



# National Aboriginal Forestry Association

## Aboriginal Forestry - Significant Developments and Events

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**ABORIGINAL FORESTRY - SIGNIFICANT DEVELOPMENTS AND EVENTS**  
**1992-1995**

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**ABORIGINAL FORESTRY - SIGNIFICANT DEVELOPMENTS AND EVENTS**  
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## INTRODUCTION

The purpose of this paper is to review developments and significant events over the past four years pertaining to Aboriginal participation in the forest sector. From the perspective of the National Aboriginal Forestry Association (NAFA), 1992 must be considered a benchmark year for Aboriginal forestry. It was in 1992 that NAFA completed its first full year of operations which coincided with a number of key developments in furthering sustainable forest management. Most notably, the United Nations Conference on Environment and Development (UNCED) provided a forum for worldwide discussion and commitment to the goal of sustainable development. Outcomes from UNCED, including Chapter 26 of Agenda 21, the Biodiversity Convention and the International Guiding Principles on Forests, gave recognition to the importance of forests to indigenous peoples, and emphasized the need to strengthen the role of indigenous communities and their institutions in natural resource management. As well, UNCED and instruments which followed, acknowledged the contribution that indigenous peoples could make in conserving biological diversity through the broader use of their traditional ecological knowledge.

Within Canada, international commitments for sustainable management have been pursued in accordance with Canada's National Forest Strategy, *Sustainable Forests, A Canadian Commitment*. In March of 1992, the Federal and Provincial governments along with some thirty non-governmental organizations, including the National Aboriginal Forestry Association, signed the *Canada Forest Accord*,

confirming their commitment to the strategy intended to improve the sustainability of all values from Canadian forests. NAFA provided input into the development of Canada's National Forest Strategy ( and preparatory meetings for UNCED), consistent with a discussion paper it had prepared entitled *An Aboriginal Forest Strategy* (January 1992). This discussion paper, which was completed in early 1992 after consultation meetings with Aboriginal forestry interest groups, proposed guiding principles and five key elements to be addressed in enabling Aboriginal people to more fully participate in the forest sector. Strategic Direction Seven (Appendix 1) of Canada's National Forest Strategy, deals with Aboriginal issues and the need to increase the involvement of Aboriginal peoples in forest land management and, in the process, ensure recognition of Aboriginal and Treaty rights.

In reviewing developments and significant events in Aboriginal forestry, this document re-visits the key elements of *An Aboriginal Forest Strategy* and Strategic Direction Seven of Canada's National Forest Strategy.

## AN ABORIGINAL FOREST STRATEGY

The NAFA discussion paper, *An Aboriginal Forest Strategy* was intended to give focus to issues which could be addressed through cooperative initiatives involving First Nations, Aboriginal forestry organizations, provincial

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governments, industry and, most importantly, and the Federal government. The elements of the proposed strategy were identified as follows:

- **Forest Land and Resources Legislation**  
The element drew attention to the issue of community empowerment (lack of) and the inadequacies of the *Indian Act* and *Indian Timber Regulations* in providing the regulatory framework for sustainable forest management on Reserve lands.
- **Forest Management Programs**  
Indian Reserve forest lands are in a deplorable state as a result of past mismanagement and an inadequate level of forest management programming. The strategy element suggested a comprehensive forest land management program to restore the productive capacity of the Reserve land base and enable the Federal government to fulfill its fiduciary responsibilities.
- **Education and Training Programs**  
To benefit fully from emerging opportunities in the forest sector, a fundamental need to build capacity and raise the skill level at the Aboriginal community level was recognized as a distinct element.
- **Business Development Support**  
Economic benefits from participation in the forest sector will be realized primarily through successful business development. The element proposed the removal of systemic barriers and the development of support mechanisms to assist Aboriginal

people in pursuing business opportunities.

- **Policy Development and Advocacy Activities**

Because of the unique relationship Aboriginal people have with Mother Earth, the strategy element stressed innovation in increasing access to resources and in the development of natural resource management models to incorporate traditional knowledge and land use. The need to participate and contribute to forest policy at all levels was seen to be essential in ensuring that Aboriginal issues received appropriate consideration.

Over the past four years, the National Aboriginal Forestry Association has utilized *An Aboriginal Forest Strategy* as a blueprint in furthering increased Aboriginal participation in the forest sector. All NAFA initiatives have been consistent with one or more of the strategy elements. As previously mentioned, the discussion paper formed the basis for Aboriginal input into Canada's National Forest Strategy and into a number of other national and international policy fora.

### SUSTAINABLE FORESTS, A CANADIAN COMMITMENT

Strategic Direction Seven of Canada's National Forest Strategy reflected the strategic elements of an Aboriginal Forest Strategy either as a principle or as an objective within the framework for action. The strategic direction

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emphasized the need for comprehensive Federal government support for an Aboriginal Forest Strategy, which would address the regeneration of Reserve lands (forest management programs), the empowerment of communities to manage their forest resources (forest land and resources legislation) and the development of models for sustainable forest management (traditional knowledge and lands use activities). As well, Strategic Direction Seven committed governments to recognize and make provision for Aboriginal and Treaty rights in the development of forest management policy. To increase forest-based economic opportunities, governments were called on to support Aboriginal business development and help address training and employment needs in the forest sector.

From the Aboriginal perspective, a major flaw in the process of developing and implementing the framework for action described in the National Forest Strategy was that responsibility for follow-up was not assigned to the major players. The Department of Indian Affairs and Northern Development as the fiduciary with statutory responsibility for Indian lands, Industry Canada with responsibility for Aboriginal business development, and Human Resources Canada which, through the Pathways to Success Program, has the mandate to represent the training and employment interests of Aboriginal people, were not party to the National Forest Strategy and saw no obligation to cooperate in the development of

a comprehensive Aboriginal Forest Strategy.

From the perspective of NAFA, the development of a comprehensive Aboriginal Forest Strategy would have required a commitment at Cabinet level with each of the three Federal departments named above and the Canadian Forest Service of Natural Resources Canada assigned specific

responsibility. Furthermore, a Federal commitment to an Aboriginal Forest Strategy would have required the dedication of financial resources from new or existing program sources. Despite

the rationale provided by NAFA, and the commitment made in Strategic Direction Seven, a comprehensive Aboriginal Forest Strategy has not yet become a reality.

Another major shortcoming in pursuing the objectives of Strategic Direction Seven has been the inactivity of most provinces in linking Aboriginal and Treaty rights with forest management policy. The goals of access to resources, involvement in forest land management, and recognition of Aboriginal and Treaty rights were identified in the National Forest Strategy as issues which would require provincial policy initiatives as they are clearly within the area of

*Strategic Direction Seven  
committed governments to  
recognize and make provision  
for Aboriginal and Treaty rights  
in the development of forest  
management policy.*

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provincial jurisdiction of natural resources. With the exception of some efforts made in British Columbia, Ontario and Saskatchewan, provinces have generally made no specific policy or legislative provision to involve Aboriginal people in planning and managing forest resources within areas of traditional use.

However, there is no question that the National Forest Strategy has had an impact on provincial forest practices. In most provinces, there have been special projects or initiatives which have attempted to integrate Aboriginal forest values in forest management planning. In many cases, the basis for Aboriginal input has been the results of traditional land use studies or consultation processes which have targeted Aboriginal communities as special interest groups or major stakeholders. Those Aboriginal communities that have been able to put aside their contempt for terms such as "stakeholder" or "interest group", in reference to their relationship to the land, have achieved some satisfaction in seeing their practical concerns reflected in forest management plans at the local level.

Notwithstanding the lack of buy-in by federal government departments and provincial governments on the matter of a comprehensive Aboriginal Forest Strategy, Strategic Direction Seven has resulted in a filtering through process which has contributed to a broader awareness in the forest sector of Aboriginal concerns and has brought about some consensus in recognizing that Aboriginal and Treaty rights in Canada must be accommodated through appropriate forest policy. Strategic Direction Seven has been an important beginning point to that end.

### RECOGNITION OF ABORIGINAL RIGHTS AND FOREST VALUES

To a very large degree, the achievements in Aboriginal forestry must be attributed to the advancements made with respect to Aboriginal self-government and to court decisions which have begun to define Aboriginal and Treaty rights in relation to land and resources. In the January 1994 Throne Speech, the federal government officially recognized the inherent right to self-government as an existing Aboriginal right under section 35 of the Constitution Act, 1982. Court cases such as, among others, Calder (1973), Guerin (1985), Sparrow (1990), Delgamuukw (1991) and, most recently, Apsassin (1995) recognize that: Aboriginal title to the land is unique; Aboriginal rights cannot be extinguished by regulation; Aboriginal rights to hunt, fish, trap and gather (both commercially, in some cases, and for subsistence purposes) take precedence over other uses; and if the Crown does not protect Aboriginal interests (described as the Crown's "fiduciary obligation"), they are legally and financially responsible.

The jurisprudence has placed an imperative on some jurisdictions to deal with Aboriginal rights in a more practical way. For example, court decisions have directed governments to deal with land claims through negotiations, hence the establishment of the B.C. Treaty-Making process. In response to the British Columbia Court of Appeal's decision on Delgamuukw, the provincial government has promulgated "*Protection of*



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*Aboriginal Rights Policy*” to ensure that Aboriginal rights not be unjustifiably infringed upon by forest management activities of the Crown or its licensees. These are explicit outcomes from the growing recognition of Aboriginal rights. A less direct outcome has been the increased willingness of the forest companies to work cooperatively with Aboriginal communities. The past four years has seen a significant increase in joint ventures, contracting arrangements and co-management arrangements aimed at Aboriginal participation in forest management decision-making.

### **PROGRESS ON NATIONAL INITIATIVES**

Since the signing of the Canada Forest Accord in March of 1992, there has been substantial progress towards increased Aboriginal involvement in forest management across the country. Though developments in Aboriginal self-government and court decisions have provided a major impetus for greater recognition of Aboriginal rights, Canada's National Forest Strategy signalled to the forest sector the more practical aspects of what could be achieved. In accordance with the strategic elements identified by the National Aboriginal Forestry Association in *An Aboriginal Forest Strategy*, what follows is a summary of some of the more significant events and developments which have been achieved over the past four year period.

#### **Forest Land and Resources Legislation**

In the Fall of 1994, the National Aboriginal Forestry Association completed work on a proposal for a *First Nations Forest Resources Management Act*. The proposed legislation is

intended to empower First Nation communities to effectively carry out forest management activities on Reserve, and on other lands which may come under their control through agreement with other levels of government. The proposed legislation, as currently developed, would be optional to First Nations and serve as an alternative to provisions of the *Indian Act* and *Indian Timber Regulations*.

Currently, a number of First Nations and groupings of First Nations are considering the proposal and assessing its application to their communities. The Federal government's policy statement (1995) on *Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government*, will influence negotiations on any further legislative discussions.

#### **Forest Management Programming**

The Indian Forest Lands Program, a component of Federal and Provincial *Forest Resource Development Agreements*, began in 1984 and will terminate March 1996. The program focussed on forest land management plans, reforestation and a range of silviculture treatments. The program has had a notable effect on improving forest management capacity at the community level and on seizing business development opportunities in the forest sector. More than 250 First Nations have utilized the program in working towards their forest management goals. NAFA has lobbied for the continuation of the program. In response, the Department of

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Indian Affairs and Northern Development has completed an evaluation of the past program with the intent to implement a successor program. An announcement is expected prior to April 1, 1996.

In June of 1995, NAFA released the *Aboriginal Forest Land Management Guidelines: A Community Approach* - a tool to assist Aboriginal communities in practising environmentally sensitive, sustainable forest land management. The Guidelines recognize that the use of traditional knowledge in forest management and outline those things that should be considered when planning and carrying out forest uses, including harvesting and renewing stands of timber, fish and wildlife management, range management, gathering, recreation and other contemporary and traditional forest-related activities. More than 500 copies of the Guidelines have been printed and distributed to Aboriginal communities and organizations.

### **Education and Training Programs**

To address education and training issues, NAFA established the *Aboriginal Forestry Training and Employment Review (AFTER) Committee* with the expressed purpose of "establishing a process of consultation, research and assessment, and planning, leading to the development of a long term strategic approach to Aboriginal human resource development in the forest sector". The AFTER Committee, which has been supported by Human Resources Canada and the Canadian Forest Service, and is comprised of Aboriginal organizations, unions, educational institutions and representatives of industry and government, has played an advocacy role over

the past four years in promoting increased Aboriginal employment and skill development in the forest sector.

Through joint work with established institutions and organizations within the forest sector, the AFTER Committee has focussed on incorporating Aboriginal forest values into curriculum and programming, developing recruitment and bridging programs, and creating awareness of the importance of forest management to Aboriginal communities. A number of educational institutions now have either Aboriginal advisory committees or Aboriginal representatives on advisory committees, including the Faculties of Forestry at the University of Toronto, Lakehead University and the University of British Columbia; the Aboriginal Resource Technician Program at Sault College and the Banff School of Management.

Over the past four years, the three post-secondary education institutions specializing in forest technology training for Aboriginal students, Nicola Valley Institute of Technology (BC), the Integrated Resource Management Program of the Saskatchewan Institute for Applied Science and Technology, and the Aboriginal Resource Technician Program, delivered via distance education from Sault College, have graduated approximately eighty Aboriginal students as forest resource technologists.

### **Business Development**

Each of the forest industry sectors offers a different set of opportunities and

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constraints for Aboriginal business development. In a number of sectors, e.g. harvesting, silviculture and protection, Aboriginal communities are ideally positioned due to the predominantly rural nature of the work and the minimal capital and training requirements for entry. In wood products manufacturing and remanufacturing, and in pulp and paper, constraints pertaining to financing and access to resources are prohibitive suggesting that opportunities for Aboriginal business development would need to be pursued primarily through joint ventures and other strategic alliances. This general assessment is based on NAFA's ongoing monitoring of developments and trends in the forest sector.

Canada's National Forest Strategy committed governments and Aboriginal organizations to jointly undertake strategic reviews of business opportunities in the forest based economies.

Canada's National Forest Strategy committed governments and Aboriginal organizations to jointly undertake strategic reviews of business opportunities in the forest based economies. This approach was suggested in recognition of the importance of provincial forest policy in creating an atmosphere conducive to Aboriginal participation. Though a few provinces have acknowledged that Aboriginal people should be deriving significantly more benefit economically from the forest, only British Columbia and Ontario undertook formal processes to involve Aboriginal organizations in reviewing the policy framework under which the industry operates.

In November 1991, a provincial task force led by the *Intertribal Forestry Association of British Columbia* presented the BC Government with 20 recommendations on strategies to increase Aboriginal participation in the forest sector. A key recommendation was the establishment of a *First Nations Forestry Council*. The First Nations Forestry Council was put in place on

January 21, 1993, with an announcement from the BC Minister of Forests that the recommendations of the task force would be considered and where possible, put into effect. The First Nations Forestry Council completed work in

April 1995, and submitted a strategic plan to the Province of BC with recommendations to increase Aboriginal participation in all aspects of the forest sector. Though the BC Government has not officially responded to the Council's strategic plan, the Ministry of Forests has begun to act on some of the recommendations.

In Ontario, the Ministry of Natural Resources (MNR) has approached Aboriginal business development in accordance with conditions set out in the *Class Environmental Assessment of Timber Management* in Ontario. Among

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the many decisions of the Environmental Assessment Board in 1994 was Condition #77 ordering the MNR to conduct negotiations with Aboriginal communities to identify and implement ways of achieving more equitable participation. In January of 1996, the MNR issued *Implementation Guidelines for Term and Condition #77 of the Timber Class Environmental Assessment*, in draft form. Prior to the release of the Implementation Guidelines, NAFA undertook an *Assessment of the Potential for Aboriginal Business Development in the Ontario Forest Sector*, which included an analysis of Condition #77, other conditions of the Class EA pertaining to Aboriginal communities, and the relevant provisions of the *Crown Forest Sustainability Act* which was proclaimed law on April 1, 1994.

At the national level, NAFA has focussed attention on the development of an *Aboriginal forestry database* which is intended to expand markets for the products and services offered by Aboriginal forest companies and to serve as a clearinghouse for business related information. It is estimated that 60% of all Aboriginal forestry businesses are now included in the NAFA database.

### Policy and Advocacy

Sustainable forest management in Canada encompasses a wide range of social, environmental and economic issues and involves numerous industry, governmental and non-governmental institutions and organizations. Promoting Aboriginal participation in sustainable forest management is an added dimension bringing into play issues pertaining to Aboriginal self-government and

the exercise of Aboriginal rights. As the only national Aboriginal organization dealing with natural resources management, NAFA has played an intermediary role in bridging the discussion between sustainable forest management and Aboriginal rights. In this regard, NAFA has taken the position that forest management is not sustainable unless there is adequate recognition and provision for the rights and values of Aboriginal people.

In the development of Canada's National Forest Strategy, NAFA initiated a parallel process of consultation to obtain the views of Aboriginal organizations and communities. This led to a distinct strategic direction on Aboriginal issues within the strategy - a first in national forest policy.

The work of the *National Round Table on the Economy and Environment* (NRTEE), on sustainable development provided an opportunity to impress on a large number of forest stakeholders the importance of forests to Aboriginal people. In March 1993, the *Forest Round Table on Sustainable Development* adopted principles for sustainable development which included a principle on Aboriginal Recognition. Two years later in March 1995, the *Pulp and Paper Round Table* accepted principles providing for the rights of Aboriginal people and the need to work in partnership in economic development.

Since the 1992 United Nations Conference on Environment and

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Development, a number of national and international processes have focussed on developing criteria and indicators for sustainable forest management. NAFA has participated in the *Canadian Criteria and Indicators Initiative (C&I) for Sustainable Forest Management* which has been led by the Canadian Council of Forest Ministers (CCFM). Though NAFA would have preferred a distinct criterion entitled *Respect and Provision for Aboriginal and Treaty Rights*, performance indicators covering Aboriginal rights were included in Criterion 6, *Accepting Society's Responsibility for Sustainable Development*. The CCFM released *Defining Sustainable Forest Management: A Canadian Approach to Criteria and Indicators* with Aboriginal performance indicators under Section 6.1, *Aboriginal and Treaty rights*, and Section 6.2., *Participation by Aboriginal Communities in Sustainable Forest Management*.

NAFA carries out advocacy activities and provides input on policy on an ongoing basis through established bodies such as the *Intergovernmental Panel on Forests*, the *National Forest Strategy Coalition*, the *Technical and Science Panel on Criteria and Indicators for Sustainable Development*, and the *Technical Committee of the Canadian Standards Association on Sustainable Forest Management Systems*. As need has arisen, NAFA has made one-time presentations to parliamentary committees, industry associations, non-governmental organizations, and representatives of other nation states.

To provide information on forestry issues to the Aboriginal community, NAFA has conducted policy analysis on behalf of Aboriginal organizations and has made

numerous presentations at Aboriginal conferences. In August, 1993, NAFA submitted an intervention to the *Royal Commission on Aboriginal Peoples*, emphasizing the importance of forest management in relation to economic development and self-government. In October, NAFA hosted an Aboriginal Forestry conference entitled "*Lessons in the Making*", which examined developments over the past five year period in areas such as business development, integrated resource management, co-management, education and training, and forest policy within Canada and internationally. The conference provided an opportunity for more than 250 First Nation representatives to view GIS applications to Aboriginal forestry, obtain information on a range of new initiatives and compare notes on community approaches to forest management.

### DEVELOPMENTS AT THE PROVINCIAL LEVEL

#### British Columbia

In British Columbia, relationships between First Nations, the provincial government and industry are undergoing a process of fundamental change. The provincial government's "Protection of Aboriginal Rights Policy" and the treaty-making process have shed some light on how relationships will evolve over time. As a precursor to treaties, forest companies and First Nations are beginning to work more closely together as witnessed by the significant upswing in

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joint ventures, contracting arrangements and *interim measures* (to treaties) aimed at Aboriginal participation in forest management decision-making. A particularly notable event concerning the role Aboriginal traditional knowledge can play in forest management, was the *Scientific Panel for Sustainable Forest Practices in Clayoquot Sound* final report which recommended the inclusion of First Nations' knowledge and interests into forest standards and practices for Clayoquot Sound.

Over the past four year period, significant developments and events include:

- The Intertribal Forestry Association of British Columbia completes a Strategic Study of the Potential for Increased Native Participation in the Forest Sector, February 1992.
- Based on the findings of a provincially-commissioned task force, the British Columbia Government announced on January 21, 1993, the establishment of the First Nations Forestry Council.
- Final report of First Nations Forestry Council containing strategic plan to increase Aboriginal participation in every aspect of BC forest sector.
- There are no less than 14 active joint ventures between Aboriginal groups and forest companies, in forest harvesting, silviculture contracting, saw-milling and manufacturing, with several other initiatives in the proposal and development stages.
- Over 40 Aboriginal Forestry Advisors now work with the BC Ministry of Forests to implement the Provincial Protection of Aboriginal Rights Policy.
- UBC Faculty of Forestry has hired a First Nations Forestry Co-ordinator and a Curriculum Development Co-ordinator.
- BC Forest Renewal program (\$400 million/year) includes Aboriginal issues throughout (but excludes forest management activities on Reserve lands).
- First Nations Inventory Committee conducting province-wide cultural inventory, which is part of an overhaul of the provincial inventory system.
- Malaspina College is building a First Nations Environmental Technician program with emphasis on fisheries biology and environmental assessment.
- University of Northern BC has an Aboriginal advisory committee and has eight (8) Aboriginal students enrolled in the Environmental and Resource Management program.

### Alberta

- Findings of Aboriginal traditional land use studies incorporated into forest management plans has been the basis for a number of forest

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partnership agreements between Aboriginal communities and Alberta Pacific Forest Industries Inc.

- Little Red River Cree Nation and Tallcree First Nation have undertaken a co-management process with the province of Alberta, Canadian Heritage and High Level Forest Products to manage an area within their “traditional territory” which includes a portion of Wood Buffalo National Park.

### **Saskatchewan**

Agreements for the co-management of natural resources has been the focus of forestry discussions between First Nations and the Saskatchewan government. Nine co-management initiatives are under discussion and, in the case of the Peter Ballantyne Cree Nation, the proposed co-management initiative includes forest management responsibility through a FMLA (forest management license agreement).

- Meadow Lake Tribal Council carrying on forest harvesting and saw milling operations, and through Mistik Management Ltd., fulfilling forest management responsibilities of licensed area.
- Prince Albert Grand Council, Federation of Saskatchewan Indian Nations and the Montreal Lake First Nation continue to participate with industry and government in the Prince Albert Model Forest.

### **Ontario**

The 1994 decision of the Environmental Assessment Board for Timber Management on Crown Lands in Ontario set new terms and conditions for Aboriginal participation in forest management. In response to the class EA terms and conditions, Ontario’s new Crown Forest Sustainability Act, Forest Management Planning Manual for Ontario’s Crown Forests (1995), and its Forest Information Manual (1994 draft), made provisions for a *Native Consultation Program* and *Native Values Mapping*. As well, the Ontario government committed to development of policy to give substance to Condition 77 which called for “ways of achieving a more equal participation by Aboriginal peoples in the benefits provided through timber management planning.” As mentioned earlier, draft policy guidelines have been developed and are now the subject of discussion between Aboriginal organizations and the Ministry of Natural Resources.

- In November 1993, the Ginoogaming First Nation entered a unique partnership agreement with Long Lake Forest Products Inc., a company owning and operating a sawmill in the town of Longlac, Ontario. Under the *partnership agreement*, Long Lake Forest Products has undertaken to provide priority employment opportunities in its milling operations to citizens of the Ginoogaming First Nation, including on the job training and retraining that may be required

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for employment and apprenticeship eligibility. A special feature of the Ginoogaming First Nation-Long Lake Forest Products Inc. partnership agreement recognizes the importance of traditional hunting, fishing, trapping and ricing activities of First Nation employees. The agreement provides for special work and training program schedules to accommodate mill employees, except those in certain designated positions, wishing to continue such traditional harvesting activities.

The Ginoogaming First Nation took a second major step toward self-determination by establishing the *Long Lake Employees Association* that received accreditation in 1995 to serve as the employees' representative in collective bargaining with Long Lake Forest Products Inc.

- An agreement signed October 29, 1991 committed the Ontario Government to negotiate a co-management arrangement with Wabaseemong First Nation. The *co-management agreement*, which takes effect in 1997, covering the 3600 square kilometre area within the First Nation's traditional territory, will require joint approval on all resource management decisions.

### Quebec

In 1995 the acquisition of GIS capability by the Algonquins of Barriere Lake Trilateral Secretariat has advanced the development of the Integrated Resource Management Plan. The IRMP, which will cover 10,000 square

kilometres of Algonquin traditional territory in accordance with the *Barriere Lake Trilateral Agreement*, will provide an ecosystem approach and focus on biodiversity, wildlife habitat management and the traditional cultural use of flora and fauna by the Algonquins of Barriere Lake.

An agreement to develop the first *joint venture* in northern Quebec between an Aboriginal community and a forest company was signed March 17, 1995. The agreement between Domtar Inc. and Mishtuk Corporation of Waswanipi calls for the construction of a sawmill which will provide 70-80 community-based jobs.

### Atlantic

In Nova Scotia, the Confederacy of Mainland Micmacs established the First Nations Forestry Association of Nova Scotia to carry out forest enhancement treatments on Reserve lands and to pursue commercial opportunities in the forest sector. This mandate was implemented in fiscal years 1994-95 and 1995-96, through an agreement with the Canadian Forest Service.

Through a multi-party partnership created in 1994, eight New Brunswick First Nations acquired an equity position in an oriented strand board mill in Miramichi, New Brunswick. The OSB mill is expected to begin operations in early 1996. In 1995, initial steps were taken to form the Micmac Maliseet Forestry Association of New Brunswick which



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will assume a developmental role in Aboriginal forestry for its member First Nations.

**SUMMARY**

Aboriginal participation in the forest sector has been advanced in the past year through changing forest policy, greater recognition of Aboriginal and Treaty rights, and increasing acknowledgement that Aboriginal communities must derive a more appropriate sharing of the social and economic benefits flowing from forestry operations. Canada's sustainable forest management agenda has given Aboriginal peoples more opportunity to provide input on their values into forest management decision-making. Though only British Columbia has explicitly merged

Aboriginal rights with forest policy at the operational level, other provinces have adopted processes of consultation in recognition that forestry operations do impact on those rights. Based on numerous examples across the country, a most notable observation which must be made is the ever increasing number of partnerships, in various forms, between forest companies and Aboriginal communities.

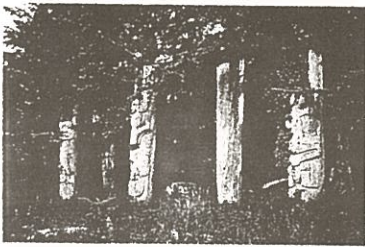
This document has given evidence of progress in discussions of Aboriginal and Treaty rights and in increasing the level of Aboriginal participation in sustainable forest management.

## **APPENDIX 1**

# **STRATEGIC DIRECTION SEVEN OF SUSTAINABLE FORESTS, A CANADIAN COMMITMENT**

## ABORIGINAL PEOPLE: A UNIQUE PERSPECTIVE

Since time immemorial, the forests have met the cultural, spiritual and material needs of the Aboriginal people of Canada, the first stewards of Canada's forests. The Aboriginal land ethic is deeply rooted in traditional cultural beliefs, which hold that land and forests should be viewed as a whole.



This ethic embodies the concept that land and its resources must be protected out of respect for past, present and future generations. The knowledge they have gained through their enduring relationship with the land can bring a special perspective to sustainable forest management.

Aboriginal interest in lands and forests is based on more than traditional use. The Canadian Constitution recognizes and affirms

existing Aboriginal and treaty rights, and Supreme Court decisions have gone some distance in defining these rights. The special status of Aboriginal people within Canada is expected



to be further defined through constitutional developments.

There is also an inextricable link between forest policies and practices on one hand and, on the other, issues of major significance such as Aboriginal self-government, land claims, Aboriginal and treaty rights in traditional territories, and the responsibilities of the Crown for Indian lands. As these issues are resolved through agreements with governments, greater certainty will contribute to increased communication and closer cooperation among governments, industry and Aboriginal people with respect to the forests of Canada.

There is an opportunity for Aboriginal people to strengthen their relationship with the forests in both a traditional and contemporary sense.



An Aboriginal forest strategy is needed to respond to the range of issues and needs of Aboriginal people across Canada. The strategy would address issues unique to forests on reserve lands because of their legal status under the *Indian Act*. Other components of the



strategy, those dealing with Aboriginal education, training, business development and public awareness, would address the aspirations of all Aboriginal people. The key to its success will be a better

understanding of Aboriginal people's relationship to the land and the significance that this relationship has for sustainable development.

Aboriginal people have a need for a greater economic stake in forest use. The existing forest land base on reserves is too limited to support traditional uses or to provide even small-scale sustained employment and financial returns through harvesting, processing and spin-off businesses. Increased access to land and forest resources would offer Aboriginal people the opportunity to improve the forest for its own sake and for the benefit of Aboriginal communities; it would offer stability to Aboriginal

enterprises and to forest industries conducting or seeking to conduct forestry operations within Canada's forests and would contribute to the forest-based economy as a whole. Already, a new feature of forest management in Canada is the emergence of partnership arrangements between Aboriginal people and the private sector as well as federal, provincial and territorial governments. These agreements need to include Aboriginal community leadership to reflect local circumstances and respond to needs defined by the community. Carried out in this fashion, they hold the promise of increased Aboriginal participation, and recognition and provisions for Aboriginal and treaty rights in forest land management.

Increased cooperation between Aboriginal communities, private forest companies and governments is essential to achieving the goal of sustainable forests.



## PRINCIPLES

*Forest management practices in Canada should recognize and make provision for the rights of Aboriginal people who rely on forests for their livelihood, community structure and cultural identity.*

*Self-sufficiency of Aboriginal communities through economic development requires increased access to resources and business development support as well as the preservation of traditional activities.*

*Aboriginal people have an important and integral role in planning and managing forest resources within areas of traditional use.*

*A stable environment for long-term, sustainable forest management requires a cooperative resolution of land claims and Aboriginal self-government, in an honourable, fair and timely way.*

## FRAMEWORK FOR ACTION

To increase the involvement of Aboriginal people in forest land management:

- |                                                                                                                                                                                                                          |                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7.1 By the end of 1992, Aboriginal forestry organizations and the federal government will cooperate to develop a comprehensive Aboriginal forest strategy that respects the shared beliefs and aspirations of Aboriginal | people, and addresses the regeneration of reserve lands, the empowerment of communities to manage their forest resources and the development of models for sustainable forest management. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

To ensure the recognition of Aboriginal and treaty rights in forest management:

- |                                                                                                            |                                                                                                |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| 7.2 Governments will ensure that the development and application of legislation and policies governing the | management of forest lands respect constitutional provisions for Aboriginal and treaty rights. |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|

To increase forest-based economic opportunities for Aboriginal people:

- 7.3 Aboriginal organizations and governments will cooperate to encourage business development through improved access to capital, technology transfer and infrastructure support.
- 7.4 Aboriginal organizations and communities will cooperate with governments to complete strategic reviews of business opportunities in the forest-based economy that are consistent with traditional uses and values.
- 7.5 In 1992, Aboriginal forestry organizations and the federal government will complete a strategy to address the training and employment needs of Aboriginal people, in accordance with their forest values.
- 7.6 Post-secondary and professional forestry educational institutions will broaden their programs to reflect the Aboriginal land ethic as well as the constitutional status and positions of the Aboriginal people of Canada.





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