MFP participants forestry was an important part of the economy for the North, a part of a culture and careers and in some instances, was considered to complement natural processes in the forest by causing disturbances where others have been suppressed. Forestry operations and forest management were part of the landscape and were not considered to impede the environment or natural ways of using the forest as they were by a majority of Aboriginal participants. Nevertheless, in one instance, an MNR participant discussed the limitations of management efforts in relation to nature:

We’re trying to manage, perhaps manage is not a great word, trying to deal with nature and nature is not straight lines [Participant 028 (Pers. Comm., March 10, 2009)].

The nature or limitations of management on a landscape, of ecosystems and natural processes were not discussed or mentioned any further in the interviews with MNR

and MFP participants. Yet in the interviews, the participants from the MNR noted that forest management had a long way to go as timber extraction continues to be the primary commercial activity championed and managed. Though the importance of the forestry industry in northern Ontario was significantly emphasized, the need for progress was also discussed openly:

I mean the whole notion of forest management planning, we used to call them timber management plans because it's still really the only product, considering all these other uses of the forest but the only product ... is pulp and paper. We don't consider things like blueberries as a product or all the other uses of the forest as a product...Presume if you are doing a forest management plan, you are planning for the use of the forest in all aspects of the way it could be used while, no we are really not [Participant 031 (Pers. Comm., March 11, 2009)].

Potentially the CFSA and the FMPM is meant to go that far.... The CFSA does take into account all of the forest and all of the flora and the fauna potentially could become part of the regulated forest. It just hasn't yet [Participant 033 (Pers. Comm., March 11, 2009)].

Concerns with the growing complexity of forest management were also discussed extensively. Not only are people more involved, but the responsibilities and requirements have driven forest management into an increasingly bureaucratic process.

It's developed into quite a process which is probably overcomplicated.... There is a little bit too much bureaucracy.... It used to be about getting outside, now we're involved in this bureaucratic process that takes forever.... A lot of resources are consumed with just dealing with the process [Participant 027 (Pers. Comm., March 10, 2009)].

Forest management planning has gotten so complex [Participant 028 (Pers. Comm., March 10, 2009)].

Forest management planning in Ontario, particularly in the Northern area ... hasn't had much in the way of land use planning and strategic or district land use planning and everything gets dumped into forest

management planning. We find ourselves, as the plan author, dealing generally with things that really aren't forest management issues at all. But we are not going to be able to run a business and get our plan approved unless we deal with them. I say generally because they include everything related to the forest that is not forest management, from trapping, to mining, well, just name it [Participant 030 (Pers. Comm., March 10, 2009)].

Where forestry operations were discussed as an integral part of northern Ontario, forest management was described as having evolved into a dense and complex process involving matters beyond the capacities of forest management or forest management planners. The complexity of forest management was discussed extensively, where MNR and MFP participants explained the described the level of complexity of work involved in the planning process and the difficulty of transmitting that information to stakeholders in the forest.

4.3 PERCEPTIONS AND UNDERSTANDINGS OF PARTICIPATORY REQUIREMENTS IN FOREST MANAGEMENT PLANNING

As indicated in the literature review, in Ontario the legislative framework for forest management on Crown land is provided by the Environmental Assessment Act (EA Act) and the 1994 Crown Forest Sustainability Act (CFSA) (OMNR 2004). The MNR's capacities and authority to issue licences and undertake forest management are provided by the CFSA (1994) through the Minister of Natural Resources. The CFSA (1994) is Ontario's key forestry legislation and enables the FMPM (OMNR 2004). The approval from the EA board requires the OMNR to implement the terms and conditions from the Timber Class EA (1994) into the FMPM (OMNR 2004). All policies and management practices that affect forested lands in Ontario must also be consistent

with the Policy Framework for Sustainable Forests (PFSF), a policy statement entrenched in law regarding the commitments to SFM in Ontario (OMNR 1994).

At the provincial level, the Ontario government has obligations to consult and promote the participation of Aboriginal peoples in forestry. As a result of the Ontario Ministry of the Environment's Environmental Assessment Board (OEAB 1994) decision on the Ontario Ministry of Natural Resources (OMNR) Class EA for Timber Management on Crown Lands, Aboriginal peoples' involvement in forest management planning is outlined in Part A of section 4.0 of the FMPM (OMNR 2004). As a result of the Terms and Conditions set out by the Class EA Board, relationships and interactions between Aboriginal peoples, MNR and industry managers have been largely defined and subscribed by these requirements. This section is an examination of participatory principles and requirements in Part A, Section 4 of the FMPM based on the responses and experiences of the participants (OMNR 2004). The discussions and examination of legislation and participatory processes are the result of summaries and pertinent passages from interviews and focus groups. The results will be discussed through figures, tables and text.

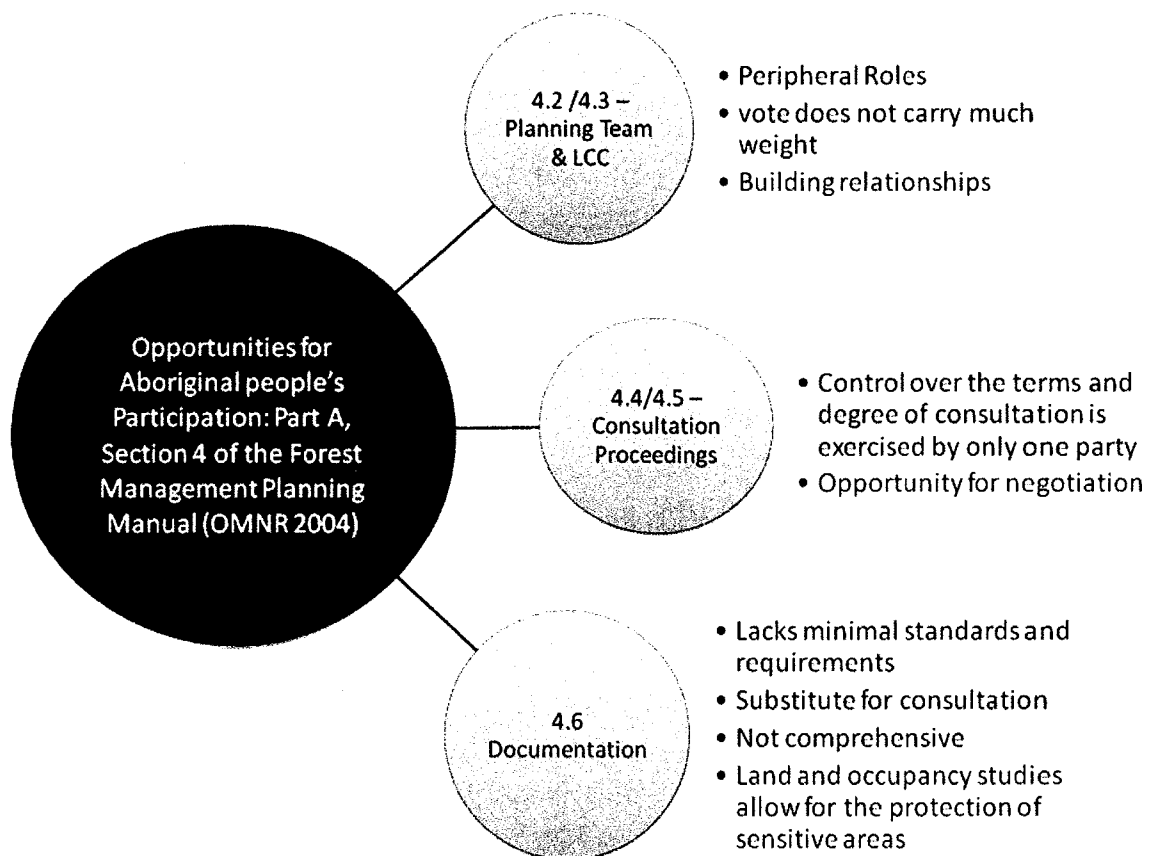
4.3.1 Participatory Requirements in Ontario's Forest Management Planning Manual – Part A, Section 4 (2004)

Part A, Section 4 of the FMPM defines the terms of the involvement of Aboriginal peoples in forest management. As discussed in Chapter 2, the provisions entail participation for every forest management plan on every forest management unit (FMU) through two phases of planning and multiple stages with opportunities to

participate. These are achieved through opportunities to participate on the planning teams and Local Citizens Committees (LCCs), through information centres and sessions with communities and through the creation of the Aboriginal Background Information Report (ABIRs) and Reports on the Protection of Identified Aboriginal Values (RPIAVs).

In Figure 4.3, participatory provisions are outlined and analyzed on the basis of the compiled responses from participants regarding their experiences with the provisions at different stages of the process.

Figure 4.3. Compilation of the indicators of successes and failures in the step by step participatory provisions of the FMPM based on experiences and statements provided by participants.



4.3.1.1 Planning Teams and LCCs

Sections 4.2 and 4.3 of Part A of the FMPM require the MNR District Manager to contact Aboriginal communities “in or adjacent to the management unit whose interests or traditional uses may be affected by forest management activities” through invitations to appoint an Aboriginal community member to the planning team or LCC (OMNR 2004). During the interviews and focus groups, numerous LSFN participants indicated that they had had experience participating on either a planning team or an LCC and indicated that, though their participation provided an opportunity to build relationships with the other members and learn more about the forest management process, they felt as though their voice did not carry much weight.

I have participated in forest management planning but I personally felt our input wasn't taken seriously. It was just a procedure, it's put in a binder and shelved [Participant 011 (Pers. Comm., July 30, 2008)].

I sat on committees, I felt the same way—doesn't mean anything [Participant 010 (Pers. Comm., July 30, 2008)].

It is discouraging to voice concerns, it's frustrating to try, our voice is not taken seriously. There are also so many things happening on to the land and can't keep up. How are we supposed to participate when there are so many concerns and issue with the land? There is frustration about the process, no one takes us seriously on the land [Elder man (Pers. Comm., Focus Group Kejick Bay, January 20, 2009)].

In forest management planning, whatever input we have isn't taken seriously because they think differently about the forest [Participant 022 (Pers. Comm., January 21, 2009)].

They don't value what we say [Participant 023 (Pers. Comm., July 30, 2008)].

I've sat on a planning team. I help my wife's family manage their trapline. So I have seen a lot of the impacts of forestry on the land. I was able to obtain a small sliver of understanding for the forest

management planning process. I don't know if it discouraged me or overwhelmed me. But it did make me realize that First Nations don't have the capacity to fully participate in the forest management process [Participant 026 (Pers. Comm., January 22, 2009)].

I'm tired of being a token Indian. It's only in there because someone got sued [Participant 029 (Pers. Comm., January 22, 2009)].

Timber companies should be at the table with Aboriginal peoples to understand the practices and why Aboriginal peoples do the things they do. Communication is lacking on both sides.... There is no real cohesiveness [Participant 003 (Pers. Comm., July 30 2008)].

I haven't been familiar with that aspect of consultation. MNR have come in to say where they would cut and asked where the values were. That's all I've encountered.... In my mind there wasn't proper consultation, there was no foresight as to what the community was agreeing to [Participant 014(Pers. Comm., July 31, 2008)].

Many respondents addressed the entire forest management and participatory process, reflecting frustration with a process that had failed, in their minds, to consider their needs, their knowledges and their concerns. Participants did not consider the process to have the extent of involvement necessary or to disclose the necessary information or nature of operations. In the last statement provided, Participant 014 discussed the impacts of forestry operations on the land, on wildlife and water suggesting that the community did not fully understand what the impacts would mean. Though all information regarding operations are made available to the public by the OMNR, many participants discussed the impacts on traplines, animal populations and their perception of the health of the land as though they were somehow surprised by the outcome and reach of forestry operations.

The participants also indicated issues in relation to the capacity of plan authors and managers to understand their concerns as well as their own capacity in dealing

with the technical aspects of forest management and accumulative issues regarding lands and resources. Participants also questioned the intentions of managers, plan authors or participation in the FMPM, referring to their involvement as “blanket covers” or a way to satisfy legislative or legal obligations as well as public concern without meaningfully involving First Nations or considering their concerns and knowledges.

MFP and MNR participants also discussed inefficiencies in the LCCs and planning teams in meeting what they perceived as the expectations from First Nations. The LCCs and planning teams were indicated to be inappropriate levels of participation for Aboriginal communities.

It is a very important part of the FMPM and Timber EA and it doesn't work.... It groups First Nation participation in with mainstream society and that is clearly not what I understand to be how First Nations want a relationship with us ... and quite frankly I don't want that level of consultation with First Nations. I think because of their unique rights they need a much more defined specific one-on-one relationship with the Crown for the day-to-day stuff that happens [Participant 033 (Pers. Comm., March 11, 2009)].

If I was a First Nation advocate I would expect more than what they are getting. On the other hand, I don't know how to do a better job ... but I think there is quite a few very committed people that are doing the best they can. And that is not everybody, but there are [Participant 030 (Pers. Comm., March 10, 2009)].

Questions of capacity were also raised with MNR and MFP participants who discussed the difficulties faced by First Nation representatives involved in the participatory process. Capacity was also addressed in terms of answering to the concerns and expectations of multiple stakeholders and groups who have an interest in the forest and the difficulty entailed in balancing these multiple expectations.

They deal with huge issues, like really, the forestry stuff is kind of small potatoes when you are dealing with the kind of issues they are dealing with like health care and everything else. ... and the communities aren't that big you know. I mean how many people can be involved in our committees? [Participant 028 (Pers. Comm., March 10, 2009)].

Lac Seul First Nation seem to be very engaged ... however, there's actual constraints at the community level that prevent in a lot of cases full participation. And it's not from a lack of trying from their standpoint, it's you know, the person who is the representative.... He's pulled in fifty different directions like I mean, yes he's a rep on our team but he's also ... wearing different hats in that community that often pull him away [Participant 032 (Pers. Comm., March 11, 2009)].

We do have legislative requirements to meet in terms of public consultation so we have to try to ensure that we meet those within proper timelines.... We inform and try to consider but we don't abrogate our responsibility to others. Because essentially, you would have a thousand different opinions and a thousand different decisions. We try to, I guess, as objectively as possible, consider all those points of view and I guess arrive at a decision that best suites all the needs [Participant 031 (Pers. Comm., March 11, 2009)].

The predominant obstacles in relation to LCCs and planning teams by all participants related mostly to capacity. LSFN participants referred principally to the way their concerns are overlooked in a process they considered to be a display to satisfy obligations and public concern. MNR and MFP addressed questions of appropriate levels of consultation and participation, while also discussing the level of complexity involved in attempting to consolidate the interests of all stakeholders while meeting scheduled requirements in forest management planning.

4.3.1.2 Consultation Proceedings

Consultation proceedings outlined in Sections 4.4 and 4.5 of Part A of the FMPM indicate the steps that are to be taken to develop a consultation approach for forest

management that can be negotiated but that will pertain to the involvement of the community in the “production of the forest management plan, the planning of operations for the second five-year term, contingency plans, amendments to forest management plans and contingency plans, annual work schedule and insect pest management programs” (OMNR 2004). Section 4.5 provides all the steps for consultation with an Aboriginal community, parallel to the public consultation process in case there has not been an agreed upon consultation approach.

This section of participation emphasizes issues of control, where Aboriginal communities are welcomed to negotiate with District Managers their involvement in forest management planning, but where the terms or the limitations of that involvement are controlled by the FMPM and the planners and managers.

What level of government do we participate in? What input and involvement do we have?... I’m there as an observer but also to explain our position. We have no illusions of having any type of input. It’s not even advisory because they don’t have to listen.... We are just helping Ontario meet their requirements towards consultation [Participant 029 (Pers. Comm., March 10, 2009)].

In my mind there was no proper consultation, there was no foresight as to what the community was agreeing to [Participant 014 (Pers. Comm., July 31, 2008)].

First Nations don’t have the leverage to stop operators from going into traditional territory until they are consulted and accommodated.... T&C 34 has no teeth [Participant 26 (Pers. Comm., January 22, 2009)].

The provincial government sees Aboriginal peoples as an impediment because of our special rights, we’re in the way. They just do it, but our values don’t mean anything to them. Having a blockade is the only time we are on the news, that people listen [Participant 011 (Pers. Comm., July 30, 2008)].

Frustrations regarding participation are particularly about who controls the involvement and to what extent the concerns, information and knowledges shared in this process are implemented. The sense of being subjected to the terms and conditions of others and that Aboriginal voices carried no weight in the forest management planning process was also expressed through frustration that the land was being managed by strangers, implying that LSFN community members had no control over the outcome of forest management planning.

Strangers are taking down our forests, we have nothing to say [Participant 006 (Pers. Comm., July 30, 2008)].

Strangers taking down our forests [Participant 011 (Pers. Comm., July 30, 2008)].

They are not the ones drinking the water from the lake, eating the fish and the berries [Participant 026 (Pers. Comm., January 22, 2009)].

They are strangers to the land. If I went abroad or somewhere else, I would respect the Aboriginal peoples of that place, their customs, etc. It's not happening. The Province should come to our communities, and have our input.... Go to the people that have lived in that area and get directions from the people. Right now when the province is doing a forest management plan, they don't get input because they expect us to come to them through their ways. They should come to us [Participant 010 (Pers. Comm., July 30, 2008)].

In this last statement, emphasis was made on the need for plan authors and managers to meet Aboriginal peoples on their terms, indicating that that fundamental problems in the process of participation and consultation have to do with disconnection with the people and the land and that the process is inadequate in gaining input from communities as it is not founded on their understanding of how to engage communities.

This disconnection from the people and the land was recognized by some MNR and MFP participants and attributed to the bureaucracy and planning processes that no longer entails much work out on the land. This disconnection from the land was also addressed as a problem regarding the way many positions in smaller northern Districts are jumping points on a career ladder.

It's a jumping point [Participant 027 (Pers. Comm., March 10, 2009)].

It's a jumping block. I'm just trying to think for examples in the MNR of how many people have stayed with forest units for decades and there aren't that many of them. And the problem with that connection, with the forest is, because of the process is so onerous and there is so much administrative stuff that you don't get a chance to get out on the field. I rely heavily on my technical staff that work with me to be my eyes and ears of what is going on in the forest. Unfortunately, typically when I get out there, there is usually a problem [Participant 028 (Pers. Comm., March 10, 2009)],

4.3.1.3 Documentation

The documentation referred to in this section of requirements for the participation of Aboriginal peoples relates to the creation of the Aboriginal Background Information Report—also known as the Native Background Information Report (OMNR 1996), the RPIAV and a summary of Aboriginal Involvement (OMNR 2004). The extent to which sites and areas of significance were protected varied. However, based on the responses from LSFN participants, this was accomplished to the best of the ability of those involved. A LSFN community member who has been involved in the process indicated that values mapping for the identification of areas and sites of cultural, spiritual, traditional and recreational significance was carried out best as resource managers and plan authors could.

I believe they do values mapping as well as they can, I believe they are doing the best they can [Participant 026 (Pers. Comm., January 22, 2009)].

The values mapping was indicated by participants as one of the most successful elements of the process. The values map for the 2006-2026 plan for the Lac Seul Forest was posted in the band office. The only complaints regarding this element of the participatory process was related to the difficulties with land use and occupancy studies standards in Ontario and the issues they raise regarding Aboriginal knowledges.

Figure 4.4. Participatory provisions for Aboriginal peoples in the FMPM and barriers.

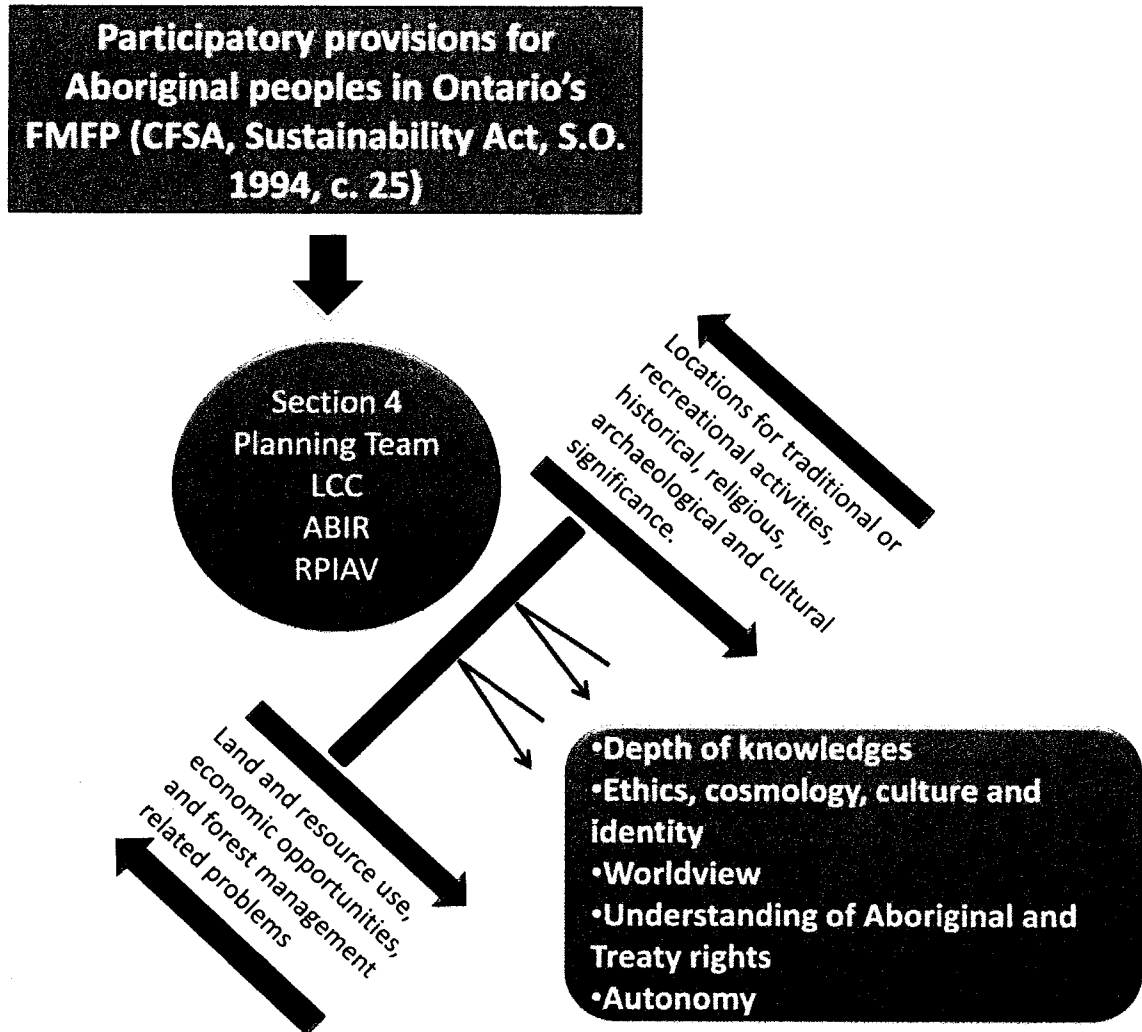


Figure 4.4 describes the participatory requirements of Section 4 of Part A in the FMPM demonstrating what has been successfully shared through the participatory process. It also demonstrates that the process inhibits fundamental principles and characteristics relating to understandings of the forest, rights, knowledges, culture and of the people and communities involved from being transmitted and shared. It is not the purpose of the participatory process in the FMPM to engage in exchanges regarding worldviews and most certainly not to engage in discussions of Aboriginal and treaty rights. Addressing questions of understandings, worldviews, culture, ethics and

knowledges was, however, indicated as being the foundation to achieving meaningful consultation and coexistence.

Whether or not Aboriginal values and knowledges were adequately represented in forest management and/or operations was one of the questions asked during interviews and focus groups (Appendix I). To this question a resounding “no” was the most common answer with the exception of two First Nation participants. One participant indicated that the language utilized by the government, the promises to engage and respect Aboriginal peoples was misleading, that “It throws everyone off in terms of what should be expected from logging companies” [participant 014 (Pers. Comm., July 31, 2008)]. Participants’ experiences and understandings of the process and its effectiveness indicate there is difficulty in sharing understandings and information most relevant to the relationship between Aboriginal and non-Aboriginal participants. Differing understandings of what participation and consultation means or should entail also indicates that there is not a common language or understanding of what the language utilized in policy implies.

During interviews and focus groups, the methods underlying values mapping, the nature of the question of identifying values as it relates to values mapping and documentation of values for forest management were not extensively discussed. The question related to whether or not they felt that Aboriginal knowledges and values—in terms of ethics, morals and standards—were well represented in forest management. This question related to understanding whether or not the participatory and consultation process overall involved Aboriginal communities effectively enough for

them to feel that their interests, knowledges and values were reflected in forest management and forestry operations, and from the responses provided, they did not.

4.3.2 Aboriginal and Treaty Rights and their Effects on Forest Management

Forest management and forestry operations were evaluated primarily on their impacts on traditional activities by LSFN participants. Aboriginal and treaty rights are tied to traditional activities and, just as forest management was believed to have failed in terms of protecting those activities, forest management also failed to respect or recognise Aboriginal and Treaty rights, according to LSFN participants.

They were supposed to be honoured. They are not really adhered to.... We have a covenant with the Crown that we are born into [Participant 003 (Pers. Comm., July 30, 2008)].

I'm not sure they do. I often hear other First Nations say their land has been infringed, rights have been infringed. I don't think they have an impact on forest management in terms of protecting the land" [Participant 014 (Pers. Comm., July 31, 2008)]

I don't think the treaty has been respected [Participant 020 (Pers. Comm., November 13, 2008)].

Treaty rights do not benefit us when the land is destroyed [Elder, FG Kejick Bay (Pers. Comm., January 20, 2009)].

We get five dollars a year for treaty rights. I mean the companies take the wood, build dams, take minerals—that is not part of the Treaty. There is no revenue-sharing, so all we get is five bucks [Elder, FG Kejick Bay (Pers. Comm., January 20, 2009)].

Our Treaties enabled their laws, they enabled access to the land. But it should be 50/50" [Participant 022 (Pers. Comm., January 22, 2009)].

Well they historically have not. The only thing that has happened is traditional values have been identified" [Participant 026 (Pers. Comm., January 22, 2009)].

We share. We allow them to use our roads but they don't share with us" [Participant 001 (Pers. Comm., July 30, 2008)].

LSFN participants did not consider that Aboriginal and treaty rights, most significantly treaty rights, were considered or respected. In association with the treaty, LSFN members also discussed accommodation and compensation in terms of reciprocity as a part of the treaty that had not been respected. On the other hand, MNR and MFP participants were in some cases aware of Aboriginal and treaty rights as an important part of their responsibilities that shaped forest management, while others avoided the question or indicated that this realm of discussion was beyond their abilities or responsibilities in relation to their work.

How do they not?... In some ways it's emerging as well and, again, some of that is not a complete understanding of what the historical Aboriginal and treaty usage of the forest really is. And that it seems that any rights based decision on forestry has to go through the courts. We can't seem to be able to negotiate that, it has to end up in the court" [Participant 033 (Pers. Comm., March 11, 2009)].

I think on my part the treaty rights, my understanding is minimal and we know it is kind of out there and usually don't encounter it or we encounter it when it hits the news or when it hits the courts" [Participant 028 (Pers. Comm., March 10, 2009)].

I think some are complementary and some are in conflict. And we really need to have a discussion of what those rights may or may not be and then talk about ... forest management ... and have a discussion about, are they complementary?... Are they totally in opposition to each other?... That's the type of dialogue that needs to happen" [Participant 034 (Pers. Comm., April 9, 2009)].

Participants emphasized the need to clarify the nature and extent of Aboriginal and Treaty rights and how they affect or complement forest management. The differences between participants related to the way of addressing this lack of clarity.

Where some suggested that the only solution rested in the courts, others discussed the need for dialogue regarding each other's rights, and how we affect one another. The discussion of rights also instigated explanations or clarifications from participants that indicated that they could not, in their positions, address Aboriginal and treaty rights.

I kind of have my marching orders through the Forest Management Planning Manual of what the Crown forest is. So obviously we want to get an understanding of what's important to the community, but as a planning team we can't get into the political realm of things ... My employer has given me this kind of latitude on what I can discuss and what I can work with. When you start getting outside those bounds, I can't help you ... I think it needs to really be figured out and the only way it seems to be able to be figured out is through the courts. ... We need to kind of set out what those responsibilities and rights are from a practical perspective so we can move forward, because everybody is kind of interpreting it at a different level, you know. If revenue sharing is what is going to happen well let's get on with it. We'll implement that, but again I have no, I can't say that we are going to do that. Can I speak for the people of Ontario? No" [Participant 028 (Pers. Comm., March 10, 2009)].

We work under the framework and direction of our government and until our government recognizes a right, then we continue to work under the regime we have always had, which is, at this point, that sole ownership of public lands is Ontario in right of the Queen. Until that changes, we don't have any flexibility to give grievance to any other kind of ownership structure in the Province. So a lot of the things that are worthy of discussion and are being discussed right now, that's great, but we're not allowed to entertain at the rights based level.... My employer allows me to do certain things within my jurisdiction and they decide what that is and that's what we have to work with. And it's a source of great frustration for probably a lot of First Nations, because they do want to talk about that it's just they're not in the right place.... Wherever there is an impact based on Aboriginal and Treaty rights, it can't be decided at the local level, it's "see you in court". And all of the implications and costs to both parties and to the outside society are all there because of the unknowns [Participant 033 (Pers. Comm., March 11, 2009)].

4.3.5 Appropriate Participation and Consultation

Participants were asked what appropriate participation and consultation in forest management meant or entailed (Appendix 1). In Table 4.2, responses from participants were summarized and separated into three groups: LSFN, MNR and MFP.

Table 4.2. Understandings of what appropriate participation and consultation entail.

Respondents	Understandings of appropriate participation and consultation
Lac Seul First Nation	<ul style="list-style-type: none"> • shared resources • accommodation • processes individually tailored to communities • democratic processes of decision making • consultation on a Nation-to-Nation basis • Involvement of Elders and land users • community concerns and knowledges warranting action
MNR	<ul style="list-style-type: none"> • openness • opportunity to comment on forest management plan and accessibility to information • separate case law or rights-based discussion from participation • specific consultation process for Aboriginal peoples • one-on-one MNR and First Nation discussion
MFP	<ul style="list-style-type: none"> • Addressing First Nation first • Providing the responsibility and authority of traditional lands accordingly to trap lines to First Nations where they collect royalties and manage those areas • provide opportunities to participate

LSFN participants, in general, defined appropriate participation and consultation as a process individually tailored to each community where land-users and Elders were strongly involved. The development of this process needs to be founded on Aboriginal voices and developed through negotiations between Provincial and First Nation

governments, through a Nation-to-Nation dialogue. Ensuring that this process was democratic was often emphasized to ensure that Aboriginal communities had a place in decision-making. Lastly, participants emphasised the need for accommodation and reciprocity in resource management and forest management where the concerns, the knowledges and understandings of Aboriginal communities are considered and implemented beyond the Reserve.

What they promised to do, share resources, they should do [Participant 001 (Pers. Comm., July 30, 2008)].

Involving our Elders, getting their opinions. In the past people were called to be on committees like it was a token. Government already knows what they will do [Participant 010(Pers. Comm., July 30, 2008)].

I think they should consult First Nations at both levels of government about the forest [Participant 002(Pers. Comm., July 30, 2008)].

The whole community should be involved, this is our traditional way of life [Participant 004(Pers. Comm., July 30, 2008)].

First Nations and our Chief and Council should be better utilized as an information source as well as in labour. There needs to be accommodation [Participant 021(Pers. Comm., January 21, 2009)].

It's a different answer, because we don't have the resources and technical knowledge. We would need a third party and resources. It would be a long term process where the First Nation, in partnership, could establish its own department educating and training in that field. Also, taking elders and other community members to actual cut sites and what 'set aside habitat', buffer zones ... look like so they could see what the industry and MNR say are 'fire patterns'. Once that is done ask them; 'would you like to see this in your territory?' Ensuring they have an interpreter for the elders and if they asked for no pesticides or spraying, they would actually listen. They are not the ones drinking the water from the lake, eating the fish and the berries [Participant 026(Pers. Comm., January 22, 2009)].

It has to be tailored to the individual communities [Participant 029 (Pers. Comm., March 10 2009)].

Though MNR participants recognized the need for improvements, generally the existing model was considered a sound foundation for appropriate participation and consultation with Aboriginal peoples and the general public. MNR participants defined appropriate participation and consultation as an open process where participants are provided with the opportunity to review all information in relation to projected operations with an opportunity to comment on the forest management plan. Also, participants indicated that Aboriginal communities needed to have the additional opportunity to negotiate the terms of the consultation process. Where MNR participants distanced the most from the existing model was in emphasizing the necessity for a consultation and participatory process for Aboriginal communities separate from the general public. Also emphasized by participants was the perceived necessity for all groups involved to distance themselves from rights based or positional arguments.

I honestly believe we have to step away from the case law interpretation and positional arguments that are out there and just realize that we are both trying to derive something from the forest and we need to understand from each other what that is.... Appropriate levels of participation, I think that depends on the individual's level of interest. And not only their interest in the forest but their interest in becoming involved in the forests or the decisions around the forest and how the forests are going to be developed over time [Participant 034 (Pers. Comm., April 9, 2009)].

Working with the First Nations that are participating to the planning team, get their feedback to see how they want to participate and how they prefer consultation to occur.... So on the First Nations side it could be potentially different than with dealing with other stakeholders or the LCCs [Participant 032 (Pers. Comm., March 11 2009)].

Everyone who has an interest on the forest has an opportunity to look at the plans and the proposed operations with enough time for them to

understand what it is we are proposing and has the ability to provide comments about the impacts that it has on how they use the forest and that they can be expected that MNR as the approving agency, seriously consider how they have described the impacts in the decisions we make.... So I think the actual part of the FMPM is a good start and lays out a good framework. But I certainly have reservations about its effectiveness. It presupposes that there is willingness on both parties to meaningfully engage and productively engage for the purposes of the forest management plan. It doesn't take into account all of the other objectives that either the government, or people, or the First Nations have circling around forest management [Participant 033 (Pers. Comm., March 11 2009)].

Aside from discussions specific to Part A, Section 4 of the FMPM, the degree and nuances in participation were discussed by participants 033 and 034, both indicating that appropriate participation was a question of the desired level of involvement of a group or individual.

Responses between MFP respondents were divided. On one side, appropriate levels of participation and consultation were indicated simply as providing opportunities to participate. On the other hand, participant 033 provided a detailed account of what the participant considered to be a solution to the discrepancies in forest management. The participant indicated that issues or considerations relating to First Nations needed to be dealt with prior to a forest management plan. The participant followed by describing a transfer of the authority and responsibilities for traditional territories to First Nations charted by traditional traplines. The participant believed that if the responsibility rested in First Nations, with initial assistance, that SFM would follow and that the responsibility for infractions would rest with the communities. In relation to understandings of forestry operations, SFM and the protection of values, the participant stated:

It won't be interpreted by some bureaucrats in the MNR in Toronto saying this is what is valuable to First Nations. They're not Caribou, you can go ask them! Let them do it. And then let me talk to them and we'll go get the job done [Participant 030 (Pers. Comm., January 2009)].

It is not the right way to do it and this sort of gets back to treaty rights I suppose.... It basically leaves people, like the two you just spoke with, in the awkward position of trying to look after everyone's interests, especially First Nations, while at the same time, meeting extremely tight and legislated, and regulated deadlines in a forest management planning process [Participant 030 (Pers. Comm., January 2009)].

4.3.6 Sharing Understanding and Knowledges

When asked about the most effective ways of sharing understanding and knowledges regarding the forest and forest management (Appendix 1), participants responded not with the ways of sharing, but with the changes and understandings necessary to achieve it. LSFN participants generally focused on what was needed before we could get to a meaningful point of sharing. MNR and MFP participants discussed how information or knowledges was currently shared in the forest management process and the challenges to sharing knowledges.

The responses provided by LSFN participants dealt most significantly with what needed to occur in order for us to reach this point of sharing. The need for learning was one of the recommendations made by LSFN participants, indicating the need to learn about each other and the land collectively. This learning recommended by LSFN participants had many levels. Learning involved education: having a more honest account of the experiences and history between Aboriginal and non-Aboriginal peoples in Canada in order to have a common understanding of how we got to where we are and of each other. Learning was also about communication, learning together and

sharing understanding through land-users and the land itself. Learning was also about self-reflection, and addressing the disconnection from the spiritual and emotional aspects of the land and its management through institutional learning. Learning was finally about finding “common ground”: “There has to be common ground established between any given parties (...) learning from each other and what each other can share and give to the other” [Participant 014 (Pers. Comm., July 31 2008)].

Non-Aboriginal and Aboriginal, we’re in it together, we need to learn together [Participant 006 (Pers. Comm., July 30 2008)].

There has to be common ground established between any given parties ... learning from each other and what each other can share and give to the other. Need for information sharing [Participant 014 (Pers. Comm., July 31 2008)].

With the Canadian history currently being taught in the school system I don’t think we will get to a point where the general Canadian population will have a heartfelt understanding [Participant 029 (Pers. Comm., January 21 2009)].

One of the best ways, timber companies should be at the table with Aboriginal peoples to understand the practices and why Aboriginal peoples do the things they do. Communication is lacking on both sides [Participant 003 (Pers. Comm., July 30 2008)].

Many things are structured. The physical, the spiritual, the mental, the emotional. The way the government is structured is detached from the emotional and spiritual but it’s part of who we are. That needs to be part of it, it should be at the forefront of forest management [Participant 011 (Pers. Comm., July 30 2008)].

When you look at a tree look with respect. If you are able to understand it’s life, purpose of the tree, identity, names, how they burn, their qualities. Once you have that understanding you are able to appease the spirit ... no mass scales, only take what you need. We would need to change the purpose of industry [Participant 020 (Pers. Comm., November 13 2008)].

We have already shared most of our knowledge [Participant 024 (Pers. Comm., January 21 2009)].

Firstly talk to users, trappers. I think they have the most intimate relationship with the land [Participant 026 (Pers. Comm., January 22 2009)].

MNR and MFP participants' responses mostly dealt with the existing "mechanisms" for sharing through the participatory processes and their obligations towards freedom of information. Participants also emphasized that they are committed to gaining more understanding about Aboriginal peoples' uses of the land and their concerns relating to forest management. The complexity of sharing was also extensively discussed with reference to the need to recognize that there are different types of knowledge with differing levels of applicability in the forest management process. Sharing knowledges and understanding was also described as a relationship and dialogue that cannot be easily regulated or reproduced.

There is a system out there for providing information sessions to allow for people to come forward.... That is one mechanism that is used to share knowledge and try to provide understanding and making staff available to discuss these issues.... We are very much open to hearing what they want, we want to know what they are doing on the landscape, we want to know just as much as how they live on the landscape or a First Nation would live on the landscape, what that means to them and how we or how any decisions that happen on this end would impact them ... don't think that there is maybe, one kind of cookie-cutter approach to sharing knowledge, it really depends on what knowledge is being shared, who is receiving it, you know, who's requesting it [Participant 032 (Pers. Comm., March 11 2009)].

To be honest, I wish someone had an answer to this question, because I don't.... But I will say it would be nice if, when we are sharing that knowledge, there is an openness to listening to that knowledge. Because I have had experiences where, trying to share knowledge and it's either in the delivery or the method of communication, knowledge is not received or not accepted and I can say that on both sides too.

Because you just don't understand so you don't accept. And I just don't know how to share it [Participant 034 (Pers. Comm., April 9 2009)].

I think the more we talk and the more that we talk the better, the more comfortable both parties get with each other ... relationship building [Participant 028 (Pers. Comm., March 10 2009)].

The relationship is also a function of the people.... It's also a function of the day [Participant 031 (Pers. Comm., March 11 2009)].

With openness, transparency, accessibility and truthfulness about what won't be made accessible.... The two-way exchange of knowledge and information, in most cases except for some of the more visceral First Nation values, I think is working fantastic.... Where I think it's less successful is the public's knowledge of how to get access to that.... The knowledge basis is enormous.... The fact is, forest management planning is complicated, it's hard, it's messy ... but is the knowledge open and accessible and ready for the public to get at, absolutely [Participant 033 (Pers. Comm., March 11 2009)].

It's a relationship ... I think that is the only way, I mean how do you legislate something like that? [Participant 027 (Pers. Comm., March 10 2009)].

Go out and drink tea ... just make the time to go and not wait until you're in the midst of a forest management plan. Develop contacts and meet people.... I don't know how that could be regulated [Participant 030 (Pers. Comm., March 10 2009)].

The nature of the responses between Aboriginal and non-Aboriginal participants again varied significantly. Where LSFN participants discussed the principles and changes necessary to sharing knowledge and understanding, MFP and MNR respondents—with the exception of two—focused on the existing models of sharing information and engaging with Aboriginal communities. Nevertheless, there was consensus on the understanding that sharing knowledges and understanding is largely a question of relationships. It was also unanimous that we are “in it together” and that the solutions rest in the collaboration between Aboriginal and non-Aboriginal peoples.

CHAPTER 5 DISCUSSION

5.1 INTRODUCTION

The results presented in Chapter 4 related directly to the responses provided by participants as a result of the interview questions from Appendix I. From these responses, reoccurring themes in relation to forest management and the involvement of Aboriginal peoples emerged: Failing Frameworks, Mala Fide (in bad faith), Capacity and Reciprocity. Failing Frameworks refers to the identified failures of the participatory processes for Aboriginal peoples and subsequent obligations in forest management by LSFN participants and the identified flaws by MFP and MNR respondents. Mala Fide is a theme that resulted from the scepticism from LSFN participants about the government's intentions behind the current forest management planning processes for Aboriginal involvement, rooted in a culture of mistrust caused by past infractions and the repeated lack of consideration for Aboriginal voices, knowledges and rights. Capacity, as a theme, relates to the responses of participants regarding limited capacities at the level of the First Nation, plan authors and managers to cope with the complexity of forest management planning and social relationships involved in this process. Capacity issues in relation to the reconciliation of multiple interests, understandings, knowledges and values of the forest and forest management were also identified. Reciprocity emerged from the responses relating to appropriate levels of involvement for Aboriginal peoples, emphasising the need for a separate process of consultation with Aboriginal peoples tailored to the individual needs of the community.

This separate process would need to include accommodation and reciprocity in the context of the recognition and protection of Aboriginal and treaty rights.

From these responses, reoccurring themes in relation to forest management and the involvement of Aboriginal peoples emerged and will be discussed in relation to their implication in understanding what it means to build capacity for change on the local and legislative levels in the management of our forests.

5.2 FAILING FRAMEWORKS

I have seen forests wiped out. After they cut, they spray, which prevents Aboriginal peoples to use the land the way it was intended.

Elder, Kejick Bay, January 20, 2009

Some successes were identified in the participatory processes in building relationships, in providing opportunities for input on scheduled operations and into the forest management plan, and in protecting many sensitive areas and values of LSFN residents through the Values Mapping exercise. However, the results from the Lac Seul case study indicate that the mechanisms and processes developed for Aboriginal people's participation have failed to protect the interests of LSFN participants, to consider and integrate the concerns, knowledges and understandings of LSFN community members, and to provide a process accessible and effective for the purposes of participation and consultation. The experiences also show that the Province of Ontario has failed to include Aboriginal communities as "partners in making decisions" regarding the management of the forest as indicated in the Policy Framework for Sustainable Forests (1994) as a requirement for SFM.

In relation to participation with LCCs and planning teams, consultation proceedings and documentation, the responses from LSFN, MNR and MFP participants indicated that:

- Aboriginal voices did not carry much weight, as they were significantly outnumbered.
- Aboriginal involvement was too superficial and did not represent the desired level of participation of LSFN participants.
- Information was not considered to be transmitted effectively. Participants identified issues of capacity and accessibility, indicating that, despite the availability of information and MNR staff to share or explain information regarding operations and forest management planning, accessibility and disclosure was a problem.
- Though LSFN participants' concerns, interests and knowledge may have been considered, they were not implemented—"it's not even advisory, because they don't have to listen" [Participant 029 (Pers. Comm., March 10, 2009)].
- LSFN participants shared a sense of powerlessness and alienation regarding the fate of the land and the forest. Though Aboriginal people are welcomed to participate or even negotiate a process for consultation, all involvement is defined by the FMPM and the process is controlled by planners and managers. This lack of control over their involvement was also discussed in relation to the land, indicating that land users had little influence on the way the land is managed and exploited. This sense of alienation was also in a sense discussed by MFP and MNR participants manifested in their perceived subjugation to decisions made by centralized authorities and north/south–rural/urban power dynamics.

In general, LSFN participants identified that the process failed to protect their interests, traditional activities and rights, failed to engage them at the desired level of participation, and failed to reflect the interests and concerns of the community.

Interviews and focus groups conducted with members of various First Nations from Treaty Three produced conclusions similar to those from the responses of individual LSFN participants. Participants indicated that in LCCs they were immensely

outnumbered and that “one voice doesn’t carry much weight.” [Participant 019 (Pers. Comm., August 22, 2008)]. They also discussed the general perceptions regarding participating in forest management planning, indicating that most Aboriginal communities or participants associate little significance to the established process or LCCs and planning teams as their concerns or participation would never impact any decisions in the planning process other than identifying values for the ABIR and values mapping [Participants 015, 016 and 019 (Pers. Comm., 2008)].

LSFN participants measured the merit and effectiveness of forest management based on the condition of traplines, the health of the animals and the quantity and quality of harvests. The use of pesticides and herbicides in planning and operations was also an indicator to measure the success of consultation and participation in considering and implementing the knowledges, concerns and interests of Aboriginal peoples. According to LSFN participants, the poor conditions of traplines and the failure to protect them, as well as the continued use of pesticides and herbicides, were indicators that forest management planning and the participatory processes for the participation of Aboriginal peoples were unsuccessful and unsustainable.

5.2.3 Indicators

The health of the forest in relation to traditional activities, such as trapping, as well as the continued application of herbicides and pesticides served as indicators to measure the success of the MNR and MFP to manage the forest sustainably and consider and involve LSFN. These indicators represented consistent and unchanging concerns among participants who signalled that their concerns had not been addressed

over the years despite the mechanisms and tools legislated in forest management planning for their involvement. Thus indicating a major defect in the established process—“These are issues that they never listened to, it’s like a repeat without any results” [Participant 022(Pers. Comm., January 22, 2009)]. Tangible objectives were presented by LSFN members in regards to the protection of traplines and the discontinuation of the use of pesticides and herbicides. The failure to address operational requests that did not require profound and extensive changes indicate the inefficiency of the mechanisms and conditions in the FMPM and the informing terms and conditions required by the OEAB as a result of the decision on the Timber Class EA (1994) for the involvement of Aboriginal peoples.

First Nation respondents discussed issues in relation to control and power dynamics. They saw these processes as being engineered and controlled by what they often described as outsiders and “strangers to the land” in both government and industry. This suggests that addressing the inefficiencies of the mechanisms means more than a simple adjustment to OMNR forest policy. Resource management approaches in Canada have typically been characterized by utilitarian and “unitary” responses to inefficiencies or dilemmas where the effectiveness of the model is assumed and adjustments are conducted in a reactionary fashion (Noble 2004, Howitt 2001). Many of the issues discussed by participants and their observations are rooted in epistemology, ideological functions, the culture in Euro-Canadian resource management and the legal and political struggles for jurisdiction and access to natural resources. This complex context suggests a need to re-evaluate not only the tools

provided to managers, but also the context within which they are developed and implemented. These indicators demonstrate the inappropriateness of the prescribed nature of forest management planning and the need for a process capable of adapting and responding to uncertainty, complexity and relativity involved in the ecological, social, cultural and legal landscapes subject to forest management.

The choice of indicators relating to traditional activities and the use of pesticides and herbicides in forest management also reinforces the inference by LSFN participants that a fundamental failure of the forest management planning process and of the Province of Ontario relates to the failure to protect and recognize Aboriginal and Treaty rights as indicated by Smith (2007). The predominant theme in the discussion of the shortcomings of participation and consultation and forest management in Ontario relates to the failure to protect traplines and discontinue the use of herbicides and pesticides due to their adverse affects on traditional activities and foods. These discrepancies relate directly to the failure of the province to protect treaty rights in relation to traditional activities such as hunting, fishing, trapping and gathering. Responses from LSFN participants indicate that the recognition and protection of Aboriginal and Treaty rights are central to appropriate participation and consultation in forest management. "Aboriginal rights pertain largely to continued forest use" (NAFA 2005) and the case of LSFN indicates that the use of the forest by LSFN participants has been constrained by forestry operations and forest management, which to participants represents a violation of Aboriginal and treaty rights. The failure of the province to recognize and protect Aboriginal and Treaty rights in forest management represents to

LSFN members testament of the failure of Ontario's forest management regime and commitments to SFM. This failure further reinforces the need for Aboriginal and treaty rights to be addressed and revitalized through a Nation-to-Nation dialogue as advocated by LSFN and GCT3.

Lastly, the experiences in the participation through LCCs, planning teams and customized consultation in forest management of LSFN, MFP and MNR participants indicate that another fundamental deficiency of the participatory process in Ontario forest management planning is the absence of Aboriginal voices in defining and developing the terms and conditions for their involvement. Though the requirements for the participation of Aboriginal peoples in the FMPM are meant to fulfill the conditional requirements that were a result of the decision of the EA Board on the Timber Class EA in 1994 that involved the consultation of Aboriginal interest groups, results corroborate that the requirements they established and the subsequent requirements in FMPM fail to be compatible with "Aboriginal goals and needs" (McGregor 2000).

"Successful resource management programs of any sort must enjoy social acceptability in addition to their bio-physical possibility and economic feasibility" (Allan et al. 2008) and the failures of the legislative frameworks for Ontario forest management expressed by LSFN participants principally indicate that if participants have no faith in the process, it is unlikely that the process will produce the desired outcomes, let alone healthy and constructive relationships. The effectiveness and success of participatory processes and mechanisms in forest management necessitate

the involvement of Aboriginal peoples in the creation and decision-making related to participatory standards and mechanisms in Ontario's forest management.

5.3 IN BAD FAITH

Consultation and participation is tolerance not respect.
[Participant 017(Pers. Comm., August 21, 2008)]

In Bad Faith refers to the reoccurring reference to policies, planners and managers as well as the provincial and federal governments which do not uphold the responsibility to meaningfully engage, share and respect Aboriginal peoples and Aboriginal and treaty rights. The political, legal and planning considerations for Aboriginal peoples that emerged from the interviews with Aboriginal participants as being implemented or created in "bad faith" will be addressed in the following sub-themes: Mala Fide, blanket cover and a matter of respect. The themes refer to different levels of perceived deceit that emerged from the interviews and focus groups.

5.3.1 Mala Fide

Mala Fide is the equivalent of bad faith in Latin, a term used as a legal concept to refer to intentional acts of dishonesty or engaging in an agreement without the intent of fully fulfilling it. LSFN participants indicated throughout the interviews and focus groups that they did not trust that the intentions of authors of forest management legislation in Ontario relating to the involvement of Aboriginal peoples had virtuous intentions. Participants indicated that the provincial government often "diluted" the wording in agreements or policies that involve Aboriginal peoples in order to minimise its responsibilities and ensure that they do not set a legal precedent that could be used

to justify further involvement or access to resources [Participants 015, 016 (Pers. Comm., 2008)]. Aboriginal participants' perception of policies and the government's intentions as deceitful represent one more reason for the lack of faith in the participatory process established in Part A, Section 4 of the FMPM, a process referred to by many participants as a "blanket cover" meant to appease public concern without meaningfully engaging Aboriginal peoples in Ontario.

5.3.2 A Blanket Cover

"Blanket cover" refers to a quote from a First Nation participant (015) that condensed the multiple references to the perceived simulated nature of the efforts and participatory requirements in forest management. This sub-theme overlapped with participants' perceptions regarding the provincial government and policies and the efforts and intentions of planners and managers in the MNR and the forestry industry. LSFN and other First Nation participants from Treaty Three expressed little confidence in the MNR or forestry companies where participation in forest management was often referred to as a "blanket cover" or even just a "good ruse" to satisfy legislated obligations.

Numerous participants indicated that they felt that during planning team and LCC meetings, all that was sought was someone's approval in order to move on to the next item and that no one would "bother to gain understanding from the community" [Participant 016 (Pers. Comm., August 20, 2008)]. A large number of Aboriginal participants indicated that they felt that government intentions for their involvement in forest management are not based on mutual respect or a desire to engage with the

community. Consultation and participation are rather referenced as just another hurdle and task for managers:

When something is already in place it seems like an exercise for the records [Participant 019 (Pers. Comm., August 22, 2008)].

Consultation with one community member is a blanket cover—it's just for show" [Participant 015 (Pers. Comm., August 20, 2008)].

Perceptions that the efforts or concessions made by the MNR or forest industries are disingenuous seemed to be founded on the lack of success of the participatory requirements in Part A, Section 4 of the FMPM and the outcome of centuries of institutional, cultural, political and legal assimilation and repeated infractions of promises and commitments made to Aboriginal nations, Chiefs, representatives and communities. The subsequent cynicism regarding Canadian governments, institutions and representatives have had significant impacts on local relationships where participation and consultation were often described as "confrontational" and driven by corporate interests that "supersede Aboriginal rights" as a part of a "bureaucracy set up to oppress" [Participants 004, 007, 011, 014 (Pers. Comm., 2008)].

5.3.3 A Matter of Respect

The history of dispossession, marginalization and deceit endured by Aboriginal peoples described in Chapter 2 were conducted and justified through Canadian and provincial laws and institutions. This harm was not restricted to the national level through the Royal Proclamation (1763) or the Indian Act (1876), the harm also

extended to local and regional levels through Treaty Three (1873-1874), the *St. Catherine's Milling* case (1887), the timber trespass and flooding of Lac Seul.

As a consequence of past infractions that are preserved and perpetuated in contemporary institutions and law, Aboriginal communities' and peoples' misgivings regarding the federal and provincial governments and resource based industries are justified and pragmatic. The history of the relationships between Aboriginal and non-Aboriginal peoples in Canada cannot be summed up by only deceit and exploitation, but it is overwhelmingly overshadowed by them and will reasonably inform some of the perceptions and understandings of Aboriginal peoples regarding the roles of industry and government. Though the past should not govern our interpretations of the present, the "bad faith" that is part of the reality of relationships between Aboriginal peoples and planners and managers in forest management needs to be reconciled. According to the experiences and provided indicators of LSFN participants, the current legislative framework for participation in forest management regarding Aboriginal peoples and actions of the provincial government do not provide overwhelming reason for Aboriginal communities and participants to award their trust. In order to change that perception or attitude, the government of Ontario must provide them with a reason to do so as like in any relationship, trust must be earned.

The interpreted "bad faith" is not only a result of our past, but is also founded on the failure to engage, consider and protect LSFN interests and the existing realities of the involvement of Aboriginal peoples in forest management. At the local level, from personal participatory observations and the assessment of the responses of MNR and

MFP participants, the depictions of the intents of the participants as deceitful do not reflect the personal views and understandings shared by these participants and do not fairly represent their efforts. However, government and industry staff at the local level are part of their respective institutions and implement the policies that are considered to be part of the perpetuation of the subjugation of Aboriginal peoples.

In an enlightening conversation with Participant 017, a non-Aboriginal participant from Kenora, it was pointed out that the use of terms such as “participation” and “consultation” is disrespectful towards Aboriginal peoples and the spirit and intent of Treaty Three. The participant described the nature of our relationships in resource and environmental management with Aboriginal peoples as “tolerance” not “respect” [Participant 017 (Pers. Comm. 2008)]. These observations correlate with the sentiments and experiences for LSFN participants. Participation in forest management is tolerating that Aboriginal peoples are present on the territory and have certain rights that require managers and the government to provide opportunities to participate to the management process. However, playing advisory roles to the fate of the forest is a far cry from respecting Aboriginal peoples or engaging in a meaningful relationship. We don’t respect each other by engaging in these interactions, we tolerate one another’s positions. We may understand or even sympathize, but the interactions do not represent respect. Conducting piecemeal advisory participation and consultation undermines our relationships to each other and the land. These processes also undermine the Treaty that embodied in spirit a Nation-to-Nation relationship between

peoples where resources and the lands were shared “as long the sun shines and water runs, that is to say forever” (Paypom Treaty).

5.4 CAPACITY

*We cannot solve our problems with the same thinking
we used when we created them. Albert Einstein*

Capacity issues and capacity as part of the solution to overcoming the difficulties and complexities faced by the participants emerged frequently in the interviews and focus groups. Limited capacity related to the capability to understand the technical aspects of forest management planning and the knowledges, values and understandings of the other as a matter of cultural and epistemological barriers. Legislative and resource limitations and the difficulty of reconciling the multiple interests and concerns of community members relating to forest management, while meeting stringent timelines, were often emphasized by MFP and MNR respondents. Aboriginal participants referred to the limited capacity to participate and contribute in forest management planning with all of the other responsibilities and challenges facing Aboriginal participants in relation to the legacy of residential schools, the involvement of Aboriginal communities in high profile litigation and the “incessant struggle” of many community members for the protection of their traplines and other traditional activities, along with the social challenges faced by many First Nation communities across Canada.

5.4.1 Capacity and Knowledges

We are conditioned to have a particular vision of what constitutes knowledge.
Richardson 2003

Limited capacity to understand or relate to one another was another issue of capacity indicated by LSFN, MFP and MNR participants, who discussed the difficulties in transmitting and comprehending highly complex and technical information involved in forest management planning and the limited capacity of plan authors and managers to comprehend the situations, the concerns and interests of Aboriginal peoples. This indicated that even if the participatory processes were to be improved, it would not guarantee that plan authors and managers would understand what is being transmitted from Elders, land users and community members from Lac Seul and vice versa. This particular issue of capacity largely relates to issues of knowledges and understanding that are a part of a larger discussion in resource management regarding the involvement of Aboriginal peoples and the contemporary difficulties in combining different ways of knowing. The discussion of Aboriginal knowledges, most often referred to as TEK, is entrenched in the “dichotomous” classification of TEK in ‘Western’ knowledges as described by Agrawal (1995). These dichotomous classifications have dominated the discourse regarding the application of Aboriginal knowledges in resource management and have considerably hindered our ability to build capacity for this sort of exchange.

5.4.1.1 Traditional Ecological Knowledge and Western Science

Despite the growing recognition of TEK, the dualistic dispute between the categorization of 'Aboriginal' and 'Western' science—a problem that emerged in the early 'conception' of the term—has been replicated and perpetuated (Agrawal 1995, Usher 2000). Though there are obvious dissimilarities in ideology, epistemology, content and methods between what is depicted as 'Western' and 'traditional' science, the differences are often exaggerated (Agrawal 1995, Cordell 1995, Usher 2000).

Western knowledges are usually characterized as the concrete approach that is fundamentally analytical, systematic, deductive and accountable only to objective truth (Peterson et al. 2007). On the other hand, TEK is usually described as an abstract form of knowledges that is embedded in cultural and moral constructs emerging in subsistence-based societies where the people, the environment and the culture are intricately tied (Berkes 1999). However, knowledge systems evolve from diverse histories, events, cultures, beliefs and philosophies that cannot be suspended in "time or space", making Western science just as equivocal as Aboriginal science (Agrawal 1995). The arguments that depict one as objective, dominant or analytical and the other as abstract, spiritual and holistic, represent fragmented understandings of knowledges (Liftin 2005).

The description provided of science often entails an idea of universal knowledges founded on objective data, observations and truths without a discussion of the diversity of paradigms and interpretations within the 'scientific' community. There are in Western science "competing knowledge claims ... based not only on differing

interpretations of the same evidence but also on differing paradigms and premises” (Usher 2000). Subsequently, the impression that Aboriginal knowledges are being contested within the discourse of uncontested ‘Western’ science is inaccurate as both categories of knowledge systems are contested in one way or another (Liftin 2005). As many authors have demonstrated, the impression that Aboriginal knowledges are a set of “values and practices” that do not constitute “knowledge” (Widdowson 2007) are often the result of reductionist analyses and a lack of understanding of these knowledge systems (Agrawal 1995, User 2000, Houde 2007, Mendis- Millard 2007). These differentiations often fail to acknowledge the political nature of the “generation, communication and diffusion” of knowledges (Liftin 2005).

The divide between “knowledge systems” coincides with the divide between the powerful and the disadvantaged that privileges the belief of the “objective neutrality of science over other ways of knowing” (Liftin 2005). Subsequently, the differences between science and other knowledge systems are not only the result of the process of knowledge-building but are also underlined by the ability to maintain the power to impose a narrative (Liftin 2005, Houde 2007). Resource management is a part of this imposition of narratives and can serve to reinforce “privilege that is constructed and renewed socially”:

Resource management systems are also political systems. They not only produce resource commodities, but also produce power....
Consequently, many cultural (and ecological) consequences of resource management decisions simply become invisible because of the way that the cultural system of knowledge constructs one’s understanding of resources themselves (Howitt 2001:7).

In Ontario, the methods used to consider and involve Aboriginal peoples and their knowledges in forest management focus on documentation rather than sincerely engage Aboriginal peoples. In these processes, Aboriginal knowledges are often treated as supplemental knowledges to be incorporated in management processes rather than used to “rethink unexamined assumptions” (Nadasdy 1999, Agrawal 2002).

5.4.2 Building Capacity and Understanding through Dialogue: Finding Each Other through the Land

In section 4.3.6 responses relating to questions regarding sharing knowledges and understanding, participants provided suggestions about what sharing in this context meant. LSFN participants were very attuned to the obstacles in sharing knowledges and understanding about the land and each other and associated capacity-building to social learning in order to find “common ground”. MNR and MFP participants emphasized the complexity of knowledges indicating that there could be no “cookie-cutter approach” to what was largely a question of relationships. Sharing understanding and knowledges to the participants was about building relationships through ongoing dialogue suggesting not only the recognition of sharing as a process accomplished through relationships but also a willingness to engage in such a dialogue.

The examination of the role of the forest in section 4.2.1 of Chapter 4 showed similarities and dissimilarities in relation to how participants understand and value the forest. The responses indicated that dissimilarity between Aboriginal and non-Aboriginal respondents existed in the value attributed to the forest. MFP and MNR participants predominantly identified value in what was physically drawn from the

forest and to a profession or lifelong vocation. LSFN participants attributed value most significantly to spiritual and cultural aspects of their relationship with the forest experienced through traditional activities as outlined in Figure 4.1. Though the distinctions in understandings of the relationships with the forest and their meaning were significant, there were important similarities relating to the way meaning and value for the forest is developed.

The first instance of correlation regarding the forest related to vocabulary through the use of “home” and “everything” as the most widely-used terms by both Aboriginal and non-Aboriginal participants. Though the significance of this instance could not be quantified as terms can hold different meanings, it implied consistent understanding of dependency on the forest. The most crucial similarity related however to the way meaning and value is developed by participants.

The examination of participants’ responses and participatory observation showed that understanding and meaning of the forest develops through individual and collective experiences on the land as well as through understandings and meanings passed from one generation to another in families, communities and institutions. Though the understanding may be different, the way we come to understand the world around us is not dissimilar. In an interview, a member of LSFN indicated that, in order to resolve issues relating to his community’s involvement in forest management, there needed to be “common ground” in order to “learn from each other” and “share” [Participant 014 (Pers. Comm., July 30, 2008)]. The consistency of the understanding of our common dependency on the land in interviews suggests that the strongest

similarity relates to the common dependency on the land by all participants. “Common ground” in terms of understanding represents, however, the most substantial dissimilarity between non-Aboriginal and Aboriginal respondents.

The idea of social learning and “common ground” are already established principles of the Common Ground Research Forum (CGRF), a community-university research initiative that emerged from a collaboration between GCT3 and the municipality of Kenora on “common land” [Participant 017 (Pers. Comm., August 21, 2008)]. In partnership with Grand Council Treaty #3, the City of Kenora, the University of Winnipeg and the University of Manitoba, the GCRF seeks to “understand and build capacity for cross-cultural collaboration and social learning for sustainability” (NRI 2009).

In discussing the implications of this initiative, Participant 017, a non-Aboriginal community member of Kenora, indicated that we have to come to an understanding about how we relate to the land before we can truly begin to understand how we relate to each other. What Participant 017 suggests, along with LSFN participants, is that the relationships on the local level need to grow from a common understanding or social learning of the land on the land.

The earth became the common language for everybody and that’s an understanding that I think I’ve arrived at by talking about the earth and how we relate to the earth, or the forest or the water or whatever that’s expressed. That by understanding how we as human beings relate to the earth, then we can begin to understand how we relate to one another [Participant 017 (Pers. Comm., August 21, 2008)].

Developing a relationship, no matter the basis, was a central theme in the responses of all participants from all groups. As indicated by Participant 034, an MNR

employee, “you can’t have effective consultation without an effective relationship.” Furthermore, as indicated by Participant 014, the “land” is a teacher, which represents a principal element of Anishinaabe philosophy where “knowledge resides in the land” and “knowledge is progressively revealed through experience on the land” (Davidson-Hunt et al. 2003). From these Anishinaabe philosophical principles, the descriptions of participants regarding ideas of sharing knowledges and understanding through relationships founded on learning through the land, it is suggested that a key to building capacity for change in our relationships requires that we engage in a dialogue at local levels for which the land is the foundation, the institution.

5.4.3 Building Capacity, Relationships and Understandings through a Nation-to-Nation Dialogue

The severity and reach of the legacy of residential schools on Aboriginal peoples and the relationship between Aboriginal and non-Aboriginal peoples in Canada are slowly being recognized, but their reach and impact on the current lives and capacity of their victims and Aboriginal communities are less obvious. The legacy continues to deeply affect communities as a source for many of the social issues present in most Aboriginal communities across Canada. The extensive list of social issues faced by Aboriginal communities are but symptoms of a deep and intricate sickness stemming from the violent, abusive and dismissive treatment of Aboriginal peoples through mechanisms such as residential schools. There is also the sparsely discussed legacy of the infringement of the rights of Aboriginal peoples and environmental infractions that have left Aboriginal communities with the onus of addressing these infractions through lengthy and often costly legal and political battles such as the Timber Trespass and the

flood claim in Lac Seul First Nation. Though the legacies of residential schools and the legal and environmental negligence of Canadian governments are not the subject of this thesis, they have considerable effects on the ability and capacity of Aboriginal communities to respond to issues or opportunities relating to forestry operations and forest management. These accumulated challenges have left community members with sentiments of being trapped in incessant struggles for their rights, their land and livelihood: "I constantly have to fight for the trap line, on top of work and life" [Participant 004 (Pers. Comm., July 30, 2008)].

Limited capacities in Aboriginal communities also affect local planners and managers. Where the provincial government fails to recognize and assist Aboriginal communities in the challenges they face, the issues are downloaded to plan authors and managers, whether intentionally or unintentionally: "We find ourselves, as the plan author, dealing generally with things that really aren't forest management issues" [Participant 030 (Pers. Comm., March 10, 2009)].

MNR and MFP participants also often pointed to the inadequacies in discussing Aboriginal and treaty rights at the District level. Most MNR and MFP participants indicated that when rights became an issue it became a case of "see you in court". Aboriginal and Treaty rights were discussed as a divisional issue impeding the ability of planners and managers to engage with First Nation communities. Yet, LSFN participants indicated a desire to have the protection of Aboriginal and Treaty rights be an integral part of forest management.

Contention about Aboriginal and treaty rights as a source of division at the local level seem to be a result of the lack of clarity relating to Aboriginal and treaty rights and the failure of the province to address them. Planners and managers indicated often that they did not have the authority nor capacity to handle or address any issues relating to Aboriginal and treaty rights. Even though the government of Ontario has historically avoided addressing issues relating to Aboriginal and treaty rights in forest management, local offices for the government of Ontario or forestry companies are often seen as the only outlets to voice concerns. Local planners and managers are the representatives of the Crown and forestry industry with which Aboriginal communities have the most contact. If the province of Ontario or the OMNR want Aboriginal communities to participate to forest management without engaging in issues or discussions relating to Aboriginal and treaty rights, the province of Ontario or the OMNR need to engage Aboriginal communities at higher levels of government. Dialogue and negotiations regarding Aboriginal and treaty rights and the jurisdictional implications on lands and resources need to be established in order to allow for productive relationships and interactions in forest management at the local levels.

Questions of rights are also integral to reconciliation in Canada, which itself depends, in the area of Treaty Three, on the renewal of the historic treaty to address ownership and jurisdictional affairs (RCAP 1996, Rynard 2000). Reconciliation at the legislative and legal levels must be on the basis of rights, in which extinguishment clauses must be revoked. The relationship Aboriginal peoples have with the land is significant in more ways than one. Obvious links are made to the spiritual and cultural

nature of the relationship, but the uniqueness of the people, as well as their rights, are linked to the relationship they have with the land (Rynard 2000). Addressing the obstacles faced in forest management regarding the role of Aboriginal peoples lies in addressing many of the legal and jurisdictional uncertainties. However, addressing needs for certainty in ownership and management of lands and resources, if founded on extinguishment of Aboriginal title, will only further reinforce a relationship founded on “bad faith” and understandings of the government as an oppressor.

The importance given to the Treaty and the Treaty relationship by LSFN and GCT3 participants correlates with RCAP’s recommendations for the revitalization of treaties. Though in this process of reconciliation to address legal and jurisdictional uncertainty, the courts will undoubtedly play an important role, dialogue outside the courts is also essential. The courts are a key instrument to the recognition of Aboriginal rights; however, as indicated by RCAP, they can also be a source of division. In *Opening the Door* of the first Volume of the Report, the commission indicates that:

The role of the courts is limited in significant ways. They develop the law of Aboriginal and treaty rights on the basis of a particular set of facts before them in each case. They cannot design an entire legislative scheme to implement self-government. Courts must function within the parameters of existing constitutional structures; they cannot innovate or accommodate outside these structures. They are also bound by the doctrine of precedent to apply principles enunciated in earlier cases in which Aboriginal peoples had no representation and their voices were not heard. For these reasons courts can become unwitting instruments of division rather than instruments of reconciliation (RCAP 1996).

This source of division was often discussed by local planners and managers, indicating that:

The piece that is missing in all of this is the recognition that there needs to be efforts placed on reconciliation.... I've had some experience with highly contentious issues, significant court cases.... I think they have only further entrenched position. I don't think they have helped in facilitating reconciliation I really don't and that's unfortunate [Participant 034(Pers. Comm., April 2009)].

The courts will undeniably play a central role in reconciliation; however, the government of Ontario and Aboriginal governments need to engage in a dialogue outside the courts on a Nation-to-Nation basis, where Aboriginal peoples are partners in the design of the legislative scheme for forest management. Anything less will only re-create the same culture of mistrust that has shown to be highly unproductive for both the provincial and Aboriginal governments.

5.5 RECIPROCITY

Reciprocity emerged as a theme from the responses of participants relating to ways of sharing knowledges and understandings, what appropriate participation and consultation entailed and the similarities identified in the way we come to define the value and importance of the forest. Reciprocity can have many layers. It represents in one way "the act or condition of being reciprocal" (Barber et al. 2006) and in then sharing or relating to one another as equals, understanding and recognising each other on common grounds. It is also understood as "a mutual exchange of advantages or privileges as a basis of commercial relations" (Barber et al. 2006).

In the previous sections, it was indicated that dialogue in order to reconcile our relationships needed to take place locally on the land and at a provincial legislative level through a Nation-to-Nation discussion on the basis of the implications of

Aboriginal and treaty rights and for the development of policy and legislation. It is also suggested that, in light of the results, adaptive management and community forests provide the most proficient frameworks and management systems to respond to the complexity of the social and ecological characteristics in this region. Davidson-Hunt and Berkes (2003) suggest that resilience is not just about “what we know, but how we go about knowing what we know, which allows institutions to become adaptive and social memory to evolve.” The changes to our relationships would need to evolve through active adaptive systems of management in order for the changes to have meaning.

5.5.1 Adaptive Management

The indicators provided by LSFN participants relating to traplines, herbicide and pesticide use, the failure to protect Aboriginal and treaty rights, their interests, traditional activities, and indications of a failure to engage them at the desired level of participation and to reflect the interests and concerns of the community indicate that the flexibility provided to local managers and planners to respond to the interests and concerns of local communities is limited. Forest management in Ontario provides little flexibility to managers and planners to respond to the dynamics and uncertainty associated with social relationships and the evolving implications of Aboriginal rights and title.

Conventional approaches in resource and environmental management (REM) and forest management are generally characterized by prescribed policies and management strategies that seek to control environmental systems (Noble 2004, Allan

et al. 2008). Forest management in Ontario, not unlike its counterparts, manages for control, not uncertainty, creating difficulties in dealing with the dynamics of not only environmental systems, but also social ones. Though forest management has improved in the past decades, its purpose in providing continuous and predictable supplies of wood for Ontario's forest products industry has hardly changed (OEAB 1994).

In order to respond to social and ecological dynamics in forest management, Ontario forest management must progress to managing for uncertainty and embrace our limited understanding and control of the natural environment. Adaptive management is an approach to REM meant to address the shortcomings of conventional principles such as those identified in this study through the indicators provided by LSFN participants and the inefficiencies of some of the instruments for participation provided in the FMPM. Adaptive management is meant to change the way we deal or interact with uncertainty and how the experiences and lessons from resource management are incorporated and transmitted into management policies and practices through "deliberate learning" (Allan et al. 2008, Noble 2004). Though many of the problems indicated by participants refer to the epistemological and ideological characteristics of issues relating to the involvement of Aboriginal peoples, references to participation as "an exercise for the records" is a result of the legislated schedules and prescriptive nature of the management approach standardized in the FMPM are directly related to management frameworks and approaches. It is, however, important that these changes not be implemented through passive adaptive management that takes a "monitor and adjust approach to policy", operating on the assumption that the

existing model is correct. Active adaptive management goes beyond monitoring and providing feedback and evaluates practices and policies through active experimentation, a required characteristic to addressing the issues relating to the participatory and management framework and monitoring for adjustments in relation to the provided indicators relating to traplines and the use of herbicides and pesticides (Noble 2004).

5.5.3 Community Forests

In order to accomplish changes that address the deficiencies in participatory mechanisms identified by participants, especially regarding the protection and recognition of Aboriginal and Treaty rights and traditional activities, their desired levels of involvement, and the effective integration and consideration of Aboriginal knowledges, concerns and objectives adaptive management should be implemented in the organizational and philosophical structures of community forests. Responses from participants indicated the need for management approaches tailored to individual communities and to the social, cultural, economic and ecological landscapes of the place these approaches are meant to manage. This requires an understanding that community forests have to be self-defined and will require further research and inquiry. There are many possibilities that include the delineation of community by region, by Treaty, by initial or original political entities such as the Anishinaabe Nation or on the basis of ecological landscapes. This study did not cover this aspect of inquiry, but the results and observations made throughout the study and literature review propose the importance of merging social, cultural, political, ecological and economic

characteristics of our landscapes to inform the definition of the areas subject to management through community forests.

CHAPTER 6 CONCLUSION

The fact that our ways of understanding the world are not worthy of equal participation in dialogue over the meaning of our rights is itself a form of inequality. Dale Turner

6.1 INTRODUCTION

The purpose of this research was to explore the perceptions, understandings and experiences of Aboriginal peoples, plan authors and managers within the Ontario Ministry of Natural Resources and forest management companies regarding participatory requirements in forest management involving Aboriginal peoples. The overarching objective was to examine the effectiveness of participatory requirements regarding Aboriginal peoples in Ontario's forest management regime and, based on the shared experiences and understandings of participants, to expand on our understanding of what will determine success in local and political relationships in forest management.

Through a case study of the Lac Seul Forest and Lac Seul First Nation (LSFN), interviews and participatory observations were conducted to provide an outlook on the experiences and subsequent relationships that have evolved from these requirements. The effectiveness of the requirements set out by the Forest Management Planning Manual in Part A, Section 4 were evaluated on the basis of the responses and experiences of Lac Seul First Nation residents, managers and representatives of the OMNR District office and of McKenzie Forest Products in Sioux Lookout. Participants indicated that the participatory requirements in forest management failed to protect the interests of LSFN participants, to consider and integrate the concerns, knowledges

and understandings of LSFN community members or to provide a process accessible and effective for the purposes of participation and consultation. This failure occurred despite successes in providing opportunities for input on scheduled operations and the forest management plan and in the protection of many sensitive areas and values of LSFN residents through Values Mapping. The inadequacy of the established process for participation was illustrated by LSFN members' contentions that their traplines had been severely affected by forest operations, that traplines had not been protected in the FMP process and that pesticides and herbicides continued to be used against LSFN members' wishes.

The established participatory processes were also interpreted as "blanket covers" to satisfy public concerns and legislative requirements that were most often perceived to be implemented and carried out in "bad faith". Forest management planning and components of public participation were described as having become extensive by MNR and MFP participants, who emphasized the complexity of their implementation and the limited capacities to entertain or further engage Aboriginal communities. Based on their experiences and understandings, participants described a need for engagement, respect, relationship building, and learning on the basis of the land and Aboriginal and treaty rights as a means to create the necessary transformations for success in SFM that involves the understandings, knowledges and voices of Aboriginal peoples. Considering the results and the existing literature, adaptive management that is implemented in the context of community forests was recommended.

6.2 WHAT IT MEANS TO CREATE CAPACITY

In the first chapter I indicated that the social and economic disadvantages of Aboriginal peoples in Canada were well established and that feasible recommendations and research dedicated to addressing these inequalities in numerous fields already existed. Once more, the purpose of this study was not to re-establish the evident, rather to explore what it means to make changes at local and legislative levels in forest management. Building capacity and change in local and legislative levels of forest management means moving beyond the reorganization of current government structures, legislative frameworks and policies. It means addressing issues beyond conventional management responsibilities and facing the realities of the colonial attitudes in our institutions. It means re-evaluating our history to honour the role of Aboriginal peoples in this country and it means allowing Aboriginal peoples to define or determine their place. It means upholding our constitutional obligations to affirm and protect Aboriginal and treaty rights, especially in forest management where those rights are profoundly affected. It means embracing complexity and uncertainty and creating new meanings and understandings together at both the local and legislative level on the basis of a common understanding of our mutual dependency on the land.

Forest management does not exist or operate independently from other activities, whether social, economic, political or ecological. For change to take place in forest management planning, change needs to be associated with other transformations at the local and broader levels of society. Meaningfully engaging one another regarding Aboriginal and treaty rights, cosmology, ethics and worldviews that

inform our understandings cannot be addressed purely at the legislative level. A broader set of issues, anchored not only in our history, institutions and laws, but also in global economic and political trends and behaviours, are beyond Provincial and Federal policy. This, however, does not mean that we are absolved from facing our responsibilities and facing each other.

This process for change will not be immediate but it can be instigated at the local level. Meeting on the land to engage in dialogue, jointly redefining our understandings is essential as ecological and social infractions are principally indicators of “failed values, attitudes, concepts ... a problem that can’t be ‘side-switched’ ... without radical changes in the underlying motive forces” (Rowe 2002). The evolution of Aboriginal and treaty rights and Aboriginal peoples’ growing capacity and aspirations for self-determination are part of those motive forces.

The question is, will our models in REM be capable of adapting to these changes? Overcoming epistemological differences and creating shifts in mindsets and ideas in resource management are not going to be easy and will not be addressed simply by identifying the related difficulties. In order to overcome the issues relating to the involvement of Aboriginal peoples in forest management, building capacity is going to be as important as the changes to legislation. Dialogue will be important as “... ‘managing resources’ to the exclusion of ‘managing relationships’ perpetuates existing Aboriginal-state relations while threatening the very ecological and cultural systems we wish to preserve” (Stevenson 2006).

Sustainable forest management has become a conceptual pillar in most forest policy in Canada, where social, economic and environmental characteristics and effects are, in theory, weighed to maximise “net social benefits” (Adamowicz et al. 1998). Principles of SFM have also been incorporated in the legislative frameworks for forest management in Ontario. However, responses from research participants have shown that the potential outcomes of forest management have not been weighed to maximize the net social benefits equitably. However, Aboriginal peoples’ voices being largely absent from the language and terms of forest policy, it is clear that, where measures and calculations are made to determine the maximum *net social benefits*, Aboriginal peoples’ definitions and measures must also be part of the equation. Yet managers indicate that finding balance between these principles and community expectations and interests within the existing model has been difficult and finding middle ground is not evident.

Forests do not hold the same meaning or significance for everyone. Hence, reconciling multiple understandings and perspectives in forest management is an arduous task. The way we understand, perceive and characterize our relationships with the land and each other informs our actions and determines the nature of that relationship. Our understanding and perceptions are the most important drivers for policy, legislation and economic initiatives. Until the relationship between Aboriginal and non-Aboriginal peoples is characterized by respect, the nuts and bolts or mechanisms of legislation for forest management can only achieve limited degrees of change.

Community forests were recommended as an approach that holds promise to change relationships. Experience has demonstrated that resource management is more effective when local interests are included and that “collaborative processes are viewed as having potential to enhance the robustness of ecological management decisions.” (Karjala et al. 2004, Houde 2007). Though there is no blueprint for human and societal behaviour, just as there is no blueprint for ecological systems, we do know that “one-size-fits-all” management policies are ill adapted to local specificities and require more adaptive management policies (Houde 2007). Managers and communities need to adopt a definition of community that “encompasses” different ways of knowing and diverse social networks that are “place-based” where the collective experiences of community members define meaning for the forest environment and community through adaptive management (Broderick 2007).

Meeting on the land and nurturing a dialogue is important. Though the cultural and language gaps that characterized the relationship between Aboriginal Nations and colonizing communities and governments are no longer as expansive as they once were, the divide between Aboriginal and non-Aboriginal Canadians and institutions is still vast. Lutz (2008:4) asks:

As we come to grips with major issues of the day—racism, aboriginal title, self-government, treaties, reserve poverty, the legacy of residential schools—are we really engaged in the same conversation with the same points of reference? The gap in communication is more subtle than it was in 1862 and, consequently, more difficult to see.

Harmonization of our laws and adaptive management within forest management units defined by “communities” are recommendations that emerged from the

responses of both Aboriginal and non-Aboriginal research participants. However, until institutions in Canada are restructured to permit the sharing of statutory legitimacy in decision-making by government and Aboriginal communities, until time and investments in capacity-building and healing in Aboriginal communities are allocated and until traditional knowledges, values and worldviews become the basis for action in forest management, equal partnerships are not likely to occur (Mabee & Hoberg 2006, Nadasdy 1999, Grainger, Sherry and Fondahl 2006).

6.3 FURTHER RESEARCH

Further research is needed to consider the implications of moving towards the active implementation of adaptive management and the implications of implementing community forests and their potential effects on the existing Ontario Forest Management Unit (FMU) system and SFLs. It will also be important to establish a collaborative research program initiated by Aboriginal communities and government to determine, if the province were to engage in a Nation-to-Nation negotiations for self-government, what form the political structure and redistribution of authority for Aboriginal governments would take. Discussions during my travels indicated that there were varied ideas among First Nations about how this new direction might be undertaken. The GCT3 office takes a treaty-wide approach in which the office of the Ogichidaakwe would provide guidance and leadership in working towards Nationhood. Yet many individual First Nation communities emphasised that they wanted to retain authority. As capacity for self-determination develops, we need to investigate how

authority can be most effectively distributed among the political territorial organizations, Tribal Councils and individual First Nations.

Further consideration in research, academia, society, as well as on my part is needed in regards to power dynamics and colonialism in research, institutions and traditions. Though I struggled with questions of colonialism, power dynamics and appropriation in research, I did not successfully deliver on this struggle. Research is often carried out with too little consideration for the implications of the methods, language, terminology or activities in research. It is evident, after this experience, that I have much to learn and to contemplate in that regard.

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APPENDICES

APPENDIX I – Interview Protocol

APPENDIX II – Cover Letter

APPENDIX III – Consent Form

APPENDIX IV – Letter of Official Agency (Chief and Council)

APPENDIX V – Letter of Official Agency (MNR)

APPENDIX VI – Focus Group Agenda

APPENDIX I
INTERVIEW PROTOCOL

A changing relationship: Anishinaabe Knowledge in Forest Management

Time and Date:

Place:

Interviewer:

Interviewee:

Group or community with which the participant identifies:

Briefly defined, the purpose of this study is to reveal perceptions and understandings regarding Aboriginal and Treaty rights, forest management, consultation and participation by affected and/or involved parties in forest management in the Treaty Three area to inform knowledge-sharing and cooperation. This study also seeks to describe the experiences and understandings of knowledge transfer from the community perspective of the Anishinaabe of the Treaty Three area.

Questions:

- 1) What do you value about the forest?
- 2) How would you describe your experiences with forest management?
- 3) How would you define appropriate participation and consultation within the context of forest management?
- 4) Do you feel that Aboriginal values and knowledge are adequately represented in forest management plans and/or in forestry operations?
- 5) What would be the most appropriate way for us to share knowledge and understanding about the forest?
- 6) How do Aboriginal and Treaty rights affect forest management?
- 7) What is your understanding of the role of the Manito Aki Inakonigaawin (Great Earth Law) in forest management?
- 8) Do you know of anyone that could potentially inform this study and that should be consulted regarding this research?

Thank the participant for their time and for sharing with you. Ask them if they would have anything more they would like to share regarding their experiences in forest management, with the forest or any significant story or information that they would like to share. Explain once more how their confidentiality will be protected and how they can contact yourself or your supervisor if they have any questions or concerns. Ask them if they would wish to be informed and/or provided with a copy of the transcribed interview and any information that resulted from the conversation used for the study.

Notes:

APPENDIX II
COVER LETTER

A changing relationship: Anishinaabe Knowledge in Forest Management

Dear Potential Participant,

My name is Desneiges Larose. I am a graduate student currently undertaking my Master's in Forestry at Lakehead University under the supervision of Dr. Peggy Smith. I am hoping that you will consider participating in the research project and sharing your experiences with forest management through an interview. Your participation is vital to reaching an understanding of perceptions and experiences with forest management in the Treaty Three area and developing a greater understanding of how to move forward in knowledge-sharing and cooperation.

The purpose of this study is to describe the experiences and understandings of knowledge-sharing and participation from the perspective of the Anishinaabe of the Treaty Three area in forest management planning. This study proposes to explore the perceptions and understandings of Aboriginal peoples, plan authors and managers within the Ministry of Natural Resources and forest management companies regarding the forest, Aboriginal and Treaty rights, consultation and participatory obligations in the Treaty Three area. This study also proposes to examine the development and contemporary application of Grand Council Treaty Three's (GCT3) Manito Aki Inakonigaawin (Great Earth Law) to provide insight on the challenges in incorporating multiple knowledge systems into applied forest management.

If you choose to participate, I will ask you a set of questions and to share any information, experiences, stories or feelings you have regarding forest management and Anishinaabe knowledge and values. The duration of the interview may vary from a half hour or more depending on the time and amount of information and experiences you wish to share. The interview will be audio recorded after which the information will be analyzed and securely stored at the University of Lakehead for five years. All personal information will be kept confidential by the use of codes to replace personal information that will be kept separate from research results.

In order to proceed to the interview, you will be asked to sign a consent form. The consent form will not bind you in any way to participate. As your participation is voluntary, you may choose not to answer questions or to withdraw from the research project at any point.

Though there is no physical and psychological harm or injury to reputation or privacy anticipated as a result of this study, given the political and legal environment, there is a risk that identifiable information provided by participants may be recognized.

You will remain anonymous as individuals will not be identified in published results unless you make an explicit request to be identified. However, as an objective of this study entails the examination of perceptions and understandings in forest management, results from interviews for instance will indicate results relating to the different 'groups' of participants (i.e. "an individual who had worked with the OMNR indicated that obstacles in...").

The information collected is intended for the use of the completion of this research project and possible publication. At the request of the participant, I will be glad to make available our transcribed interview and or a summary of the research results.

If you have any questions or concerns, please do not hesitate to contact myself or my supervisor at the contact information provided bellow. You may also contact the Research Ethics Board at Lakehead University at (807) 343-8283.

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APPENDIX III
CONSENT FORM**A changing relationship: Anishinaabe Knowledge in Forest Management**

I _____, have read and understand the covering letter for the research entitled "A changing relationship: Anishinaabe Knowledge in Forest Management". I understand that the data collected for this research project will be securely stored at Lakehead University for a period of five years. I also understand the risks and benefits that may result of this study.

I am a volunteer and I can choose not to answer any question and may withdraw from this research project at any time.

I _____ agree to my interview and conversation with the researcher to be audio recorded.

I understand that I will remain anonymous in any publication and/or public presentation of research findings and that if I wish to be identified, I must explicitly agree to have my identity revealed. I also understand that in the case of my participation to a focus group, that my anonymity cannot be guaranteed within the context of this activity.

I _____ agree to participate to this research project.

- I wish to receive a copy of a transcribed interview.
- I wish to be provided with a summary of the research results.

Signature of the participant

Date

APPENDIX IV
LETTER TO OFFICIAL AGENCY

Dear Chief and Council,

My name is Desneiges Larose. I am currently undertaking my Master's in Forestry at Lakehead University under the supervision of Dr. Peggy Smith. I will be conducting my research in the Treaty Three area regarding a study that proposes to explore the perceptions and understandings of Aboriginal peoples, plan authors and managers in the Ministry of Natural Resources and forest management companies regarding Aboriginal and Treaty rights, the forest environment, consultation and participatory obligations in the Treaty Three area. This study seeks to provide context on the state of knowledge-sharing and participation while informing the ways of knowledge-sharing from the perspective of the Anishinaabe of the Treaty Three area. This study also proposes to examine the development and contemporary application of Grand Council Treaty Three's (GCT3) Manito Aki Inakonigaawin (Great Earth Law) to provide insight on the challenges in integrating diverse knowledge systems and management standards in forest management.

Throughout the rest of the year I will be gathering accounts from individuals that have been affected and/or have been involved in the forest management planning process. The knowledge, understanding and experiences of First Nations community members will be crucial to this research. Thus, I am hoping that you will consider permitting my presence in the community for the purposes of this research. The nature of my visits would encompass meeting with key community members to determine if they would be willing to participate to a short interview or simply share thoughts or experiences. Participation to this study will be voluntary and the requested withdrawal from any participant from the research will be respected.

If you have any questions or concerns, please do not hesitate to contact myself or my supervisor at the contact information provided bellow. Thank you for your time and consideration.

Dr. M.A. (Peggy) Smith, R.P.F.

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APPENDIX V
LETTER TO OFFICIAL AGENCY

Dear [District Manager's Name and contact information],

My name is Desneiges Larose. I am currently undertaking my Master's in Forestry at Lakehead University under the supervision of Dr. Peggy Smith. I will be conducting my research in the Treaty Three area regarding a study that proposes to explore the perceptions and understandings of Aboriginal peoples, plan authors and managers in the Ministry of Natural Resources and forest management companies regarding Aboriginal and Treaty rights, the forest environment, consultation and participatory obligations in the Treaty Three area. This study seeks to provide context on the state of knowledge-sharing and participation while informing the ways of knowledge-sharing from the perspective of the Anishinaabe of the Treaty Three area. This study also proposes to examine the development and contemporary application of Grand Council Treaty Three's (GCT3) Manito Aki Inakonigaawin (Great Earth Law) to provide insight on the challenges in integrating diverse knowledge systems and management standards in forest management.

Throughout the rest of the year I will be gathering accounts from individuals involved in the forest management planning process and the knowledge, understanding and experiences of the district staff will be crucial to this research. The nature of my visits would encompass meeting with key staff members to determine if they would be willing to participate to a short interview or simply share thoughts or experiences as well as to consult forest management plans that cannot be accessed electronically. The opportunity to meet with yourself and other district staff regarding my research would be greatly appreciated.

If you have any questions or require additional information please feel free to contact myself or my supervisor at the contact information provided bellow. Thank you for your time and consideration.

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APPENDIX VI
A CHANGING RELATIONSHIP: PERCEPTIONS AND KNOWLEDGE IN FOREST
MANAGEMENT AND THE ANISHINAABE OF TREATY THREE

Focus Group: Frenchmen's Head–January 21 2009, Kejick Bay–January 20 2009 and
Whitefish Bay–January 22 2009.

- 1- Boozhoo –
 - a. Introduction to the research topic and related activities to the study
 - b. Discussion regarding the reasoning behind the focus groups

- 2- Presentation of primary results of the research project
 - a. Presentation of primary findings – ongoing research
 - b. Question period: take comments and questions regarding the relevance of the results or the project.
 - c. Discussion on the meaning of the research and plausible applicability for the community

- 3- Focus group
 - a. Discussion of the protection of the rights of the participants and handout of consent forms and information sheets.
 - b. Discussion of the limitations of questions and request for participants to go beyond the confinement of the questions presented
 - c. Questions to be asked:
 - i. What do you value about the forest?
 - ii. How would you describe your experiences with forest management?
 - iii. How would you define appropriate participation and consultation within the context of forest management?
 - iv. Do you feel that Aboriginal values and knowledge are represented in forest management plans and/or in forestry operations?
 - v. What would be the most appropriate way for us to share knowledge and understanding about the forest?
 - vi. How do Aboriginal and Treaty rights affect forest management?
 - vii. What is your understanding of the role of the Manito Aki Inakonigaawin (Great Earth Law) in forest management?
 - d. Going beyond the question: open discussion regarding the subject led by community members

- 4- Conclusion
 - a. Questions or expectations regarding the research
 - b. Contact information
 - c. Meegwetch!