

**Challenges and Options for Developing a System  
to Track and Report on Aboriginal Peoples' Rights and Participation  
in the Forest Sector**

A Discussion Paper

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## EXECUTIVE SUMMARY

A fundamental element of any set of criteria and indicators aimed at monitoring the sustainability of Canada's forest practices must include indicators designed to measure policies and practices that serve to respect Aboriginal and treaty rights. Several initiatives, such as the Canadian Council of Forest Ministers Criteria and Indicators and the 2003-2008 National Forest Strategy, have attempted to meet this requirement. However, the measurement frameworks are often inadequate, and data is very sparse and fragmented. Insufficient resources have been dedicated to collecting, sharing, analyzing, interpreting, and reporting data about Aboriginal forestry. In addition, few provisions are made to ensure that an Aboriginal perspective is represented at all stages of this process. What is needed is to develop a robust, long-term system for tracking and reporting on the rights and participation of Aboriginal Peoples in the forest sector.

This paper briefly reviews the key agencies collecting information relevant to the rights and participation of Aboriginal Peoples in the forest sector. This review is followed by a discussion of the challenges faced by parties wishing to compile a credible and accurate picture of national status and trends relative to key priorities. Finally, a number of options are considered for addressing the challenges, and preliminary recommendations are advanced for building a long-term capacity for tracking and reporting on the issues.

Key agencies collecting relevant data include:

- federal agencies with statutory and fiduciary obligations to Aboriginal Peoples – primarily the Department of Indian and Northern Affairs (DIAND, also known as INAC);
- national forest inventories and databases coordinated by the Canadian Forest Service – containing little Aboriginal-specific data;
- Statistics Canada – collecting socio-economic data specific to a number of different Aboriginal groups, but with little publicly available forestry-specific data;
- the First Nations Statistical Institute – recently established by statute;
- a range of federal and provincial programs – collecting and reporting program data, as well as undergoing occasional evaluations;
- other occasional surveys and reports – for example the National Aboriginal Forestry Association's First Nations tenure surveys;
- forest certification programs – assessing forest companies' practices with regard to Aboriginal Peoples' rights and participation; and
- impact-benefit agreements between specific communities and forest companies – usually subject to issues of privacy and proprietary information.

The main challenges for effective tracking and reporting on the rights and participation of Aboriginal Peoples in the forest sector can be summarized as follows:

- Jurisdictional issues: Primary authority for legislating relative to Aboriginal Peoples rests with the federal government. However, provinces and more recently the territories hold jurisdiction over most Crown forests. Aboriginal Peoples operate in both worlds, but each

jurisdiction collects the information they perceive as relevant to their programs, with little collaboration or coordination.

- Privacy issues and protection from discrimination: These concerns for respecting privacy and discrimination laws prevent the collection of much data on Aboriginal Peoples. This affects not only data about individuals but also data about funding amounts, contractual arrangements, higher educational attainment, and more.
- Dispersion of programs: Programs affecting Aboriginal Peoples that wish to increase their participation in forest sector activity are dispersed through various departments within the federal, provincial, and territorial governments, with very little coordination among them.
- Lack of resources to collect and analyze data.
- Lack of a shared understanding of Aboriginal and Treaty rights and associated roles and responsibilities of various parties: Differing interpretations of rights, roles, and fiduciary obligations influence the types of programs the federal and provincial governments develop and what criteria are used to assess their effectiveness. This points to the need for appropriate institutional arrangements that allow involvement and leadership of Aboriginal Peoples in the design and implementation of programs, the collection of data, and the ability to track trends and measure the programs' effectiveness in achieving stated objectives.

Three key requirements that need to be addressed in order to track and report progress on Aboriginal issues in forestry are to:

- ensure that indicators/measures provide useful information with respect to the ultimate impact of policies and programs, and not just their operational activities;
- ensure that there are the necessary inter-jurisdictional protocols to allow for the sharing and aggregation of existing data; and
- ensure that Aboriginal organizations are integral to the tracking and reporting effort, from the design of suitable indicators to the collection, monitoring and analysis of emerging trends.

Four options for advancing the above requirements are briefly assessed:

1. Use a single established non-Aboriginal organization.
2. Use a single established Aboriginal organization.
3. Coordinate the various existing initiatives.
4. Create a new organization.

All of these options have potential advantages and disadvantages. The key advantage of using existing organizations lies in the potential cost-effectiveness and in the fact that they already have some expertise in their respective fields. It would probably be easier and less expensive to

expand that expertise than to establish an entirely new organization, with the requisite long-term funding and time to build its own capacity.

Some organizations already compile some information, but have little capacity, incomplete indicators, and potentially obstructive entrenched interests. In addition, many existing organizations are unable to effectively address the needs of the Métis and non-status Indians. On the other hand, Statistics Canada has as its core business data collection, tracking, and reporting, which makes it a potentially appealing choice. In addition, it is a relatively independent agency from the forest- and Aboriginal-related policy-making agencies. The National Forest Information System might also be an interesting choice if appropriate indicators are developed under that framework – but the capacity in that organization is much less.

Regardless of the option to be pursued, one requirement is to develop an Aboriginal Criterion and associated indicators that are credible and meaningful to Aboriginal communities themselves. In addition to initiating discussions with potential sponsors and partners in a future Aboriginal forestry tracking and reporting system, developing and testing a criterion and indicators is a short-term step that could be begun immediately.

Establishing a tracking and reporting system for the rights and participation of Aboriginal Peoples in the forest sector is a long-term commitment, and as such it will require time and much effort to develop. The importance of collecting data for tracking and reporting on progress needs to have a high priority, and this priority needs to be entrenched in institutional arrangements to address that priority. Aboriginal communities will perceive this effort as successful when policies and programs aiming at improving/increasing their participation in the forest sector have a positive impact. They will trust the information system when the reporting correlates well with the actual situation in the Aboriginal communities.

# INTRODUCTION

## Tracking and reporting on Aboriginal forestry

The recognition of Aboriginal and treaty rights, enshrined in Section 35 of the *Constitution Act, 1982*, and increased participation of Aboriginal Peoples in the forest sector are critical elements of sustainable forest management. From an Aboriginal perspective, “the importance that respect for Aboriginal and treaty rights has in Canada’s national fabric is reflected in the inclusion of protections for these rights within Canada’s Constitution. Forest management systems that allow forest managers to disregard these foundational elements of Canada’s national identity cannot be considered to be sustainable, either legally, historically, economically, or socially. A fundamental element to any set of criteria and indicators aimed at monitoring the sustainability of Canada’s forest practices must, therefore, include indicators designed to measure policies and practices that serve to respect Aboriginal and treaty rights. On another level, the expression of Aboriginal and treaty rights by Aboriginal peoples is a critical element in the maintenance of Aboriginal societies and in the protection and on-going development of Aboriginal forest-based knowledge systems. Forest policy and management practices that support rights-based activities should be expected to contribute to healthy Aboriginal communities.” (Brubacher 2005: 11)

The Canadian Council of Forest Ministers (CCFM) attempts to reflect the importance of Aboriginal involvement in the forest sector by including elements and indicators specific to Aboriginal Peoples in their Criteria and Indicators for Sustainable Forest Management. (CCFM 2006: 118). The 2003-2008 National Forest Strategy of Canada (NFS) also incorporates Aboriginal issues as a key element: NFS Theme 3, entitled “Rights and Participation of Aboriginal Peoples”, has seven action items and associated indicators to measure progress (NFS Coalition 2003: 14). The purpose of these initiatives is to assess the sustainability of forest management in Canada. In international arenas, Canada’s claims to be a leader in sustainable forest management would be bolstered by an effective set of criteria and indicators, and a functioning system for tracking and reporting on them.

However, the National Aboriginal Forestry Association (NAFA) and others have expressed strong concerns that, to date, these efforts have fallen far short as regards Aboriginal issues. For example, NAFA has long been an advocate for an Aboriginal Criterion within the CCFM Criteria and Indicator framework, rather than subsuming the relevant indicators under Criterion 6, “Accepting Society’s Responsibility”. However, there have been many challenges with having such a Criterion adopted due to a lack of clarity between the federal and provincial levels of government on roles and responsibilities with respect to Aboriginal participation in forest management and the division of responsibilities with respect to this issue. Costs associated with the adoption of additional indicators and commitment to data collection may be prohibitive in this regard.

In order to assess the degree to which Aboriginal-specific elements of sustainable forest management are met, basic information needs to be collected, tracked and reported on. This data and reporting should provide a comprehensive understanding of the extent of Aboriginal Peoples’ involvement in the forest sector, the impact of forest operations on Aboriginal communities and their ways of life, the value of Aboriginal subsistence and/or commercial activities, and the extent of the protection of values uniquely important to Aboriginal Peoples (Smith 2000: 98).

The question of tracking and reporting on Aboriginal forestry is connected with the recent public policy trend towards “results-based management”. Results-based management requires tracking and assessing the effectiveness of a program in meeting its intended purpose (Graham 2006: 9). Both federal and provincial governments are actively developing and implementing systems to address this need, such as the recent revisions of the Audit and Evaluation policies for federal departments and agencies. Governmental programs that address the rights and participation of Aboriginal Peoples in the forest sector are therefore obliged to track and report on their effectiveness.

### **The lack of data**

Where do collaborative initiatives like the CCFM and the NFS obtain the data they need to track and report on their performance relative to Aboriginal forestry? There are two key sources of national-level statistics on Aboriginal Peoples in Canada: Statistics Canada’s Census and the Department of Indian Affairs and Northern Development (DIAND; also known as Indian and Northern Affairs Canada). However, it is broadly recognized that these efforts leave major gaps in information on issues in Aboriginal forestry. Statistics Canada points out that the lack of participation of Aboriginal communities in the censuses and the lack of coordination between DIAND’s administrative data and the census data put a question mark on the accuracy of the information (Statistics Canada 2003). In the forest sector specifically, as recently as 2006 the CCFM stated that, “while progress is being made, efforts are needed to provide more complete and more recent information on Aboriginal land ownership and traditional ecological knowledge to better inform decision making” (CCFM 2006: 8).<sup>1</sup>

NAFA advocates for and helps to implement tracking and reporting on the rights and participation of Aboriginal Peoples in the forest sector. Its past experience in this area attests further to the difficulties involved. In 2003, NAFA published a survey of Aboriginal-held forest tenures in Canada (NAFA 2003),<sup>2</sup> and although the data was relatively easy to retrieve and quantify (by comparison with non-quantitative and more innovative indicators), nonetheless the effort required a dedicated study to develop a framework for categorizing diverse tenure types and harmonizing results for comparison across jurisdictions.

More recently as designated Champion for Theme 3 of the NFS, NAFA and partners have made efforts to report progress in implementing the various action items and indicators of that Theme. The work presented a number of significant challenges:

- Programs relevant to Aboriginal forestry are dispersed across different levels of government, often targeting different categories of Aboriginal Peoples (Métis, First Nations, non-status Indians, and Inuit).
- There is little coordination among these programs to aggregate information in order to get a more comprehensive assessment of status and trends.
- There is seldom any “baseline” data that can provide a point for comparison of trends over time. In many cases, this problem arises from the fact that indicators and statistical

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<sup>1</sup> Traditional ecological knowledge and Aboriginal land ownership are two of the three CCFM indicators that address Aboriginal-specific issues

<sup>2</sup> An update of this survey will be published in 2007.



parameters are continually being adjusted and revised over time, thus creating data sets that cannot easily be compared. For instance, revised versions of the CCFM Criteria and Indicators (C&I) and of the NFS were both released in 2003. Another example is Statistics Canada's adoption of a new classification system for employment data in the 2001 Census (Statistics Canada 2002).

- The lack of involvement of Aboriginal communities and organizations in determining what information to gather and how to gather it, as well as being involved in the collection, analysis, and interpretation of data, makes the existing reports unreliable as measures of what really matters and what really is happening "on the ground". The information that does exist frequently does not address issues that Aboriginal Peoples deem to be of key importance. Interpretations of the actual meaning of the data tend to neglect distinctly Aboriginal perspectives.

In the following sections, we briefly review the key agencies collecting information relevant to the rights and participation of Aboriginal Peoples in the forest sector. This review is followed by a discussion of the challenges faced by parties wishing to compile a credible and accurate picture of national status and trends relative to key priorities. Finally, a number of options are considered for addressing the challenges, and preliminary recommendations are advanced for building a long-term capacity for tracking and reporting on the issues.

Collecting, tracking, and reporting on reliable, long-term data are essential to inform policy decisions and program development. Only then will it be possible to assess the effectiveness of such programs in meeting federal, provincial and territorial commitments related to the recognition of Aboriginal and treaty rights and to the increased participation of Aboriginal Peoples in the forest sector.

## KEY AGENCIES COLLECTING INFORMATION

The federal and provincial/territorial governments are the two levels of non-Aboriginal government that develop programs and policy to deal with key aspects of Aboriginal issues in forestry. As such, both levels of government collect data to inform policy, to develop programs, and to report on their activities. These efforts are required to meet statutory and fiduciary obligations with regard to Aboriginal Peoples, to produce statistical analyses (e.g. census and forest inventories), and to meet and assess performance relative to program objectives. Annual reports, audit and evaluation reports, and other related publications describe and assess the effectiveness of the programs.

At the federal level, there are three key agencies that collect and track information on Aboriginal Peoples in the forest sector: DIAND, the Canadian Forest Service (CFS; including the National Forest Inventory), and Statistics Canada. Other departments also have programs targeted at Aboriginal communities, and they collect and manage program data (Industry Canada, Human Resources & Social Development Canada).

### Federal agencies with statutory and fiduciary obligations

DIAND is the government agency with lead statutory authority to implement the general federal jurisdiction over “Indians, and the Lands reserved for Indians” (*Constitution Act, 1867*, s. 91[24]). DIAND is responsible for the implementation of the *Indian Act* and associated regulations and other instruments. It maintains the Indian Registry, where First Nations and Inuit individuals are entered as “registered Indians”. DIAND issues Certificates of Indian Status and records life events such as births, deaths, and marriages. As a result, DIAND holds important demographic information on registered Indians, both on- and off-reserve. It also collects information on health, enrolment in schools, post-secondary education, and on-reserve housing and infrastructure such as water, sewage, and so on. The Department is also responsible, under the *First Nations Land Management Act* (FNLMA), for transferring land management services to First Nations, while developing First Nation land management institutional and professional capacity for that function.

According to the *Indian Act* and the Indian Timber Regulations, the Minister of Indian and Northern Affairs is the statutory authority for approving all permits to log on Indian Reserves. As such, DIAND is required to collect a certain amount of data about logging activity on Indian reserves. However, there are two problems with the Regulations: (1) The regulations provide no scope for the Minister to impose modern forest management planning conditions on a timber permit; and (2) The permit system is so cumbersome that for vast areas of the country it has broken down completely (Westman 2005, Auditor General of Canada 1992). The authority to issue permits and licenses and to enforce compliance is limited to the Minister and cannot be fully delegated to the self-governance of Indian Bands, or even the local superintendent (Brubacher and others 2002). As a result, the amount of information required to be collected by DIAND is basically limited to scaling data. The inadequate human resources of DIAND – in both number of staff and their lack of forestry-related expertise – compound these problems (Westman 2005, Auditor General of Canada 1992).

DIAND is a partner with Natural Resources Canada (NRCan) in the First Nations Forestry Program (FNFP). “The purpose of the program is to improve economic conditions in status First Nation communities with full consideration of the principles of sustainable forest management.” (FNFP 2007: n.p.) This program is the only national program focused on Aboriginal forestry. It has four key objectives (FNFP 2005):

- to enhance the capacity of First Nations to manage their forest lands in a sustainable manner;
- to enhance the capacity of First Nations to operate and participate in forest-based development opportunities and receive their benefits;
- to advance the knowledge of First Nations in sustainable forest management and forest-based development; and
- to enhance the institutional capacity of First Nations at the provincial and territorial level to support their participation in the forest-based economy.

FNFP funds projects in keeping with the above objectives and keeps track of the number of projects and the funding provided, broken out by province/territory. To comply with its results-based performance measurement commitments, FNFP also has reported on such performance indicators as the following (FNFP 2003):

- Number of forest management plans prepared or updated
- Estimated person weeks of employment and job experience
- Estimated First Nations workers gaining work experience
- Business plans prepared
- Feasibility studies prepared
- Training courses/workshops conducted

A recent mid-term evaluation of the FNFP points out some weaknesses in tracking and reporting on the program’s impact in Aboriginal communities. The report identifies a lack of coordination with other relevant departments (e.g. Human Resources and Social Development Canada) to address the capacity building objectives, and the fact that “there is no follow-up to the forest management in place on-reserve” to ensure implementation. “[T]he long-term impacts are not well understood” and, more troubling, “the Program is not designed to capture such impacts”. (NRCan 2006: 3-6). As a result, while three of the four FNFP objectives mention capacity building directly, the program does not measure whether lasting capacity is being built. Measuring capacity is a difficult challenge, since it is a very broad-ranging term, understood in different ways by different parties.

Another program of relevance, moved to DIAND from Industry Canada in 2006, is Aboriginal Business Canada (ABC). The objective of ABC is to “maximize Aboriginal People’s participation in the economy through business development” (Aboriginal Business Canada 2007: n.p.). ABC provides assistance with business planning, marketing, start-up costs and financial assistance to majority-owned Aboriginal businesses. ABC also conducts “economic research

and policy analysis to ensure our suite of program priorities continue to meet the needs of our clientele” (ABC 2007). In 2002, ABC collaborated with Statistics Canada to conduct the Aboriginal Entrepreneurs Survey. However, this survey is not forest-specific.

### **Forest inventories and statistics**

The Canadian Forest Service (CFS) at NRCan is the lead department that administers three forest inventory and related programs, none of which are primarily focused on Aboriginal needs: the National Forest Inventory (NFI), the National Forestry Database Program (NFDP), and the National Forest Information System (NFIS).

Since 1981, the NFI has compiled the best available inventory data from provincial and territorial governments and converted these data into a national classification scheme. The information is then aggregated for storage, analysis and reporting. With the creation of the Canadian Forest Inventory Committee, which includes forest inventory managers from federal, provincial, and territorial governments, a new forest inventory system is now being implemented. Under the new system, the NFI takes information from permanent forest plots across the country. The first national inventory report based on this system is expected to be published in 2007. Information from NFI’s forest plots can support an on-going information flow to track trends in Canada’s forests (NFI 2007). NFI reports include information about ownership (federal – including Indian reserves, provincial, municipal, and private), and by status (whether or not it is available for wood harvesting). In addition, the land is classified according to its current or estimated capability for primary use (timber production, recreation, wildlife and water protection) and according to ecological forest types.

The NFDP is a partnership between the federal, provincial, and territorial governments under the Canadian Council of Forest Ministers (CCFM). The NFDP collects and provides information on forest inventories, wood supply, potential harvest, forest health and pests (e.g. number of hectares affected by moderate to severe insect defoliation), revenues (by provinces/territories), forest products, management expenditures, silviculture (number of hectares under different silvicultural regimes), and other socio-economic data (NFDP 2007). The CCFM also runs the NFIS, the purpose of which is “to implement the necessary information technology framework to demonstrate sustainable forest management practices in Canada.”

### **Statistics Canada data**

The major organization collecting statistical information is Statistics Canada. It collects important socio-economic information through the National Census, income tax returns, and industry surveys.

Employment data by industry are very detailed, since the information is collected according to industry type and classified following a standardized system. This includes logging, timber tract operations, nursery and tree production, fishing trapping and hunting (Statistics Canada 2002). However, publicly available data and reports aggregate agriculture, forestry, fishing, and hunting figures into one category. In addition, employers are not obliged to identify to Statistics Canada or any other party whether they have Aboriginal employees. Therefore, no data can be extracted from the industry side of the Census. Some of this data may be extracted from the employment side by specially requesting custom cross-tabulations from Statistics Canada (Zukewich 2007).

Statistics Canada public data and reports also provide information from surveys of individuals, broken down by Aboriginal group: Registered Indians, non-Registered Indians, Métis, Inuit, self-identified Aboriginal, and Aboriginal origins. Census reports describe where Aboriginal peoples live (on- or off-reserve, metropolitan areas, provinces and territories), their demographics, educational attainment, labour force characteristics, and other general data. However, the 2001 Analysis Series describes some of the problems encountered in the censuses due to incomplete enumeration of Aboriginal communities (Statistics Canada 2003: 6). In addition, the five-year repeat period of the Census tends to be insufficient when dealing with a rapidly changing policy arena such as Aboriginal forestry. Organizations tend to seek “in-fill” data from other sources.

In addition to the Census, Statistics Canada also has conducted the Aboriginal Peoples Surveys, which study the general well-being of Aboriginal populations. The key topics in these surveys are health, employment, schooling, housing, technology and the use of Aboriginal languages.

In the recent past, Statistics Canada also initiated a pilot project called First Nations Public Sector Statistics (FNPSS). However, the project is not active at present due to a perceived lack of support from First Nations governments, organizations, and other stakeholders. The purpose of this project was to resolve a critical gap in information, since there are no economic, business, or government data for First Nations governments. The lack of these crucial public-sector data results in a tremendous negative impact not only for First Nations governments and communities, but also for on-reserve First Nations entrepreneurs. FNPSS would have included data on forestry. It may also have been a first step toward a full suite of economic indicators at the First Nations community level (Dudley 2007).

One fundamental issue to be understood with regard to all data collection efforts discussed in this paper is that Aboriginal Peoples as a whole cherish an identity and a status that is distinct from other groups in Canada. In addition, their aspirations, particularly as regards their relationship to the Land and its forests, are distinct. As a result, they feel a general unease about being “tracked and reported on” by governments that they do not consider to be their own. To a large extent, this unease is at the root of their poor participation in the Census and a host of other surveys. For comparison, we can ask ourselves how willingly Canadian citizens would participate in a census of Canada being taken by the government of the United States.

The *First Nations Fiscal and Statistical Management Act* enabled the creation of the First Nation Statistical Institute (FNSI), which started to operate in 2006. The FNSI has the support of the Union of Ontario Indians and the Assembly of First Nations by resolution. As a First Nations-led agency, the FNSI holds promise of overcoming at least some of the challenges discussed above. At present this agency continues to develop its capacity and structure, with considerable support from Statistics Canada.

### **Program information, status reports, and audits**

Various programs at the federal and provincial levels have two important mechanisms by which they collect and track information: (1) program data and status reports; and (2) audit and evaluation reports. Some of the programs generating such data have already been discussed above.

## **Federal**

Human Resources and Social Development Canada (HRSDC) has significant programs targeting Aboriginal Peoples. These programs are not forestry-specific, and they are focused on employment and skills development, youth programs, and building organizational capacity for Aboriginal communities.

HRSDC has developed the framework for the Aboriginal Human Resources Development Strategy (AHRDS), renewed in 2004 for five years. Under this Strategy, “Aboriginal organizations design and deliver employment programs and services best suited to meet the unique needs of their communities.” To implement the Strategy, Service Canada enters into agreements called Aboriginal Human Resources Development Agreements (AHRDAs) with Aboriginal organizations who provide labour market services (employment services, training, and, in many cases, child care). The Terms and Conditions for the AHRDAs require Aboriginal organizations to conform with the commitments made by HRSDC in its Results-Based Management Framework. Primary performance indicators are prescribed, and additional indicators are recommended. For example, indicators related to the labour market program element include (AHRDS 2005):

- Number of service actions plans developed;
- Number of service interventions completed;
- Number of funded clients employed and/or self-employed;
- Number of unfunded clients employed and/or self-employed; and
- Savings to income support programs (i.e., Employment Insurance and INAC and provincial/territorial social assistance).

While data about these indicators may be indirectly useful to those interested in Aboriginal forestry, and while some of the specific activities under the AHRDAs may include the forest sector, overall the amount of data from the AHRDS program relevant to priorities in tracking and reporting on the rights and participation of Aboriginal Peoples in the forest sector is expected to be limited.

The Treasury Board of Canada maintains Internal Audit and Evaluation Policies (Treasury Board of Canada 2001, 2005), which apply to all federal programs and services involving transfer payments to Aboriginal organizations. These policies require that the Government of Canada sustain credible internal audit and evaluation regimes that stand as a “key underpinning of governance”. The Evaluation Policy results in an obligation for programs to undergo regular evaluations of their performance “to ensure that the government has timely, strategically focused, objective and evidence-based information on the performance of its policies, programs and initiatives to produce better results for Canadians.” (Treasury Board of Canada 2001) As a result, federal departments and agencies have audit and evaluation sections that work in a context of a results-based management framework. While audit reports are expected to be of generally limited value in the context of tracking and reporting on Aboriginal forestry, evaluation reports for programs and services that are directly relevant will frequently contain useful information and reflections on the purpose of the programs, their degree of success, and options for better achieving their goals.

## **Provincial**

Most provinces have employment, business and community development programs, financial assistance, and education grants specific for Aboriginal Peoples, and many of these are capable of providing support to forestry-related initiatives. For example, the Northern Ontario Heritage Fund has provided almost \$1 million to Aboriginal forestry projects over the past 5 years, and the First Nations and Métis Economic Development Program of Saskatchewan has been known to fund forestry projects. Reporting on these efforts varies, but most produce some form of periodic reporting that may contain useful information. However, these kinds of programs and assistance are seldom coordinated with programs of the federal government, and so data as a whole is fragmentary.

In terms of measures taken to accommodate Aboriginal and treaty rights relative to the forest sector, the provinces generally deem this issue a federal lead responsibility, and in some cases they participate as part of tri-partite negotiations. However, more recently many jurisdictions have begun to take a more proactive approach, and agreements that address the claims of individual Aboriginal (almost entirely First Nations) communities are becoming more frequent. The reporting requirements for these agreements are unclear to us at this point. Most provinces make available basic summary lists of treaties and/or modern-day land claims settlements. However, there is little information related to whether Aboriginal communities are satisfied with their participation in these processes.

## **Occasional surveys and reports**

Other sources of information on Aboriginal issues in forestry include occasional studies, funded by a range of programs. These efforts are highly vulnerable to the variability of funding sources and changes of organizational data stewardship. Most of these are funded as one-off projects. As a result, these efforts can provide a picture at a certain point in time, but with little or no ability to track trends over the long run. For example, in the mid-1990s NAFA secured funding from DIAND to establish an Aboriginal Businesses Database. However, the lack of funding for maintaining the database and the demands of other priorities resulted in ad-hoc, intermittent efforts to update the database. In 2005 and 2006, student employment programs and volunteer efforts enabled NAFA to renew these efforts. However, the future of the Database is uncertain.

A more successful example is NAFA's tenure surveys using data for 2003 and 2006 (published in 2003 and 2007). These reports provide a three-year trend for First Nations tenures, measured by timber volume and broken down by jurisdiction. They are among NAFA's most popular publications.

## **Criteria and indicators initiatives**

There are a number of initiatives in the public and private domain that use criteria and indicators to measure status and trends in Aboriginal forestry issues. Initiatives in the public domain that attempt to track at least some aspects of Aboriginal forestry are the Canadian Council of Forest Ministers' Criteria and Indicators (CCFM C&I 2003) and the 2003-2008 National Forest Strategy's (NFS) Themes, Action Items, and Indicators (NFSC 2003).

In the private sector, there are several forest certification programs that use criteria and indicators to assess sustainable forest management. Two certification systems currently operating in

Canada attempt to address Aboriginal issues: The Canadian Standards Association's (CSA) Z809-02 Sustainable Forest Management Requirements and Guidance (CSA 2003) and the Forest Stewardship Council's (FSC) Principles and Criteria (P&C), which serve as a framework for four Canadian regional standards (FSC 200).

The CSA's requirements are based on the CCFM Criteria and Indicators. In accordance with Criterion 6 of the CCFM, the CSA requires respect for Aboriginal and Treaty rights (Element 6.1) and respect for Aboriginal forest values, knowledge and uses (Element 6.2). Principle 3 of the FSC also addresses Aboriginal issues, with four associated criteria and, on a regional basis, indicators and verifiers to measure the criteria. Principle 3 states that, "The legal and customary rights of indigenous peoples to own, use and manage their lands, territories, and resources shall be recognized and respected." (FSC 2000) One of the key concepts that flows throughout the P&C is for the applicant to seek and demonstrate a relatively high level of satisfaction with the forest management operation by Aboriginal communities. Other criteria address traditional knowledge and protection of sites of special significance. Appendix 1 provides FSC's Criteria for Principle 3 and the CCFM's Elements for Criterion 6.

There are a number of problems with these indicators. As regards the CCFM C&I, from an Aboriginal perspective the relegation of Aboriginal issues to the broad social Criterion 6 tends to minimize the importance of Aboriginal issues in forest management and contributes to a lack of commitment in measuring and assessing progress toward meeting those commitments (Smith 2000: 96, Brubacher 2005). In addition, for the most part these indicators are not designed to measure the actual impact of policies and programs in terms of increasing Aboriginal involvement in forest management. Finally, as acknowledged by the CCFM, there is little to no up-to-date data available to track progress in any of the indicators (CCFM 2005).

The NFS indicators share some of these problems, in that they do not address the actual impact of efforts to make progress, and there have been very few resources dedicated to collecting data and reporting. In fact, overall one identifiable trend in the area of criteria and indicators as a whole is that, in light of the considerable resources required to collect high-quality data, over time C&I initiatives have generally sought to reduce the number of indicators that they commit to reporting on.

The FSC P&C, and more substantially the indicators for the regional standards based on the P&C, have been developed through multi-stakeholder processes and have support by the various constituencies in the forest sector. Assessment of a forest company for certification by FSC typically produces some useful information about how the company is approaching the question of the rights and participation of Aboriginal Peoples, and a summary of this information is required to be made publicly available. However, this information is not aggregated across multiple companies and regions. It is worth looking at the FSC indicators and reports on specific companies to see how they could be adapted to support broader national efforts to track and report on the issues.

The situation described above points to the need to develop new indicators to track progress on Aboriginal issues. A new Aboriginal Criterion needs to be developed, either within or outside of the CCFM process, under which indicators could be developed.



NAFA has long advocated for the creation of an Aboriginal Criterion to encompass the whole range of issues faced by Aboriginal communities in the forest sector. In 2005, NAFA produced a draft discussion paper on the concept of an Aboriginal Criterion, outlining design considerations as well as proposed elements and indicators. The proposed elements include:

- Element 1: Coexistence – Accommodation of Aboriginal and treaty rights
- Element 2: Sustainable Aboriginal communities
- Element 3: Aboriginal forest-based knowledge and traditional land use
- Element 4: Aboriginal participation in sustainable forest management research and planning

Fuller content of the NAFA Aboriginal Criterion is given in Appendix 1.

The indicators associated with these elements aim at measuring the impact of the existing policies in relation to the Elements in the proposed Aboriginal Criterion. In contrast to most other criteria and indicators initiatives, NAFA's draft indicators are concerned to a large degree with the ultimate impacts of efforts to address rights and participation of Aboriginal peoples, including how forest management decisions and practices affect Aboriginal forest-based communities. The quality and effects of the policies and programs are to be measured, instead of the delivery mechanisms.

### **Impact-benefit agreements with industry**

An additional potential source of data that is rapidly growing in importance is impact-benefit agreements between specific Aboriginal communities and forest companies. These agreements are often assessed as a part of forest certification programs, but they are seldom directly addressed in other data collection activities discussed above.

Impact-benefit agreements generally arise out of the Crown's duty to consult and accommodate the communities regarding potential or actual infringements of their forest-related rights and title. Communities are typically directed to negotiate with industry. While the arrangements may be made by industry, the Crown's duty is non-transferrable, and so these agreements remain subject to upholding the Honour of the Crown. However, at this point in time there is little reliable information about how these types of agreements are actually affecting the communities – that is, are they really benefiting over the long term? To a large extent the challenge here relates to privacy and proprietary information.

## MAIN CHALLENGES IN TRACKING AND REPORTING

There are a great number of activities, initiatives and programs covering a broad range of issues affecting Aboriginal Peoples. These programs are administered and implemented by federal, provincial or territorial government agencies. For the most part, each agency has some publicly available data about what it does, tracking the funds disbursed for what type of program or project. In the context of results-based management policies, federal and provincial programs are increasingly required to report on performance indicators that may be relevant to tracking and reporting on status and trends in Aboriginal forestry.

However, due to the lack of ability to aggregate information and little interdepartmental and interjurisdictional collaboration, there is no measure available for the overall impacts of the programs. In most cases, performance indicators have not been developed to measure the *effectiveness* of the programs in achieving stated objectives. There is very little information to get a clear picture of the results of these programs at the community, provincial/territorial, or national levels.

The main challenges for effective tracking and reporting on the rights and participation of Aboriginal Peoples in the forest sector can be summarized as follows:

- **Jurisdictional issues.** Primary authority for legislating relative to Aboriginal Peoples rests with the federal government. As discussed above, DIAND is responsible for on-reserve forest management, and provinces and territories do not collect information about on-reserve issues. At the same time, forest management responsibility for provincial Crown lands – also known as the traditional territories of Aboriginal Peoples – rests with the provinces. (Devolution of Crown land management from federal to territorial governments is also in progress.) As a result, timber permits and licenses for Aboriginal businesses operating off-reserve are granted and administered by the province. Each jurisdiction collects the information they perceive as relevant to their programs, with little collaboration or coordination.
- **Privacy issues and protection from discrimination.** These legitimate issues prevent the collection of much data on Aboriginal Peoples. This affects not only data about individuals but also data about funding amounts, contractual arrangements, higher educational attainment, and more. As an example, during the process of developing indicators for the National Forest Strategy, 2003-2008, the Ontario Ministry of Natural Resources (OMNR) commented that “The OMNR does not collect employment information or ask Aboriginal peoples to self-identify. Further, Aboriginals and forest companies are not obligated to report this information to OMNR. The only data that we can collect/report consistently is information coming from situations where OMNR is directly involved such as forest management planning and the allocation and harvesting of timber. Most silvicultural work is now done by licensees and they are not obligated to report aboriginal involvement to OMNR. Data exists but is not complete and is not consistent across the province.” (OMNR 2005: n.p.).
- **Dispersion of programs.** Programs affecting Aboriginal Peoples that wish to increase their participation in forest sector activity are dispersed through various departments

within the federal, provincial, and territorial governments, with very little coordination among them. In addition, there are programs developed by one government agency and administered by another, and in some cases the ultimate delivery agent is an Aboriginal organization (e.g. the AHRDAs). Accessing or storing even basic data on these programs is difficult given the long chain of communication. As a result, there is very little verifiable information on the results of these programs and lots of websites with uncritical “success stories” intended to promote programs.

- **Lack of resources to collect and analyze data.** As an example, the CCFM’s 2005 Status Report on C&I acknowledges that for Element 6.1.2 (area of Forest land owned by Aboriginal Peoples), “The area of forest land managed or controlled by Aboriginal peoples in Canada varies considerably among jurisdictions, and the data on which current information is based require significant updating. For example, the most recent published information for the area of First Nations’ on-reserve forest lands dates back to the early 1990s. Additions to reserves, and the amount of land (particularly forest land) acquired by First Nations through land claims, treaty land entitlements, or band purchases are not readily available in published form.” (CCFM 2005: 120) The lack of resources affects Aboriginal organizations even more severely. NAFA’s Aboriginal Forest Business database (see above) is an example of this shortfall.
- **Lack of a shared understanding of Aboriginal and Treaty rights and associated roles and responsibilities of various parties.** “Even the interpretation of legal decisions on the meaning of these rights will be very different, with Aboriginal Peoples leaning to a broad interpretation and governments a very narrow one.” (Smith 2000: 99) These differing interpretations of rights, roles, and fiduciary obligations influence the types of programs the federal and provincial governments develop and what criteria are used to assess their effectiveness. This points to the need for appropriate institutional arrangements that allow involvement and leadership of Aboriginal Peoples in the design and implementation of programs, the collection of data, and the ability to track trends and measure the programs’ effectiveness in achieving stated objectives.

In short, there is a general lack of data; the existing information is not measured consistently over time and across jurisdictions and programs; and Aboriginal perspectives are insufficiently incorporated. This results in an inability to aggregate the data and to have comprehensive information available, with little ability to assess the effectiveness of the programs, to analyze trends, and to make sound policy decisions based on a good understanding of the impacts of the programs and the gaps relative to the needs of Aboriginal peoples and the obligations of governments.

Data plays a crucial role in the development of policies and programs, and this needs to be recognized. No single government agency has the mandate to track the various programs affecting Aboriginal Peoples and their involvement in the forest sector. In addition, no single Aboriginal organization has the capacity to collect this basic information in a comprehensive manner.

## OPTIONS

The foregoing discussion demonstrates that there is very little information to adequately evaluate the status and trends of Aboriginal Peoples' rights and participation in forestry, nor to evaluate, interpret, and correlate those trends to existing policies and programs. There is no baseline data against which to track trends by way of repeated measurements. The lack of clarity of existing indicators, the dispersion of programs aiming at Aboriginal peoples throughout the Federal and provincial government agencies, with little or no effort at aggregating data, and the lack of involvement of Aboriginal organizations in collecting such data puts into question any claims made of progress achieved in Aboriginal involvement and participation in the forest sector.

In this section, a number of options are presented for addressing these challenges. Key activities/issues for each option and a preliminary analysis of strengths and weaknesses are provided.

Three key requirements that need to be addressed in order to track progress on Aboriginal issues in forestry are:

- Ensuring that indicators/measures provide useful information with respect to the impact of policies and programs and not only the activities performed during the delivery of the program (i.e. reporting on the number of workshops conducted tells us very little about what lasting increases in useful knowledge and skills available to the community are achieved).
- Ensuring that there are the necessary inter-jurisdictional protocols to allow for the sharing and aggregation of existing data;
- Ensuring that Aboriginal organizations are integral to the tracking and reporting effort, from the design of suitable indicators to the collection, monitoring and analysis of emerging trends.

Ideally, indicators should have performance targets associated with them. A baseline measurement should be established, and subsequent tracking and reporting of data over time would yield a trend relevant to understanding the degree of measurable progress.

### **Options for developing long-term capacity to track and report on the rights and participation of Aboriginal Peoples in the forest sector**

In Canada, the constitutional division of responsibilities between different levels of government, and the delegation of functions between agencies within the federal, provincial and territorial governments, means that the development, implementation, administration, and reporting of policies, programs and projects will continue to be dispersed. It would not be realistic to expect otherwise. However, in spite of these divisions it is important to recognize and act on the need to collect and aggregate accurate and credible information on Aboriginal issues in forestry, as an essential input to policy and program decisions. In addition, if provinces and the federal government wish to make claims of being a leader in sustainable forest management in national and international arenas, these claims would gain credibility if they were bolstered by reliable

reports on status and trends relative to the rights and participation of Aboriginal Peoples in the forest sector.

In practical terms, what is needed is to efficiently compile and aggregate information across agencies and across jurisdictions, in order to assess trends at different scales (community, provincial/territorial, and national). Pulling that information together will require having sufficient resources to collect that information, aggregate it, and assess the impact of existing programs relative to intended objectives.

There are many different ways to approach the goal of collecting, compiling and sharing information on Aboriginal issues in forestry. An important question is whether it is necessary to assign key responsibility to one agency for data collection (even if it “just” compiles information available from other agencies), or whether developing protocols among agencies to standardize and harmonize information would suffice. Then, it would be necessary to develop mechanisms to meaningfully analyze that information and to communicate it to the broader public. In any case, any of the options discussed here would require significant institutional developments to ensure greater participation of Aboriginal peoples in tracking and reporting. Some options worth considering are the following.

#### **Option 1: Use a single established non-Aboriginal organization.**

There are a number of organizations that perform some relevant tracking and reporting functions. Such organizations include the following:

- **DIAND** has the primary responsibility for “Indians, and Lands reserved for the Indians” (s.91(24) of the Constitution Act 1867) by virtue of its lead role in implementing the Indian Act. DIAND in conjunction with NRCan administers the First Nations Forestry Program (FNFP).

DIAND has little socio-economic data, little on-reserve forest inventory data, and no off-reserve data. It also does not accept responsibility for the Métis. As discussed above, DIAND’s implementation of the Indian Timber Regulations (ITR) has fallen far short for decades, and this includes the poor state of data collection about on-reserve logging.

In addition, the fulfillment of its fiduciary obligations to manage Indian reserves in the best interests of First Nations implies a need for DIAND to collect, track, and report data on a much wider range of issues than those covered by the ITR. For this reason, DIAND has initiated a range of programs that provide piecemeal and inconsistent support for forest inventory work and forest management planning on Reserve. The implications of the Department’s fiduciary obligations for data collection and tracking could be extended still further to additional issues, but at this point in time there appears to be less political will than previously to consider such obligations. Option 1 as applied to DIAND should include a process to establish shared understandings of its statutory and fiduciary responsibilities relative to reporting on First Nations forestry.

- **Statistics Canada** is the primary agency that collects a range of socio-economic information at a national scale, and could be well positioned to provide information on crucial indicators. Statistics Canada has no forest inventory information, although it has

important industry related indicators (generally not singled out in public reports). Much of Statistics Canada's data is broken down by different Aboriginal groups (First Nations, Métis, Inuit, non-status, origin-based, identity-based).

- **The National Forest Inventory (NFI)** compiles and reports on important forest-based information (forest inventories, land classification, timber supply analysis, roads, provincial boundaries, wildlife habitat distribution, and land base ownership). This information cuts across the on-reserve/off-reserve divide, but it is limited by the paucity of data that DIAND has for reserves. Most NFI information is spatially explicit. NFI does not collect any socio-economic data. The NFI contributes to the National Forest Database Program and the National Forest Information System. These two programs compile and aggregate information from other government agencies.

Given current mandates and structures, no single organization in this list can currently address the full range of issues. If a single non-Aboriginal organization were to be relied upon, then considerable work needs to be done to expand and revise their systems. Otherwise, multi-agency collaboration would be necessary. It is interesting to note that Statistics Canada is probably the best positioned to lead such developments, as it is the agency whose key expertise is socio-economic tracking and reporting.

One caution with this approach is that Aboriginal interests may meet considerable conflict with the entrenched organizational interests of any of the above organizations. Significant work in this area would likely be required.

### **Option 2: Use a single established Aboriginal organization.**

There are two existing Aboriginal organizations that have been created for, or that have experience in, collecting data and tracking and reporting on forestry issues.

- The First Nations Statistical Institute (FNSI) could be well positioned to collect information as well as develop capacity in organization. It correlates well with other objectives like including Aboriginal organizations in the design and development of data collection, tracking and reporting systems. The organization is recently created, so a track record is lacking at present. However, the FNSI also is able to draw upon the support of Statistics Canada to build capacity and achieve its goals.
- NAFA could also be well positioned to do this, having worked for over 15 years to compile and interpret data on Aboriginal forestry at the national level. Its participation in the collection of information and policy-related initiatives, as well as its leading role in the National Forest Strategy, also position the organization as able to link tracking and reporting to policy and institutional development.

It should be noted that neither of these organizations have a mandate to champion Métis needs and interests. Existing national political bodies may be a suitable choice, although, as with almost any option, political considerations would need to be addressed first.

In any case, capacity would need to be built in either organization to be able to lead the data collection effort and facilitate partnerships and collaboration with other organizations and Aboriginal communities. Resources would need to be allocated to ensure this capacity building effort, and there needs to be a sense that this is a priority effort that is well-funded and stable. Long-term commitment of resources is crucial, because there needs to be a baseline developed and measured repeatedly over time in order to track progress. The creation of an Aboriginal Criterion would also help to entrench the importance of this effort.

Having an Aboriginal organization play a leadership role could, over time, increase the level of comfort and trust from Aboriginal communities – a challenge that, as discussed above, has resulted in data quality problems for a range of existing efforts. It is equally important to build capacity at the community level, so that community members are involved in developing and implementing a tracking and reporting system. In such a scenario, there would be feedback directly from communities on the effectiveness of policies, programs and projects, and the status of communities.

### **Option 3: Coordinate the various existing initiatives**

This option aims at linking current expertise and capacity from different organizations and agencies to share and aggregate data related to Aboriginal issues in forestry. The agencies involved would have to develop protocols for harmonizing and sharing data in a fashion that might bear some resemblance to initiatives like the NFI. To a certain degree, this option is appealing because it would pull together existing expertise in different agencies. However, the ability of these agencies to work together would depend on maintaining the priority of this initiative and commensurate funding support.

The key question for this option is: Once the information is collected and compiled, how and by whom it will be analyzed and reported on? The Steering Committee of the National Forest Information System could be in a good position to direct a multi-agency effort in pulling all the information together. As in all options, the participation of Aboriginal organizations for the purposes described above would be critical.

### **Option 4: Create a new organization**

Another approach is to create a new organization responsible for collecting, tracking and reporting on all information related to Aboriginal Forestry. This organization would need to include Aboriginal leadership as well as non-Aboriginal governments. In this way, the organization would be able to work with government agencies and Aboriginal communities and organizations to design useful indicators, establish a baseline, and measure progress. Stable funding would also be needed to conduct its research, to increase its own capacity over time and the interest in and capacity to gather, track and report on useful indicators at the community level.

Starting afresh has its advantages, providing a new look at strategic options and the ability to tailor the program to the key objectives. If a new, dedicated organization were established to track and report on Aboriginal forestry, we would also have some assurance that the priority on the task would not be lost. This new organization could also serve as a champion for a new Aboriginal Criterion, as discussed above.

This option also has its challenges, as staff would need to be recruited, and relationships with other agencies and organizations built from scratch. New long-term funding would also be required. Furthermore, the number of existing programs already dedicated to data collection and reporting would potentially create confusion and diluted focus. Getting a new organization underway would also certainly take time. With the recent establishment of the First Nations Statistical Institute, this is a questionable option.

**Table 1. Options Summary**

<b>Option</b>	<b>Potential advantages</b>	<b>Potential disadvantages</b>	<b>Potential short-term steps</b>
Existing non-Aboriginal organization	<p>More cost-effective and could be operational in a relatively short time.</p> <p>Organizations already have some in-house data, infrastructure.</p>	<p>Aboriginal interests may conflict with entrenched organizational interests.</p> <p>DIAND does not support the Métis.</p> <p>No single organization has all needed in-house expertise and infrastructure.</p>	<p>Approach Statistics Canada as the organization with the best combination of expertise, infrastructure, and lack of entrenched interests.</p> <p>Explore funding partnerships with DIAND, NFI, and others.</p>
Existing Aboriginal organization	<p>Strong Aboriginal leadership.</p> <p>Greater likelihood of trust from Aboriginal communities and organizations.</p> <p>More cost-effective and could be operational in a relatively short time.</p>	<p>Potentially large capacity building requirement.</p> <p>First Nations Statistics is new and has no track record to date.</p> <p>Lacking a Métis organization.</p>	<p>Facilitate discussions between Aboriginal organizations, including Métis groups, and non-Aboriginal organizations with existing capacity.</p> <p>Explore funding partnerships with DIAND, NFI, and others.</p>
Coordinate existing work	<p>May be most cost-effective.</p> <p>Could benefit from existing expertise in the various agencies/organizations.</p> <p>Collectively these agencies/organizations could cover the broad range of issues affecting Aboriginal Peoples.</p>	<p>There is potential for conflict among the agencies due to entrenched interests and “turf defense”.</p> <p>Potential conflict of interest – program deliverers also performing data collection and analysis.</p> <p>Existing work is sparse.</p>	<p>Build on the lessons and relationships of existing criteria and indicators frameworks.</p> <p>Explore the potential to expand existing efforts to include a distinct Aboriginal Criterion.</p>
New organization	<p>Fresh start with focused mandate. Can include Aboriginal leadership from the start.</p> <p>Arms length from agencies/organizations delivering programs.</p> <p>Less risk of losing focus.</p>	<p>Likely to be more costly and time-consuming.</p> <p>Risk of competitive dynamics with other organizations.</p> <p>High capacity building requirement.</p>	<p>Explore requirements of such an organization.</p>



## **Aboriginal Participation**

Any of the potential configurations described above must have the participation of Aboriginal organizations in a leadership role. This is imperative for designing relevant indicators and measuring the impacts of policies on Aboriginal communities across the country. It needs to be a well-resourced effort in order to attract and support the involvement of Aboriginal communities. There also needs to be an effort to raise awareness and trust in the Aboriginal communities and organizations about the importance of tracking and reporting, as a way of encouraging their participation and taking responsibility for making such an initiative successful. Existing organizations mentioned above could play a role in this awareness-raising – particularly the Aboriginal organizations. This includes Métis communities and organizations.

Unless Aboriginal organizations and communities have some level of ownership over the type of information to be gathered, the analysis and interpretation of raw data and the communication of such information would continue to be unreliable. By necessity, unless there is a concerted effort in collecting data, it will be impossible to track progress on the issues critical to Aboriginal communities and organizations involved in the forest sector.

## CONCLUSION

A data collection, tracking and reporting system can only be successful if the effort is supported with a strong and clear mandate and stable budget, giving it a high priority. These pieces need to be put in place in order to address the key requirements identified in this paper:

- Establishing a relevant criterion and indicators framework.
- Developing institutional arrangements to compile and aggregate the information.
- Ensuring that Aboriginal organizations and communities are an integral part of the effort.

Of the options considered in Section 4 and Table 1, all have potential advantages and disadvantages. The key advantage of using existing organizations lies in the potential cost-effectiveness and in the fact that they already have some expertise in their respective fields. It would probably be easier and less expensive to expand that expertise than to establish an entirely new organization, with the requisite long-term funding and time to build its own capacity.

Some organizations already compile some information, but have little capacity, incomplete indicators, and potentially obstructive entrenched interests. In addition, many existing organizations are unable to effectively address the needs of the Métis and non-status Indians. On the other hand, Statistics Canada has as its core business data collection, tracking, and reporting, which makes it a potentially appealing choice. In addition, it is a relatively independent agency from the forest- and Aboriginal-related policy-making agencies. In this way, problems with entrenched organizational interests might be largely avoided. However, Statistics Canada has little forest-specific data or expertise at this time. The National Forest Information System might also be an interesting choice if appropriate indicators are developed under that framework – but the capacity in that organization is much less. Existing Aboriginal organizations must be engaged fully in exploring any of the options.

Regardless of the option to be pursued, one requirement is to develop an Aboriginal Criterion and associated indicators that are credible and meaningful to Aboriginal communities themselves. In addition to initiating discussions with potential sponsors and partners in a future Aboriginal forestry tracking and reporting system, developing and testing a criterion and indicators is a short-term step that could be begun immediately. In fact, through the National Forest Strategy, NAFA and partners such as provincial departments and academics have been engaged in exactly this kind of effort.

Establishing a tracking and reporting system for the rights and participation of Aboriginal Peoples in the forest sector is a long-term commitment, and as such it will require time and much effort to develop. The importance of collecting data for tracking and reporting on progress needs to have a high priority, and this priority needs to be entrenched in institutional arrangements to address that priority. Aboriginal communities will perceive this effort as successful when policies and programs aiming at improving/increasing their participation in the forest sector have a positive impact. They will trust the information system when the reporting correlates well with the actual situation in the Aboriginal communities.

## APPENDIX 1: CRITERIA AND INDICATORS INITIATIVES

### The Canadian Council of Forest Ministers Criteria and Indicators (CCFM 2003)

Element 6.1 Aboriginal and Treaty Rights has two indicators:

6.1.1 Extent of consultation with Aboriginals in forest management planning and in the development of policies and legislation related to forest management. (Core Indicator)

6.1.2 Area of forest land owned by Aboriginal peoples. (Core Indicator)

Element 6.2 Aboriginal Traditional Land Use and Forest Based Ecological Knowledge has only one indicator:

6.2.1 Area of forested Crown land with traditional land use studies. (Core Indicator)

### Draft Aboriginal Criterion for Sustainable Forest Management (Brubacher 2005)

<p>Element 1: Coexistence — Accommodation of Aboriginal and treaty rights.</p>	<p>Indicator 1.1: Degree of policy coverage of key issues related to coexistence and accommodation of Aboriginal and treaty rights in the context of forests and forest management. (Core)</p> <p>Indicator 1.2: Degree of Aboriginal involvement in forest policy development. (Supporting)</p> <p>Indicator 1.3: Quality of policy as indicated by the number of administrative, political and legal challenges launched by Aboriginal and/or non-Aboriginal interests regarding rights-related forest policy and forest management practices. (Core)</p>
<p>Element 2: Sustainable Aboriginal communities</p>	<p>Indicator 2.1: Indicators to address social, political, cultural/spiritual, and economic dimensions of Aboriginal community life. (Core — to be developed)</p> <p>Indicator 2.2: Return of forestry revenues to Aboriginal communities through royalty transfer and participation in forest-based economic activity. (Supporting)</p>

<p>Element 3: Aboriginal forest-based knowledge and traditional land use.</p>	<p>Indicator 3.1: State-of-Aboriginal forest-based knowledge Index. (Core)</p> <p>Indicator 3.2: Breadth (percentage of population) and intensity (amount of time spent) of participation in traditional forest uses. (Supporting)</p> <p>Indicator 3.3: Number and budgets of programs aimed at passing forest-based knowledge from knowledge-holders to youth. (Supporting)</p>
<p>Element 4: Aboriginal participation in sustainable forest management research and planning.</p>	<p>Indicator 4.1: Extent of mutual learning and consultation with Aboriginal knowledge-holders in forest management planning and in the development of policies and legislation related to forest management. (Core)</p> <p>Indicator 4.2: Number and quality of cooperative management agreements between Crown and Aboriginal peoples. (Core)</p> <p>Indicator 4.3: Degree of Aboriginal involvement in developing forest management prescriptions to protect Aboriginal values. (Supporting)</p> <p>Indicator 4.4: Area of forest tenure managed by Aboriginal peoples. (Supporting)</p> <p>Indicator 4.5: Number of Aboriginal people trained and employed in the forest sector. (Supporting)</p>

### **Forest Stewardship Council Principle 3 (FSC 2000)**

#### **Principle #3: Indigenous peoples' rights**

The legal and customary rights of indigenous peoples to own, use and manage their lands, territories, and resources shall be recognized and respected.

3.1 Indigenous peoples shall control forest management on their lands and territories unless they delegate control with free and informed consent to other agencies.

3.2 Forest management shall not threaten or diminish, either directly or indirectly, the resources or tenure rights of indigenous peoples.

3.3 Sites of special cultural, ecological, economic or religious significance to indigenous peoples shall be clearly identified in cooperation with such peoples, and recognized and protected by forest managers.

3.4 Indigenous peoples shall be compensated for the application of their traditional knowledge regarding the use of forest species or management systems in forest operations. This compensation shall be formally agreed upon with their free and informed consent before forest operations commence.

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