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## Assessment of the Need for Aboriginal Compliance with Sustainable Forest Management and Forest Product Certification Systems

**RESEARCH PAPER** 

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#### **UPDATE - MARCH 1997**

In October 1996 the Canadian Standards Association formally launched its standards for a sustainable forest management system, outlined in the two documents, CAN/CSA-Z808-96 A Sustainable Forest Management System: Guidance Document and CAN/CSA-Z809-96 A Sustainable Forest Management System: Specifications Document available from CSA, for \$45 and \$35 respectively by calling 1-800-463-6727. The CSA is establishing a technical sub-committee to address long-term maintenance and interpretation of the SFM standards.

The Canadian Working Group of the Forest Stewardship Council has begun the development of regional ecosystem standards. Work has been underway to establish standards for the Acadian forest region in the Maritimes with a draft document expected to be ready for public review by September 1996. Work has also begun to develop standards for the Great Lakes-St. Lawrence forest region in eastern Canada and for some of the forest types in British Columbia. The FSC is exploring means to begin the development of standards for Canada's largest forest region, the Boreal.

The International Organization for Standardization (ISO) is still considering the development of an international forest management standard under its 14000 environmental management systems series.

#### **1.0 INTRODUCTION**

This discussion paper will examine how Aboriginal communities may be affected by processes under development to certify sustainable forest management or sustainably produced forest products and the possible basis for Aboriginal communities complying with these processes. Background information will be provided on the events leading to certification, the current status of certification initiatives and options for Aboriginal communities to meet certification standards or use such systems to promote their interests. A number of the certification processes under development will be reviewed, including the Canadian Standards Association (CSA) Sustainable Forest Management (SFM) System, the Forest Stewardship Council's (FSC) Principles and Criteria for Natural Forest Management, the International Standards Organization (ISO) 14000 Environmental Management System series.

Aboriginal communities may be affected by certification as: 1) participants in forest management planning in their traditional territories; 2) forest managers of Reserve lands for which they decide to apply for certification; or 3) forest companies or contractors who provide forest products (primarily timber at this point) to forest companies who are certified. Aboriginal involvement in certification will depend on local circumstances including the nature of communities' or Aboriginal businesses' relationships with the forest industry and the degree of autonomy in forest management.

#### 2.0 BACKGROUND

#### 2.1 Sustainable Forest Management

Aboriginal communities in Canada have struggled to gain access to decision-making, employment and business opportunities in the harvest and management of forest resources in their traditional territories. Until recent years, the standard practice of provincial governments was to license access to timber and authorize forest harvesting operations without reference to the interests and needs of Aboriginal peoples whose communities and traditional territories were surrounded by or were part of licensed areas. The concept of sustainable forest management has the potential to increase Aboriginal peoples' participation in forest management and to improve forestry practices.

Sustainable forest management is an important concept that directly addresses the future of the world's forests. The concept views forests as holistic, complex and diverse systems. Sustainable forest management has an ecological dimension that strives for the perpetual maintenance of the forest, an economic dimension that includes the production of products and services and a social dimension that involves people in forest management decisionmaking processes and distribution of forest benefits.

Sustainable forest management has been thrust to the forefront as a result of increased environmental awareness and recognition on the part of governments that protection of the environment must be incorporated into all aspects of government policy. One aspect of the growing movement towards sustainable forest management is that some consumers, led by environmental organizations, are demanding evidence that wood and paper products are derived from sustainable, environmentally-sensitive forest practices.

#### 2.2 Why Certification?

Over the past five years, organizations have been established to certify, or formally declare, that forest companies are practising sustainable forest management. Certification of forest products and of sustainable forest management systems is the proposed means, via the marketplace, to provide evidence of sustainable forest management. Certification shifts the motivation for responsible forest management away from government regulation to market pressure. This market pressure is the consumer's willingness to search out and pay for a product that is guaranteed to have been produced in a sustainable way. The forest industry is developing certification of forest management not as a result of government regulation, but in a voluntary effort to convince consumers to continue buying their forest products.

The Society of American Foresters recently conducted a study which summarizes the goals of certification (Ozanne & Vlosky, 1996):

- to increase general consumer awareness of the relationship of the forest industry to the environment;
- 2) to increase consumer acceptance and confidence;
- 3) to modify consumer behavior;
- 4) to modify manufacturer behavior;
- 5) to improve the earth's environmental quality;
- 6) to increase market share;
- 7) to provide product differentiation;
- 8) to provide an objective audit of the management of the forest asset;
- 9) to promote sustainable forest management; and
- 10) to demonstrate that forest management provides sustainable economic, ecological and social benefits.

Although certification is voluntary and market-driven, governments have played a major role in defining sustainable forest management. Throughout the world, there are numerous government-led efforts underway to define and implement sustainable forest management through the development of standards and management systems which will guide forest companies in their practices. In Canada, the federal and provincial governments, through the Canadian Council of Forest Ministers (1995), have developed "criteria" [principles or guides for action] and "indicators" [the means to measure if criteria are being met] for sustainable forest management. These criteria and indicators will be used to measure and monitor progress and ensure that the principles of sustainable forest management are met. A strong link has

been forged between criteria and indicators and certification processes.

The notion of certifying sustainably produced forest products originated in the environmental movement in much the same way as did eco-labelling of a range of consumer products. Organically grown food is probably the best example of a certification process in action. Today, entire production, marketing and distribution systems are in place for organically grown, pesticide (residue) free food products and the market niche is growing steadily. While some comparisons on consumer preference can be made with organic food, a major difference with forest product and forest management systems certification is that the discussion has not focussed on a niche or market segment - entire industries are considering certification processes for their products. The involvement of nation states in sustainable development, as signatories to international conventions and trade agreements, will probably mean that certification in the forest industries will be more pervasive and all-encompassing.

To understand what has led to the development of certification processes in the forest sector, it is helpful to look back at the events which have occurred in furthering sustainable development and sustainable forest management.

#### 2.2.1 World Commission on Environment & Development and United Nations Conference on Environment & Development

The World Commission on Environment and Development (WCED) focussed discussion on sustainable development and the relationship between the natural environment and economic development. In Our Common Future (1987), the WCED defined sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." The WCED's principal recommendation was that there should be a global effort to achieve sustainable development. WCED also recommended that national governments incorporate the goals of environmental protection and sustainable development in the mandates of all government agencies. At the international level, the WCED targeted institutional arrangements, particularly those of the United Nations, and sought commitment from nation states on environmental protection and sustainable development through agreements and conventions.

In the five-year period from 1987-1992, international discussion and negotiation on sustainable development took place in a variety of fora, most notably the preparatory meetings leadings to the United Nations Conference on Environment and Development (UNCED). UNCED, also known as the Rio Conference and the Earth Summit, took place June 1992 in Rio de Janeiro. Intended to secure an environmentally sustainable future for all nations of the world, UNCED brought together 20,000 people representing governmental and non-governmental organizations. Though there were, and still are, varying opinions on the degree of success achieved at UNCED, the conference did produce results designed to further sustainable development internationally:

- <u>The Rio Declaration</u> a 27-point statement of principles for the integration of environment and development;
- <u>Agenda 21</u> a 40-chapter, 500-page program which provides a blueprint of action in all areas relating to sustainable development, including chapters on deforestation and indigenous issues;
- Climate Change Convention a legally binding convention calling for the development of national programs to limit greenhouse gas emissions and use healthy forests as carbon sinks;
- <u>Biodiversity Convention</u> a legally binding convention requiring the conservation of biodiversity and the sustainable use of biological resources;
- Statement of Forestry Principles a nonlegally binding authoritative statement of principles for a global consensus of the management, conservation and sustainable development of all types of forests.

#### 2.3 Why are Aboriginal Issues Now Being Considered an Integral Part of Sustainable Forest Management?

Although Aboriginal groups are among those that have been critical of UNCED, indigenous issues did receive considerable recognition in UNCED documents. Agenda 21 contained a separate chapter devoted to indigenous issues entitled "*Recognizing and Strengthening the Role of Indigenous People and Their Communities*" (Chapter 26). Some of the key statements made in UNCED documents pertaining to indigenous people and their involvement in sustainable development include:

#### **The Rio Declaration - Principle 22**

"Indigenous people and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development."

#### Agenda 21, Chapter 26, clause 26.1

"In view of the interrelationship between the natural environment and its sustainable development and the cultural, social, economic and physical well-being of indigenous people, national and international efforts to implement environmentally sound and sustainable development should recognize, accommodate, promote and strengthen the role of indigenous people and their communities."

#### **Biodiversity Convention, Article 8(j)**

"Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote the wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices."

# Statement of Forest Principles, Element (5a)

"National forest policies should recognize and duly support the identity, culture and respect for the rights of indigenous people, their communities, and other communities, and forest dwellers. Appropriate conditions should be promoted for these groups for them to have an economic stake in forest use, to perform economic activities, and achieve and maintain cultural identity and social organization, as well as adequate levels of livelihood and well being, including through those land tenure arrangements which serve as incentives for the sustainable management of forests."

# Statement of Forest Principles, Element (13d)

"Appropriate indigenous capacity and local knowledge regarding the conservation and sustainable development of forests should, through institutional and financial support, and in collaboration with the people in local communities concerned, be recognized, respected, recorded, developed and, as appropriate, introduced in the implementation of programmes."

Canada, as a nation, is now obligated to achieving sustainable development in accordance with the commitments made in these UNCED agreements and conventions. Canada would have preferred a forest convention rather than the non-legally binding Forest Principles, but there was insufficient support internationally for a convention. Nations did agree that they would individually set criteria and indicators for sustainable forest management as a basis for future negotiations on a forest convention, a process which could take years. To demonstrate a leadership role at UNCED on forestry-related issues, Canada was the first industrial country to ratify the Biodiversity Convention which came into force on December 29, 1993.

The significance of the UNCED statements on indigenous issues is that, in working towards sustainable development, nation states that signed the conventions or agreed to the principles in the Rio Declaration or Statement of Forest Principles are committed to addressing indigenous issues in the context of sustainable development. In effect, adequate provision for elements such as recognition of indigenous knowledge, maintenance of cultural identity, sharing in economic benefits and participation in decision-making are integral to the evolving definition and implementation of sustainable development. While many indigenous groups have pointed out inadequacies of UNCED statements on indigenous issues and the lack of financial resources to achieve the goals set out, some have noted a marked change in the attitude of United Nations countries towards indigenous peoples and their rights.

#### 2.4 Post UNCED

Since UNCED, the global discussions on sustainable development and forest issues have continued. As was recommended in Chapter 38 of Agenda 21, a UN Commission on Sustainable Development (CSD) has been established "in order to ensure the effective follow-up of the Conference, as well as to enhance international cooperation and rationalize the intergovernmental decision-making capacity for the integration of environment and development issues and to examine the progress of the implementation of Agenda 21 at the national, regional and international levels."

To deal with forest issues in the global context, the CSD has formed an Intergovernmental Panel on Forests to coordinate follow-up forestry activities at the international level. However, the major tasks of implementing UNCED commitments fall squarely in the hands of

national governments. In Canada, the National Forest Strategy (1992) and the Canadian Biodiversity Strategy (1995) have provided the framework for a range of domestic initiatives including the development of criteria and indicators of sustainable forest management.

#### 3.0 IMPLEMENTATION OF SUSTAINABLE FOREST MANAGEMENT

#### 3.1 Criteria and Indicators of Sustainable Forest Management

In 1993, the Canadian Council of Forest Ministers (CCFM) initiated a process to develop criteria and indicators for sustainable management of Canada's forests. This initiative was undertaken to fulfill commitments made in the National Forest Strategy and the UNCED Forest Principles to provide a common understanding of what sustainable forest management means to Canada. The criteria and indicators provide a framework for describing the state of Canada's forests and forest management, and for periodically demonstrating achievements in implementing sustainable forest management. Among other goals, criteria and indicators for sustainable forest management are intended to:

 clarify the meaning of sustainable forest management and provide a framework for describing and assessing progress in achieving sustainable forest management at a national level;

- provide a reference point for the development of policies on the conservation, management and sustainable development of forests;
- contribute to the clarification of issues related to environment and trade, including certification of forest products and sustainable forest management systems.

In March of 1995, the CCFM released Defining Sustainable Forest Management: A Canadian Approach to Criteria and Indicators, outlining six criteria, each with a set of indicators. The six sustainable forest management criteria are:

- 1. Conservation of biological diversity;
- Maintenance and enhancement of forest ecosystem condition and productivity;
- 3. Conservation of soil and water resources;
- 4. Forest ecosystem contributions to global ecological cycles;
- 5. Multiple benefits to society; and
- 6. Accepting society's responsibility for sustainable development.

In the Canadian approach, Aboriginal issues are identified as indicators 6.1 Aboriginal and treaty rights and 6.2 Participation by Aboriginal communities in sustainable forest management under Criterion 6. Aboriginal indicators therefore become part of forest management activity and the unique or special needs of Aboriginal people must be reflected. Where appropriate, Aboriginal and treaty rights must be

provided for, Aboriginal people must benefit from forest use and the allocation of resources must be made in a fair and equitable way. (See **Appendix 1**, Defining Sustainable Forest Management: A Canadian Approach to Criteria and Indicators.)

#### 3.2 The Canadian Standards Association Sustainable Forest Management System

In early 1994, the Canadian forest industry formed a coalition and asked the Canadian Standards Association (CSA) to develop a sustainable forest management (SFM) certification program. (The CSA is the preeminent standards-writing body in Canada, having developed standards and certification programs for over 75 years in more than 35 technology fields.) The CSA agreed to the task of developing standards for sustainable forest management through a multistakeholder technical committee with representatives from the "forest industry, governments, academics, scientists, technical experts, and non-governmental, environmental and Aboriginal organizations" (Canadian Standards Association Z808, 1996). The National Aboriginal Forestry Association (NAFA) was the only Aboriginal organization with representation on the Technical Committee and NAFA has cautioned the CSA about giving the impression that it has more Aboriginal involvement than is actually the case (see Appendix 2, NAFA letter of March 15, 1996 to CSA).

The CSA approach was to develop standards to certify a "system" rather than a product, that is to certify that the forest management system used by a forest company has met the CSA SFM standards. Once the standards have been met, certification would be used to assure consumers that the wood used to manufacture the goods they buy is derived from forest operations managed in an environmentally sound and sustainable way.

In establishing goals and indicators of sustainable forest management, the CSA SFM system has adopted the CCFM criteria and indicators as a starting point for developing a "value set" at a local or forest management unit level. The six Canadian criteria must be followed in the CSA system, with some flexibility for developing indicators at the local level through public participation.

Two key documents constitute the core of the CSA sustainable forest management certification program. The Z808 Guidance Document gives a general description of the SFM standard and introduces the following elements: commitment, public participation, management framework and continual improvement. The Z809 Auditor's Specification Document outlines the requirements of a forest manager or owner seeking to register a defined forest area (DFA) and the audit procedures to be used by a Registration Organization (RO) to determine whether the forest manager or owner's SFM System and the DFAs meet the registration requirements.

The process for obtaining certification under the CSA SFM system requires that the owner or manager of a DFA be audited in four broad areas:

#### Commitment

To begin the process, the forest owner or manager must indicate total commitment to sustainable forest management for a DFA. In the case of a forest company, the owner or manager may be the General Manager; the commitment could be in the form of a directive and policy statements from the Board of Directors; and the DFA could be the licensed area(s) for which the company has forest management responsibility.

#### **Public Participation**

An open process for public input must be in place to identify local indicators, values and objectives for a DFA. Aboriginal participation is included and must be provided for in this context. Z808 states: "Aboriginal forest users and communities require particular consideration in the SFM System, given their long-standing and intimate economic, cultural and spiritual connection with forests. Moreover, Aboriginal status is unique and should be reflected in the public participation process." Z808 also stipulates that "public participation processes require that both financial and human resources be sufficient to match the selected process."

Z808 describes more fully the requirements for Aboriginal participation:

"The CSA SFM System recognizes that Canadian forests are of a special significance for the Aboriginal people whose lifestyles, culture and religious beliefs are closely tie to the sustainability of the forest system. It further recognizes that they possess special knowledge and insights concerning forest sustainability derived from their traditional practices and experience.

The Aboriginal people who have interest in or are impacted by forest management in a DFA must be given an opportunity to participate in the public consultation process and input their special knowledge to the process of setting values, criteria, indicators and objectives."

#### **Management Framework for SFM Plan**

The components of an SFM System include: preparation; planning; implementation; measurement and assessment; and review and improvement. In preparation, the DFA must be defined, values identified, goals defined, indicators chosen and inventories conducted. In planning, the following procedures must be followed: review current positions; review regulations; evaluate risks; forecast results; and create an SFM plan. In reviewing regulations, forest managers

or owners are required to "comply with all applicable legislation and other requirements that relate to ownership, tenures, and rights that apply to the DFA." Z808 states:

"Existing Aboriginal and treaty rights are recognized and affirmed in the Canadian Constitution. Duly established Aboriginal and treaty rights must be identified and respected. The CSA SFM System does not in any way intend to define, interpret, or prejudice ongoing or future negotiations regarding these legal rights."

Implementation of an SFM system requires adequate financial resources and organizational capacity, identification of responsible and accountable individuals and organizations, control procedures for all parts of the SFM plan, documentation of the system and communication about the SFM system both internally and with the public.

#### **Continual Improvement**

To ensure that certification is maintained, the owner or manager must focus on continual improvement within the context of the SFM plan. Comparison of actual to forecasted results is to be used "to improve the performance of both the SFM Plan and the condition of the forest."

Once the owner has fulfilled the above requirements and a Registration Organization has deemed the SFM system (of the owner or manager) to have met the CSA standard, a Certificate of Registration will be issued. The forest owner or manager may then use the certification as a means of promoting and marketing the company's forest products.

The CSA carried out field tests of its SFM System standard described in Z808-96 at six sites across Canada in February-March 1996. The results of these pilots are contained in a *Summary Report CSA Field Tests of Z809 Sustainable Forest Management System* (Jacques Whitford Environment Ltd., April 15, 1996). The CSA Technical Committee will be reviewing the results of the field tests and public responses to a review of the Z808 and Z809 documents in May 1996. The CSA hopes to have the Technical Committee approve and finalize the draft standard in 1996.

#### 3.3 Forest Stewardship Council

The Forest Stewardship Council (FSC) was founded in 1993 (headquartered in Oaxaca, Mexico) "by a diverse group of representatives from environmental institutions, the timber trade, the forestry profession, indigenous peoples' organizations, community forestry groups and forest product certification organizations from 25 countries" (FSC Notes, Summer 1995). The FSC mission is "to support environmentally appropriate, socially beneficial, and economically viable management of the world's forests." The FSC hopes to accomplish this goal "by evaluating, accrediting and monitoring

certifiers, and by strengthening national certification and forest management capacity through training, education, and the development of certification initiatives." The FSC itself does <u>not</u> certify forest products; it accredits and monitors certifiers.

Through accreditation of certifiers of forest products, the FSC ensures adherence to FSC principles and criteria and to guidelines it will establish on a regional basis for certification. The FSC approach is to certify forest products through a trade mark which requires a "chain of custody" inspection to verify that the finished product is from sustainably managed forests. The objective of FSC certification is to assure consumers that their purchases of forest products do not contribute to the destruction and degradation of the world's forests.

Though FSC certification and development of regional standards has taken place in other countries, in Canada the organization is still in its infancy. On January 9, 1996 a Canadian Working Group of the Forest Stewardship Council was formed. An Interim Steering Committee was formed including delegates representing four "houses": Aboriginal, Economic, Environmental and Social. Each house will have voting rights equivalent to 25%. A Standards Writing Committee was formed to develop regional standards based on ecosystem types. The Committee will concentrate on standards for the Boreal forest, Canada's largest ecosystem, based on established FSC principles, including:

# Principle #1: Compliance With Laws and FSC Principles

Forest management shall respect all applicable laws of the country in which they occur, and international treaties and agreements to which the country is a signatory, and comply with all FSC Principles and Criteria.

# Principle #2: Tenure and Use Rights and Responsibilities

Long-term tenure and use rights to the land and forest resources shall be clearly defined , documented and legally established.

#### **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.

#### Principle #4: Community Relations and Worker's Rights

Forest management operations shall maintain or enhance the long-term social and economic well-being of forest workers and local communities.

**Principle #5: Benefits from the Forest** Forest management operations shall encourage the efficient use of the forest's multiple products and services to ensure economic viability and a wide range of environmental and social benefits.

#### Principle #6: Environmental Impact

Forest Management shall conserve biological diversity and its associated values, water, resources, soils, and unique and fragile ecosystems and landscapes, and, by so doing, maintain the ecological functions and the integrity of the forest.

#### Principle #7: Management Plan

A management plan - appropriate to the scale and intensity of the operations - shall be written, implemented, and kept up to date. The long term objectives of management, and the means of achieving them, shall be clearly stated.

#### **Principle #8: Monitoring and Assessment**

Monitoring shall be conducted - appropriate to the scale and intensity of forest management - to assess the condition of the forest, yields of forest products, chain of custody, management activities and their social and environmental impacts.

# Principle #9: Maintenance of Natural Forests

Primary forests, well-developed secondary forests and sites of major environmental, social or cultural significance shall be conserved. Such areas shall not be replaced by tree plantations or other land uses.

#### **Principle #10: Plantations**

Principle #10 was in a draft stage and has recently been finalized. The principle is quite lengthy and can be found in the Canadian Working Group's Document 1.2, revised January 1996. The first paragraph of the principle states: Plantations shall be planned and managed in accordance with Principles and Criteria 1-9, and Principle 10 and its Criteria. While plantations can provide an array of social and economic benefits, and can contribute to satisfying the world's needs for forest products, they should complement the management of, reduce pressures on, and promote the restoration and conservation of natural forests. The management objectives of the plantation, including natural forest conservation and restoration objectives, shall be explicitly stated in the management plan, and clearly demonstrated in the implementation of the plan.

The Steering Committee of the FSC Canadian Working Group has outlined its functions:

- Facilitation and coordination of efforts to write FSC standards for the various forest types across Canada;
- Promote the FSC through education, public debate and the marketing of the FSC logo;
- Be the principle contact for the Canadian Standards Association for discussions about forest standards in Canada;
- Establish the procedures for the selection of a permanent steering committee; and
- Raise funds.

There is no time frame for implementation of these functions, although it is expected that certain regions within Canada will progress more quickly. A representative of the National Aboriginal Forestry Association attended the January 1996

Canadian Working Group meeting and has volunteered to help in the Standards Writing exercise, based on the commitment FSC has made under Principle #3: Indigenous Peoples Rights. This principle has the following sections:

- 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.

#### 3.4 International Organization for Standardization (ISO) 14000 Series

The FSC, CSA and forest companies are all concerned that their approach to sustainable

forest management be compatible with international standards. At the international level, certification could cause substantial problems. If consumers are to use their buying power to influence forest practices, there must be globally consistent standards so that buyers do not shift alliances to countries or companies with weak or nonexistent standards. With this in mind, the FSC and the CSA have approached the International Standards Organization (ISO), a worldwide federation of national standards bodies, in attempts to harmonize certification processes and gain ISO recognition. No progress in this regard has been achieved to date although the ISO is developing its own standard for "environmental management systems." The ISO has developed the 14000 series to assist organizations and companies in the assessment and improvement of their environmental performance. The 14000 series publications are expected to be released by the fall of 1996. Both the CSA and FSC are trying to tailor their standards to meet ISO standards so that Canadian standards will gain ISO recognition.

#### 3.5 Pacific Certification Council

The Pacific Certification Council was formed in 1993 "to promote ecologicalresponsible forest management and forest product certification for the Pacific Northwest bioregion--from northern California through British Columbia [Cascadia]" (International Journal of Ecoforestry, Winter 1995). Member groups include the Institute for Sustainable Forestry in northern California, Rogue Institute for

Ecology and Economy in Oregon, Ecoforestry Institute in Oregon, Ecoforestry Institute Society in BC, and Silva Forest Foundation in British Columbia. All groups were founding members of the Forest Stewardship Council but the Pacific Certification Council has not been accredited by the FSC. Silva Forest Foundation claims Canada's "first wood certification" near Vernon, BC (Greenpeace, 1995) of a 29-hectare (71.5 acres) block in the Currie ridge area near Vernon managed as part of the BC Ministry of Forestry Small Business Program.

The Pacific Certification Council has its own guidelines for certification under the headings: *Principles of respectful human relationships with forests; guidelines for respectful forest use; and some prohibited management practices.* The wording on protection of indigenous rights is very similar to the FSC's Principle #3:

1.3.1 The customary rights of indigenous peoples to own, use, manage and conserve their lands, territories, and resources must be recognised and respected in all forest management plans.

Canadian members of the Pacific Certification Council are also members of the Canada United States Association (CUSA) of the Smart Wood Network, a U.S.-based certification program of the Rainforest Alliance. Through CUSA, the Smart Wood certification program is being brought to British Columbia. The basis of this trans-border cooperation is the belief that regional standards should be based on ecosystems and that the B.C. coastal, temperate rainforests are naturally tied to the rainforests of Oregon and Washington, thus the name "Cascadia" for this "bioregion."

#### 4.0 IMPACT OF CERTIFICATION ON ABORIGINAL COMMUNITIES

Aboriginal communities may be affected by forest certification in several ways:

- Public participation in forest management planning: What status do Aboriginal people/communities have in the planning process and how are Aboriginal values incorporated into planning?
- Business/economic opportunities: Will certification hinder or promote Aboriginal participation?
- Forest management on Reserve land: Will First Nations<sup>1</sup> (see footnote at end of document) choose to follow certification standards to improve forest management of Reserve forest lands?
- Assessment and monitoring: Will Aboriginal communities have a say in whether companies being certified are actually meeting standards?

Many forest companies in Canada will voluntarily follow certification processes which will require them to assure certification organizations that their wood supply is from sustainably managed forests. In turn, independent suppliers of wood to these companies will be required to also follow the certification process which either

the forest company or harvesting contractor has adopted. Inability to meet the criteria for certification will mean that the forest company will refuse wood at the mill gate which does not come from sustainably managed forests.

#### 4.1 Overview of Aboriginal Forestry Operations

Although no precise data exists with respect to Aboriginal businesses in the forest sector, NAFA estimates that there are 600 forestbased businesses generating approximately 10,000 man-years of employment. Approximately 50% of all Aboriginal businesses are involved with forest harvesting primarily as third party license holders or as contractors to large forest companies. These contractors may be logging both on and off Reserve.

According to the Canadian Forest Service, the productive forest lands on Canada's Indian Reserves total approximately 1.4 million hectares. Of the 603 First Nations with a Reserve land base, approximately 240 have forest areas in excess of 1,000 hectares. Timber harvesting on Reserve lands has declined in recent years due to the depletion of merchantable timber. Harvest levels for most Reserves do not exceed 2,400 cubic metres (1,000 cords) per year although there are exceptions. Presently, First Nations and their contractors now harvest timber from Reserve lands which is sold to a full range of forest companies. The value of wood coming off Reserve lands is unknown though it is estimated to be between \$400-\$600 million per year nationally. Since

1984, 250 First Nations have developed forest management plans for their forested lands. These plans are largely timberoriented with allowable cuts determined on a sustained yield basis, that is, logging no more than the forest can produce continuously at a given intensity of management (Silvicultural Terms in Canada, 1992).

The vast majority of Aboriginal forest companies operate off Reserve in areas under the tenure of forest companies or management by the provinces. Across the country, the array of working arrangements with forest companies is quite broad with each province operating its tenure system on Crown land through a multitude of licensing processes. It is safe to conclude, however, that the instances where First Nations would be considered the forest manager are limited. Two exceptions are Tanizul Timber, a forest company of the Tl'azt'en First Nation in B.C., which holds a Tree Farm License administered by the Province of B.C. and Mistik Corporation, a joint venture company involving the Meadow Lake Tribal Council. which holds a Forest Management Licence Agreement in northern Saskatchewan administered by the Province of Saskatchewan.

#### 4.2 Certification and Indian Reserve Forest Land Management

Reserve land is held in trust by the federal government which has Constitutional authority for "Indians and Indian lands". Reserves are governed by the *Indian Act*. For forestry on Reserve lands, the only provisions in the *Act* are the *Indian Timber Regulations* which state that the Minister of Indian Affairs must issue permits for timber harvesting. There are no provisions for forest management or renewal in the *Act*.

First Nations could apply for certification of forest management on Reserve land if they have their own processing facility or if they are supplying wood (whether from on Reserve or off) to a processing facility off Reserve which is certified. A First Nation may also decide to make Reserve forest land part of a larger defined forest area. Such a cooperative venture might be negotiated with a province as forest manager, a forest company with a license in the area adjacent to the Reserve or with other First Nations or private woodlot owners. A First Nation's ability to determine its own course of action, though, is limited by the Indian Act and the requirement to have ministerial approval for any chosen course of action.

In a number of studies carried out in the past ten years, it has been concluded that most Indian Reserves are of insufficient size to support a viable forestry operation. Reserve lands have also been overexploited for the past 100 years or more resulting in the degradation of these forests. This degradation was a result of the lack of any forest management on Reserve lands and First Nations' peoples being excluded from access to resources off Reserve and therefore forced, usually by poverty, to rely heavily on the small area Reserve lands.

Consequently, the first question which will need to be addressed in looking at certification is the cost of implementing a sustainable forest management system relative to the value of timber that could be harvested. This will need to be a local decision based on cost-effectiveness, weighing the costs of implementing a sustainable forest management system against the sale of wood harvested under such a system. If costs are prohibitive for First Nations, then certification systems could actually serve to further exclude these communities from participating in forest management and operations.

In the development of the CSA SFM system, forest companies and other forest managers, such as woodlot owners, were considered. Aboriginal people and their issues were referred to in values identification and participation in planning. First Nations were not mentioned in the role of forest manager although the CSA Technical Committee did acknowledge that Reserve lands could be treated like woodlots.

There are a number of issues a First Nation would have to address when deciding to seek certification for Reserve land under the CSA SFM system.

Managing for Sustainability

The CSA SFM System places the onus on the owner or manager for a DFA. In the case of Indian Reserve lands, title and jurisdictional responsibility is vested in the Federal Crown. Only the Federal Minister of Indian Affairs has the authority to issue permits to harvest timber pursuant to the Indian Act and Indian Timber Regulations. No doubt, First Nations would need to come to some arrangement with the Department of Indian Affairs to designate the DFA.

#### SFM Performance Framework

The CSA Z808 document states that "values are a principle, standard, or quality considered worthwhile or desirable. In SFM, values relate to the environmental, economic, and social aspects of forests and their uses." The CCFM Criteria and Indicators provide general guidance in values identification but the CSA also stresses the identification of local values. With respect to Reserve lands, the values of First Nations could differ significantly from other communities.

#### SFM System Framework

 Once the issue of ownership or management responsibility of Reserve land is clarified, First Nations would have some flexibility in terms of expressing commitment. A resolution of the First Nation Council enunciating mission, principles and codes of practice would likely suffice.

- Public participation could be achieved through consultation with the members of the First Nation and with non-Aboriginal people who may have an interest in the land or the affairs of the First Nation.
- Existing forest management plans would need to be amended to incorporate the required elements of a SFM Plan. In this regard a major issue will arise, that of regulation and control. In developing the SFM Plan, a First Nation will need to specify how regulation will be exercised and how activities will be controlled. The lack of a forest management regulatory regime for Reserve lands could pose a dilemma.
- Implementing the SFM Plan, a First Nation will need to dedicate resources and develop a system for ongoing data collection, measurement, accountability, annual reviews, etc.

#### SFM Registration

 As with others seeking certification, First Nations will need to submit to an audit verifying compliance.

#### 4.3 Traditional Territories

Traditional territories are those lands which have been and are currently being used by Aboriginal communities. Some of this land may be "Reserve" land (defined above), but much of it may also be "Crown" land. On some areas of Crown land, Aboriginal peoples negotiated treaties with the federal government ensuring protection of their way

of life and a sharing of the natural resources on this land. In areas, where treaties were not negotiated, the Canadian Constitution and courts have recognized "Aboriginal rights," that is continued use of lands as was an Aboriginal people's custom (see Appendix 3, "Aboriginal Participation in Forest Management: Not Just Another 'Stakeholder''').

Both the CSA and the FSC contain clauses which require Aboriginal participation and the inclusion of Aboriginal values and recognise that Aboriginal peoples have particular rights to land and use of forest land which is different from other forest users.

#### 4.3.1 Aboriginal and Treaty Rights

Both the CSA and the FSC recognise the historical and legal rights of Aboriginal peoples. The full wording of the language on Aboriginal issues in these two processes is outlined in Section 3. The FSC in its Principle #3 recognizes "the legal and customary rights of indigenous peoples to own, use and manage their lands, territories, and resources." The CSA based its recognition of Aboriginal and treaty rights on the CCFM Criteria and Indicators. In that process, the Canadian Council of Forest Ministers refused to grant respect and provision for Aboriginal and treaty rights a special place as a separate criterion and instead relegated it to an indicator under Criterion 6. By following the CCFM criteria and indicators, the CSA also gave Aboriginal rights a lesser place. Under the CSA process, it is also likely that indicators

will be dropped or adapted after public participation and this may have an impact on the weight given to Aboriginal issues, especially since in most areas Aboriginal peoples are in the minority.

Indicator 6.1 of the CCFM's Criterion 6, Accepting Society's Responsibility for Sustainable Development, states:

Existing Aboriginal and treaty rights are recognized and affirmed in the Canadian Constitution. In order to ensure that duly established Aboriginal and treaty rights are respected, they should be considered in the context of sustainable forest management.

Various levels of government in Canada will aim to meet their legal obligations with respect to duly established Aboriginal and treaty rights in accordance with policy and legislation in their respective jurisdictions. When discussed in relation to renewable resources, such Aboriginal and treaty rights generally related to hunting, fishing and trapping, and in some cases, gathering.

Forest management and planning processes should be designed, as far as possible, with input from involved Aboriginal communities, as well as other affected groups and communities. Final plans should reflect the options considered and actions taken with respect to duly established Aboriginal and treaty rights.

With both the CSA and FSC processes, auditors measuring whether a forest manager has complied with standards will determine whether or not Aboriginal and Treaty rights

have been identified and respected in forest management plans. If an Aboriginal community thinks that their rights have not been given serious attention in the forest management planning process, then they may challenge the certification.

#### 4.3.2 Aboriginal Participation in Forest Management Planning

The CSA has developed its SFM System on the basis that Aboriginal people need to and will participate in public participation and planning processes controlled by other forest owners and managers. The FSC's Canadian standards when they are developed will no doubt include Aboriginal participation based on their Principle #3 which states that indigenous peoples will control or delegate control of forest management on their territories. It will be up to Aboriginal communities to participate in these process to ensure that standards are being followed at the local level.

#### 4.3.3 Aboriginal Values

Both the CSA and the FSC require that Aboriginal values be given consideration in forest management planning. Both recognize that Aboriginal peoples have a special knowledge concerning forest sustainability based on their traditional practices and experiences ("traditional knowledge") and that this knowledge should be used in planning. The FSC goes further to recommend that Aboriginal peoples should be compensated for this knowledge and that "this compensation shall be formally agreed upon with their free and informed consent before forest operations commence." The CSA states that Aboriginal peoples must be given "an opportunity to participate in the public consultation process and input their special knowledge to the process of setting values, criteria, indicators and objectives."

#### 4.3.4 Provincial Legislation and Regulations

Both the CSA and FSC require the forest manager applying for certification to follow the legislative and regulatory requirements established by governments. The CSA states that "the forest manager or owner must comply with all applicable legislation and other requirements that relate to ownership, tenures, and rights that apply to the DFA."

The FSC's Principle #1 also requires that forest management shall respect all applicable laws of the country in which they occur...." These clauses mean that any existing policy concerning Aboriginal people and their involvement in natural resource management would become an essential element of the certification of sustainable forest management. Therefore, for example, Condition #77 of the Class Environmental Assessment for Timber Management on Crown Lands in Ontario which requires the Ontario Ministry of Natural Resources to provide more opportunities in the forest sector to Aboriginal communities and the B.C. Protection of Aboriginal Rights Policy would have to be followed under these certification systems. This will be an

advantage for Aboriginal communities in those provinces which have stronger regulations supporting Aboriginal and treaty rights and Aboriginal participation in forest management.

#### 5.0 OPTIONS FOR FIRST NATIONS COMPLIANCE

#### 5.1 Non-Compliance

Regardless of how quickly certification becomes the accepted practice in Canada, there will always be a market for noncertified forest products. Markets for rough lumber used in the production of wood products, such as pallets, construction and mining timbers, and a range of other industrial uses, will not come under the same scrutiny as will products marketed directly to consumers. As well, consumers in some countries or markets will not be as demanding. In the United States, for example, green consumerism has not had the same profile as it has had in Europe and, considering that 80% of all Canadian forest products are destined for the U.S. market, negative responses to certification by the U.S. forest industry will have a major impact on the effectiveness of certification systems. [See Ozanne & Vlosky, 1995 for a summary of these negative responses.]

Can Aboriginal communities and companies achieve increased business opportunities by catering to the markets for non-certified wood? Without complying with these certification systems, will Aboriginal forest managers be able to claim they are practising sustainable forest management?

# 5.2 Improved Relationships with Industry

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As most Aboriginal forest harvesting companies operate within the licensed areas of forest companies, continued survival and opportunities for growth will depend on mutually beneficial working arrangements. Aboriginal communities and companies must recognize that the onus for implementing a sustainable forest management certification system will be on the forest company as the manager responsible for a licensed area, and cooperation in dealing with Aboriginal issues (traditional use, values, establishment of local indicators) could improve relations between Aboriginal communities and the forest industry and forest practices themselves.

# 5.3 First Nation Compliance for Reserve Lands

As mentioned earlier, a major constraint to a First Nation seeking certification for a DFA comprising Indian Reserve lands is the cost relative to the value of the timber which could be harvested on a sustainable basis. Unless a First Nation owns a sawmill or a value added processing plant and produces a finished product for the consumer market with wood from the Reserve, certification may be too expensive to implement. Although short-term economic benefits may not be realized, an Aboriginal community may see long-term economic, social and environmental benefits from managing forests to meet certification standards.

The CSA has stated that its SFM System could be applied to DFAs as small as 100 hectares. Woodlot managers and private landowners could either combine their lands in one DFA and share costs of developing a SFM plan collectively, or an SFM system and plan could be developed for a number of small DFAs. Woodlot owners, through their associations, would need to work collectively to acquire certification. With modifications, a group of Aboriginal communities might do the same through, for example, a cooperative or economic development corporation.

Another possible option would be for Aboriginal communities or companies, on a regional or province-wide basis, to establish an entity which would serve as a certification organization under the auspices of either the CSA or FSC, or both. In addition to ensuring compliance with certification processes, an organization such as this could provide a range of other forestry services in the fields of environmental assessment and monitoring, forest management or operations such as harvesting and renewal. A number of existing Aboriginal forestry organizations are in a position now to take on such an added responsibility.

#### 6.0 CONCLUSION

The issue of forest product and sustainable forest management system certification is only beginning to have an impact on the forest sector in Canada. In spite of past efforts to exclude Aboriginal communities from the forest sectors, Aboriginal peoples have maintained a strong link with forest land and a way of life, both a traditional way of life as hunters, fishers and gatherers and as workers in the contemporary forest economy. In recent years, First Nations have begun to manage their own Reserve lands and Aboriginal forest companies and organizations have become more involved in forest management and operations. It seems that certification is inevitable and that if Aboriginal communities want to ensure they have a significant voice in forest management, they must learn about certification systems and ensure that their interests are protected in setting and implementing standards developed in these systems.

The disadvantage of these certification systems may be the complexity of and increased costs for forest management. Aboriginal communities will have to develop organizations and capacity to implement these systems. These barriers have the potential to further exclude Aboriginal communities from significant participation in forest management and operations. On the other hand, certification may provide needed encouragement and guidance to improve forest management on Reserve lands.

Off Reserve, these certification systems have the potential to strengthen the recognition and protection of Aboriginal and treaty rights and ensure Aboriginal participation and the inclusion of Aboriginal values in forest management. If, at the same time, governments lose their ability to regulate and enforce forest management

standards, First Nations who have not yet established rules for self government will have to rely on the forest industry to interpret and define their rights in the absence of both federal and provincial government regulatory authority. Because certification is voluntary on the part of industry, Aboriginal communities must be better prepared to defend their interests and use certification as a tool in promoting Aboriginal participation and issues in forest management.

In spite of formidable challenges and potential obstacles, Aboriginal communities must get involved in forest management, including certification systems, not necessarily to gain a market advantage, but to ensure sustainable forest management is achieved both on and off Reserve.

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<sup>1</sup> The National Aboriginal Forestry Association uses the term "Aboriginal" as defined in the Canadian Constitution which states that "In this Act, 'aboriginal peoples of Canada' includes the Indian, Inuit and Metis peoples of Canada." The term "First Nation" is used to describe those communities governed under the Indian Act whose territories are defined as Reserves or "Indian land" by the federal government.

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#### 7.0 REFERENCES

- Benchmark Environmental Consulting. October 1995. ISO 14000: An Uncommon Perspective. Five questions for proponents of ISO 14000 series. The European Environmental Bureau.
- Brundtland Report. 1987. Our Common Future: Report of the World Commission on Environment and Development. Oxford: Oxford University Press.
- Canadian Council of Forest Ministers. 1992. Sustainable Forests: A Canadian Commitment. Ottawa: National Forest Strategy, Canadian Council of Forest Ministers.
- Canadian Council of Forest Ministers. 1995. Defining Sustainable Forest Management: A Canadian Approach to Criteria and Indicators. Ottawa: Canadian Forest Service, Natural Resources Canada.
- Canadian Standards Association. February 6, 1996 Draft. Z808-96 A Sustainable Forest Management System: Guidance Document. Toronto, ON: Canadian Standards Association.
- Canadian Standards Association. February 6, 1996 Draft. Z809-96 A Sustainable Forest Management System: Specifications Document. Toronto, ON: Canadian Standards Association.

Canadian Sustainable Forestry Certification Coalition Bulletin. November 1995.

- Canadian Sustainable Forestry Certification Coalition. n.d. Sustainable Forestry: Towards International Certification: A Canadian Approach.
- Canadian Working Group of the Forest Stewardship Council. January 1996. Forest Stewardship Council Principles and Criteria for Natural Forest Management. Document No. 1.2. Toronto, ON: Forest Stewardship Council.
- Criteria and Indicators for the Conservation and Sustainable Management of Temperate and Boreal Forests: The Montreal Process. Ottawa: Canadian Forest Service, Natural Resources Canada..
- FSC Notes: A Newsletter of the Forest Stewardship Council. Summer 1995, Vol. 1, Issue 1 and January 1996, Vol. 1, Issue 2. Oaxaca, Mexico: Forest Stewardship Council.
- Forest Stewardship Council. 1994. Forest Stewardship Principles and Criteria for Natural Resources Management. Oaxaca, Mexico: Forest Stewardship Council.

- Greenpeace Canada. 1995. Clearcut-free? Just Did It. Vancouver, B.C.: Greenpeace Canada Forests Campaign.
- International Journal of Ecoforestry. Special Issue: Certification in Cascadia. Winter 1995, Volume 11, Number 4. Victoria, B.C.: Ecoforestry Institute Society.
- Jacques Whitford Environment Ltd. April 15, 1996. Summary Report CSA Field Tests of Z809 Sustainable Forest Management System. Project No. 5007 prepared for CSA Sustainable Forest Management Guidelines Technical Committee. Markham, Ontario.
- National Aboriginal Forestry Association. March 1995. An Aboriginal Criterion for Sustainable Forest Management. Ottawa: National Aboriginal Forestry Association.
- National Aboriginal Forestry Association. December 1995. Aboriginal Participation in Forest Management: Not Just Another Stakeholder. Ottawa: National Aboriginal Forestry Association.
- Ozanne, Lucie K. And Vlosky, Richard P. March/April 1996. "Wood products environmental certification: The United States perspective" in Forestry Chronicle 72(2): 157-165.
- Silvicultural Terms in Canada. 1992. Ottawa: Canadian Forest Service, Natural Resources Canada.

### APPENDIX 1

Defining Sustainable Forest Management: A Canadian Approach to Criteria and Indicators



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# Defining Sustainable Forest Management

A Canadian Approach to Criteria and Indicators

Canadian Council of Forest Ministers Ottawa, Canada March 1995

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# Foreword

"Our Common Future", in 1987, the Canadian Council of Forest Ministers (CCFM) has played an important catalytic role in proimplementing the forest-related commitments made at the UN Conference on Environment and Development (UNCED) held Since the release of the report of the Brundtland Commission, moting sustainable management of Canada's forests and in in June 1992 at Rio de Janeiro, Brazil.

Forests: A Canadian Commitment", formulated under the sponsorship of the CCFM in March 1992, it is stated that "our goal is and cultural opportunities for the benefit of present and future would provide the basis for formulating innovative approaches and globally, while providing environmental, economic, social toward the management of Canada's forests as ecosystems and at Rio during UNCED, recognized the need to formulate scientifically based, internationally accepted criteria and indicators ecosystems for the benefit of all living things, both nationally management. Subsequently, the Forest Principles, negotiated for monitoring our achievements relative to goals established to maintain and enhance the long-term health of our forest generations". Further, a commitment is made therein to develop Canadian criteria and indicators of sustainable forest In Canada's National Forest Strategy, entitled "Sustainable of sustainable forest management. Criteria and indicators under the National Forest Strategy.

Criteria and Indicators of Sustainable Management of Canada's tists from the federal, provincial and territorial governments as transparent and inclusive process involving officials and scienwell as experts from the academic community, industry, noncommittee, the steering committee embarked upon an open, Forests. With the support of a science panel and a technical In 1993, the CCFM established the Steering Committee on

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governmental organizations, the Aboriginal community and various other interest groups. The result of these deliberations and the views of the CCFM are reflected in this report which represents the best available scientific knowledge on sustainable forest management in the Canadian context.

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This pioneering work will serve as an important reference point for the sustainable management of Canada's forests. It is noted that the work on criteria and indicators for sustainable forest management will evolve further as we gain experience in implementing new approaches to sustainable forest management in Canada. I am pleased to make this report available on behalf of the CCFM.

Honourable Albert Driedger Minister of Natural Resources, Manitoba Chairman, Canadian Council of Forest Ministers ers - se sur , contempté en les prèces de la contemp de

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# Introduction

Forests are essential to the long-term well-being of Canada's communities, economy, and environment. As stewards of 10% of the world's forests, Canadians have a responsibility to maintain their forests in a healthy state and to manage them in a sustainable manner. The Canadian commitment to sustainable forest management is well enshrined in the national forest strategy, entitled *Sustainable Forests: A Canadian Commitment*, endorsed in March 1992 by governments and others concerned with Canada's forests. This commitment has been further strengthened through a number of initiatives at the provincial, territorial, and local levels. At the 1992 United Nations Conference on Environment and Development (UNCED), the importance of sustainable forest management was recognized with the adoption of a Statement of Forest Principles; the concept was embodied in Chapter 11 of the conference's action plan, Agenda 21. The development of criteria and indicators for sustainable forest management is an important step in implementing Canada's commitments in the national forest strategy, as well as the forestry commitments made at UNCED. Consequently, in 1994 the CCFM launched a process to define criteria and indicators for the sustainable management of Canadian forests.

The process was managed by a Steering Committee composed of representatives from government, industry, environmental organizations, Aboriginal groups, associations of small-woodlot

	owners, and the academic community. This work was supported by a Science Panel and a Technical Committee of scientists and other experts drawn from a variety of organizations. The process provided a broad exchange of views, and ensured that the criteria and indicators would be based on the best available knowledge.	<ul> <li>provide concepts and terms to facilitate the on-going domestic and international dialogue on sustainable forest management; and,</li> <li>improve the information available to the public and decision- makers.</li> </ul>
	The Canadian framework of criteria and indicators reflects an approach to forest management that is based on: 1 The need to manage forests as ecosystems in order to main.	The criteria and indicators represent a comprehensive frame- work. It is recognized that no single criterion or indicator alone is an indication of sustainability; rather, the individual criteria
	The recognition that forests simultaneously provide a range of environmental, economic, and social benefits	and indicators must be considered in the context of other crite- ria and indicators. Further, indicators should be viewed as pro- viding information on trends or changes in the status of forests and related values over time.
	Canadians; 3. The view that an informed, aware, and participatory public is important in promoting sustainable forest management; and,	Some of the data required for national reporting on these criteria and indicators can be provided through current information systems. However, the reporting on some indicators will need to evolve over time as they may require new types of data, new techniques or further research. In cases where there are no
	<ol> <li>The need for forest management to evolve to reflect the best available knowledge and information.</li> <li>These criteria and indicators are intended to provide a common</li> </ol>	reasonable quantitative measures, qualitative or descriptive indicators can be important in describing the current status of the value being measured, or trends in its maintenance.
	understanding of what is meant by sustainable forest manage- ment in the Canadian context. Collectively, they provide a framework for describing the state of forests and forest man- agement, and for periodically demonstrating achievements in	The forests of Canada are diverse in composition and ecology. Although some indicators lend themselves to reporting at a national level, others may be of more value at a provincial or territorial level, or for an ecological zone or region. They are
	implementing sustainable forest management. They identify those elements of the forest ecosystem, as well as our social and economic system, that must be sustained or enhanced. They are intended to:	not intended to assess sustainability directly at a local or forest management unit level. However, they can provide the basis for designing systems to certify sustainably managed forests.
	• clarify sustainable forest management and provide a frame- work for describing and assessing progress at a national level;	It is important to emphasize that this set of criteria and indi- cators of sustainable forest management is not intended to create legal obligations. It is viewed as a flexible framework
	<ul> <li>provide a reference point for the development of policies on the conservation, management, and sustainable development of forests;</li> <li>contribute to the clarification of issues related to environ-</li> </ul>	within which to capture the diverse ecological, social, eco- nomic, and cultural conditions in Canada. Some indicators need further elaboration and interpretation within the context of dif- ferent jurisdictions, legislation, and policies of the provinces and territories, as well as within their respective socio-economic,
5	ment and trade, including product certification;	

environmental, and political circumstances. They must also be made to reflect adequately the range of forest conditions across Canada. It is recognized as well that the implementation process across Canada may not necessarily be uniform, because of differences in the availability of data, expertise, and resources.

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This framework is based on the best available knowledge, but it must be considered a "living document". As our knowledge of forest ecosystems and factors promoting enhancement of social and economic dimensions improves, the criteria and indicators will evolve further. Internationally, Canada has been actively involved in two initiatives aimed at defining criteria and indicators: for boreal and temperate forests (the "Montreal Process"), and for forests in Europe (the "Helsinki Process"). The Canadian criteria and indicators are designed to be compatible with these international processes, while understandably providing more detail and precision on values of importance to Canada. This framework will facilitate Canada's international reporting and harmonizing international criteria and indicators. Many stakeholders are working together toward Canada's goal of maintaining sustainable forests. Local, provincial, territorial, and national programs have been designed to provide incentives and encouragement to all stakeholders in the forest to work together to ensure that our forests are sustainably managed and reflect the needs of local communities. This framework of criteria and indicators of sustainable forest management is an important part of Canada's commitment.

## Criteria and Indicators – Ecological

### 1 Conservation of Biological Diversity

The variability among living organisms from all sources and the ecological complexes of which they are part Biodiversity encompasses organization at levels ranging from complete ecosystems to the chemical structures that are the basis of heredity. Maintenance of natural genetic and ecosystem diversity across the landscape is the key to ensuring that species maintain viability through their capacity to evolve and adapt to change. Maintenance of the natural range of ecosystems, and the ability of their components to react to external forces and processes, provides the equilibrium required for the maintenance of species diversity. Diversity is therefore inseparable from the generation and maintenance of ecological patterns. Impacts are evaluated through vulnerability assessments which may, in turn, suggest change in the ways forests are managed, or even dictate that action be taken in respect of the restoration of biodiversity.

• • • • • • • • • • • • • • • • • • • •	1.2.3 Number of known forest-dependent species that occupy	only a small portion of their former range 1.3 Genetic diversity	Genetic diversity, or the variation of genes within a species, is the ultimate source of biodiversity at all lev-	els. It is the material upon which the agents of evolution act. Loss of variation may have negative consequences for fitness and prevent adaptive change in populations.	1.3.1 Implementation of an <i>in situ/ex situ</i> genetic conservation strategy for commercial and endangered forest vegeta-	tion species						
· · · · · · · · · · · · · · · · · · ·	1.1 Ecosystem diversity	Ecosystem diversity is the variety and pattern of commu- nities and ecosystems. Maintenance of the variety and quality of the earth's ecosystems is necessary for the	preservation of species. Without sufficient quantities of their natural habitats, species become vulnerable.	1.1.1 Percentage and extent, in area, of forest types relative to historical condition and to total forest area	1.1.2 Percentage and extent of area by forest type and age class (ref. 2.2.1)	1.1.3 Area, percentage and representativeness of forest types in protected areas <sup>a</sup>	<ul><li>1.1.4 Level of fragmentation and connectedness of forest ecosystem components</li></ul>	1.2 Species diversity	The greatest and most readily recognizable form of biodepletion lies with species extinction. Slowing down the rate of species extinction due to anthropogenic fac- tors is a key objective of the conservation of biodiversity. Changes in species population levels may also provide an early warning of changes in ecosystem integrity.	<ol> <li>Number of known forest-dependent species classified as extinct, threatened, endangered, rare or vulnerable rela- tive to total number of known forest-dependent species</li> </ol>	<ul><li>1.2.2 Population levels and changes over time of selected species and species guilds</li></ul>	<sup>4</sup> As defined by the Canadian Biodiversity Strategy (Federal-Provincial- Territorial Biodiversity Working Group. 1994. Draft Canadian Biodiversity Strategy for Discussion. Biodiversity Convention Office, Hull, Quebec. 69 p.) and as established by Categories I-VI of the IUCN Guidelines. (IUCN. 1994. Guidelines for Protected Area Management Categories. IUCN Commission on National Parks and Protected Areas with the assistance of the World Moni- toring Centre. IUCN-The World Conservation Union, Gland, Switzerland. x + 261 pp.)

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## 2 Maintenance and Enhancement of Forest Ecosystem Condition and Productivity

The health, vitality and rates of biological production in forest ecosystems The sustainable development of a system is dependent upon normal functioning over the long term. In a living system, normal functioning implies appropriate levels of health, vitality and productivity of its components.

Forest condition is a measure of relative freedom from stress (health) and relative level of physical/biological energy (vitality) within a forest ecosystem. When integrated, they provide a measure of ecosystem functioning. Forest productivity refers to rates of flora and fauna production, which depend on the degree to which nutrients, water and solar energy are absorbed and transferred within the ecosystem. Sustainable productivity within a forest ecosystem is dependent upon the ability of the ecosystem's components and their populations to recover from or adapt to disturbances.

## 2.1 Incidence of disturbance and stress (biotic and abiotic)

This element refers to the levels of air pollutants and the frequency/severity of major biotic and abiotic stresses. Together these are a dynamic complex which, depending on the particulars of the disturbance/stress, may negatively or positively affect forest condition over time.

- 2.1.1 Area and severity of insect attack
- 2.1.2 Area and severity of disease infestation
- 2.1.3 Area and severity of fire damage
- 2.1.4 Rates of pollutant deposition

2.1.5 Ozone concentrations in forested regions

. . . . . . . . . . . . . .

- 2.1.6 Crown transparency in percentage by class
- 2.1.7 Area and severity of occurrence of exotic species detrimental to forest condition
- 2.1.8 Climate change as measured by temperature sums

# 2.2 Ecosystem resilience

- Ecosystem resilience reflects the persistence of ecosystems and their capacity to absorb change and disturbance while maintaining the same productivity and the same relationships among populations. The focus is on the potential for populations to recover from very low levels by having adequate regenerative capacity and a balanced distribution of forest types and age classes.
- 2.2.1 Percentage and extent of area by forest type and age class (ref. 1.1.2)
- 2.2.2 Percentage of area successfully naturally regenerated and artificially regenerated
- 2.3 Extant biomass (biota)
- Extant biomass is an integrating measure of forest ecosystem condition. It refers to the condition of the forest in terms of biomass production of all species and types and includes the ability of ecosystems to support rarer species.
- 2.3.1 Mean annual increment by forest type and age class
- 2.3.2 Frequency of occurrence within selected indicator species (vegetation, birds, mammals, fish)

		· · · · · · · · · · · · · · · · · · ·
Conservation of Soil and	3.1.2	Area of forest converted to non-forest land use, for example, urbanization (ref. 4.2.1)
water kesources	3.1.3	Water quality as measured by water chemistry, turbidity,
The maintenance of soil and water quantity and quality	3.1.4	Trends and timing of events in stream flows from forest catchments
Soil and water are essential components of the forest ecosystem. The soil and water conservation criterion	3.1.5	Changes in distribution and abundance of aquatic fauna
refers to measures that maintain the quantity and quali- ty of soil and water within and leaving forested ecosys-	3.2	Policy and protection forest factors
tems. The primary focus for soil conservation is the maintenance of the living substrate for forest stands.		In order to ensure that terrestrial and aquatic ecosys- tems are maintained it is important that policies are in
whereas water conservation centers on the provision of		place which provide for specific management practices
potable water for human and wildlife use and the provi-		or the protection of sensitive sites. Sensitive site condi-
sion of suitable aquatic environments for plants and ani-		tions include riparian zones, wet soils, intertile soils,
111419.		respect to aquatic systems, policies that address stream
Physical environmental factors		crossings, watershed management, and riparian areas
Physical environmental factors include both soil and		will assist in maintaining water flow patterns, water
water resources. Soil environmental factors refer to the		toroto, and water quanty
area of productive forest soil where the physical ability of the soil to sustain forest growth has been changed.	3.2.1	Percentage of forest managed primarily for soil and water protection
Proposed measures include the area where land use	3.2.2	Percentage of forest area having road construction and
changes take soil out of forest production or where activ- ities have reduced organic matter levels, compacted soil		stream crossing guidelines in place
or led to soil loss through erosion. These reduce the abil-	3.2.3	Area, percentage and representativeness of forest types
ity of the soil to support forest productivity. Aquatic fac- tors refer to both physical and chemical properties: for		in protected areas <sup>b</sup> (ref. 1.1.4)
example, flow patterns, water temperature, aeration,		
sediment load, and chemistry which provide for aquatic		
plant and animal life. Changes in aquatic environments		
can negatively affect aquatic life.		
Percentage of harvested area having significant soil com-		
paction, displacement, grosion, pudding, ross of organic matter, etc.		
	<sup>b</sup> As def Catego	<sup>b</sup> As defined by the Canadian Biodiversity Strategy and as established by Categories I – VI of the IUCN Guidelines for Protected Area Management.

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4	Forest Ecosystem	4.1	Contributions to global carbon budget
	Global Ecological Cycles		Global ecological cycles are negatively affected by the accelerated release of $CO_2$ into the atmosphere. Carbon budgets that estimate the balance between carbon fixa-
	The impact of the forest and forest activities on global ecosystem functions		tion and carbon release from natural forests and forest products provide a sensitive indicator of the nation's contribution to atmospheric carbon enrichment.
	Global ecological cycles are a complex of self-regulating processes responsible for recycling the earth's limited	4.1.1	Tree biomass volumes
		4.1.2	Vegetation (non-tree) biomass estimates
	to,	4.1.3	Percentage of canopy cover
	these global processes.	4.1.4	Percentage of biomass volume by general forest type
		4.1.5	Soil carbon pools
	fossil fuel combustion and associated toxic emissions. Forests make a major positive contribution to global	4.1.6	Soil carbon pool decay rates
	υ	4.1.7	Area of forest depletion
	longevity, large area of standing crops and conservative decomposition rates characteristic of forest ecosystems	4.1.8	Forest wood product life cycles
		4.1.9	Forest sector CO <sub>2</sub> emissions
	tive carbon balance. Conversely, conversion of forest lands to low biomass, short-lived standing crops with	4.2	Forest land conversion
	rapid turnover rates, or the permanent removal of forest cover degrade the land's capacity to absorb and store car-		Carbon budgets are sensitive to forest land conversions
	bon. For these reasons forest management should pro- mote sustained utilization and rejuvenation of forest		carbon turnover rates and lower storage capacity than
	ecosystems and protect them from widespread destruc-		larly negative and long-term impact on carbon budgets.
	tion by fire, pests and conversion to alternate land uses.		

4.2.1 Area of forest permanently converted to non-forest land use (for example, urbanization) (ref. 3.1.2)4.2.2 Semi-permanent or temporary loss or gain of forest

Further, forest management should promote the manu-

facture of products that can act as long-term carbon pools and that have a low fossil fuel demand in their

production.

ecosystems (for example, grasslands, agriculture)

# 4.3 Forest sector CO<sub>2</sub> conservation

Forest sector  $\mathrm{CO}_2$  conservation is used to track the industry's relative dependence, through time, on fossil

fuels for conversion of raw materials to manufactured products.

· · · · · · · · ·

- 4.3.1 Fossil fuel emissions
- 4.3.2 Fossil carbon products emissions
- 4.3.3 Percentage of forest sector energy usage from renewable sources relative to total sector energy requirement

# 4.4 Forest sector policy factors

The commitment of governments to sustaining global ecological cycles can be gauged through evaluation of forest sector policies.

- 4.4.1 Recycling rate of forest wood products manufactured and used in Canada
- 4.4.2 Participation in the climate change conventions
- 4.4.3 Economic incentives for bioenergy use
- 4.4.4 Existence of forest inventories
- 4.4.5 Existence of laws and regulations on forest land management
- 4.5 Contributions to hydrological cycles

Hydrological cycles are a vital component of global ecological cycles. Changes of water surface area within forest landscapes provide a synoptic indicator of potential impacts of forest practice on hydrological cycles.

4.5.1 Surface area of water within forested areas

### Criteria and Indicators – Socioeconomic

## 5 Multiple Benefits to Society

Sustaining the flow of benefits from the forest for current and future generations

Forests provide a mix of benefits to society including commercial wood products, commercial and nonmarket goods and services, and environmental and option values. Sustainable development requires that the forest continue to provide these goods and services over the long term.

The forest products industry is Canada's largest earner of foreign exchange. It provided 311 000 direct jobs and an equivalent number of indirect jobs in 1993. Many of these jobs are situated throughout rural areas of Canada where alternative economic opportunities are limited. Many rural communities are entirely or largely dependent on the forest sector for their economic well-being.

In addition to the significant commercial benefits derived, Canada's forests support a wide range of other activities that provide benefits including tourism, wildlife, recreational use of the forest, aesthetics, and

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		5.2.1 Net profitability
		5.2.2 Trends in global market share
	by Canadians and provide significant benefits to Cana- dian society.	5.2.3 Trends in research and development expenditures in forest products and processing technologies
5.1	Productive capacity	
	In order to ensure that resources are conserved while	(timber/non-timber sectors)
	must be made to ensure that extraction is not allowed to	Another important consideration for this criterion is the guestion of the distribution of wealth. Sustainable devel-
	base to provide a wide range of goods and services.	opment involves more than simply maximizing econom-
	Excessive rates of extraction are unsustainable and	ic development. It also requires consideration of the way in which wealth from development is distributed to soci-
	inconsistent with the concept of sustainable record as a grant of the concept of sustainable record as a grant of the concept of sustainable record as a grant of the concept of sustainable record as a grant of the concept of sustainable record as a grant of the concept of sustainable record as a grant of the concept of sustainable record as a grant of the concept of sustainable record as a grant of the concept of sustainable record as a grant of the concept of the co	ety. Wealth from forest use flows to Canadians through
, , ,		the market economy (which can be measured with eco-
1.1.c		nomic indicators such as gross domestic product and employment) and through the subsistence economy
5.1.2	Distribution of, and changes in, the land base available	(involving income in-kind from the extraction and use of
	for timber production	fuel wood; building materials; meat, fish, and fur prod-
5.1.3	Animal population trends for selected species of	ucts; medicinals; etc.).
	economic importance	5.3.1 Contribution to gross domestic product (GDP) of timber
5.1.4	Management and development expenditures	and non-timber sectors of the forest economy
5.1.5	Availability of habitat for selected wildlife species of	5.3.2 Total employment in all forest-related sectors
		5.3.3 Utilization of forests for non-market goods and services, including forest land use for subsistence purposes
5.2	Competitiveness of resource industries (timber/non-timber related)	5.3.4 Economic value of non-market goods and services
	The sustainable development concept recognizes the direct linkage between environment and economy. In	5.4 Non-timber values (including option values)
	order to ensure that economic benefits continue to flow to Canadians, it is vital that a fair and competitive invest-	A wide range of non-timber values are associated with forests including recreation values, tourism values, exis-
	ment climate be maintained within the forest sector. A competitive rate of return is essential if Canada's various	tence values, and option values. As Canadian society
	forest-based industries are to attract the necessary capi- tal for maintaining their capacity to create jobs and	evolves to a more urban industry-based/service-oriented economy, the importance of non-timber values may be

incomes for Canadians.

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expected to increase.

	6.4.3	Degree of public participation in implementation of decisions and monitoring of progress toward sustainable forest management	
	6.5	Informed decision-making	
		Part of society's responsibility to sustainable develop-	
		standing of ecosystems and the relationship between the environment and the economy At the individual level it	(10) the statement (second a monitoring on burbless) are contracted equiviphical voluments (paragrammer contra-
		is important that we make an effort to learn and under-	
		stand each other's perspectives relative to resource use and forest values and that individuals make an effort to	erten in sinde treze institutions süren sivitari faan in treze institutions
		become fully informed about the issues. Each and every member of society has an obligation and responsibility	gio participatione settions interimente energy of the past of the participation of the set of the s
		to understand the issues, express their position, and understand and respect the positions of others.	сасыл смацтация карналастирияный алы арр салом то рас жим- ани тараарынана отринение солония солом то
	6.5.1	Percentage of area covered by multi-attribute resource inventories	
	6.5.2	Investments in forest-based research and development and information	
	6.5.3	3 Total effective expenditure on public forestry education	
	6.5.4	Percentage of forest area under completed management plans/programs/guidelines which have included public participation	
	6.5.5	Expenditure on international forestry	
	6.5.6	Mutual learning mechanisms and processes	
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#### APPENDIX 2

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National Aboriginal Forestry Association Letter to Canadian Standards Association, March 15, 1996 and CSA response, March 19, 1996



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#### March 15, 1996

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Ahmad Husseini, Program Manager CSA Standards Development Canadian Standards Association 178 Rexdale Blvd. Etobicoke, ON M9W 1R3

#### VIA FAX: 416/747-4149

NATIONAL ABORIGINAL FORESTRY ASSOCIATION

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*Tel:* (613) 233-5563 *Fax:* (613) 233-4329

Dear Ahmad,

#### **RE: CSA SUSTAINABLE FOREST MANAGEMENT SYSTEM**

I have been reviewing the latest versions of the Z808 and Z809 documents and the material accompanying them. We have noticed that the CSA is referring to the involvement of First Nations or Native organizations on the CSA Technical Committee on Sustainable Forest Management. We do not want NAFA's involvement on the Committee to be counted in the plural. By doing so, it gives the impression that the CSA has wider support for the standards than is warranted by our involvement alone. I might also add that the Technical Committee has not yet completed its work and NAFA has not yet endorsed the final product.

In a letter of February 13, 1996, addressed to Harry Bombay at NAFA, Pat Paladino, Vice-President of Standards Development, notified us that the Z808 and Z809 documents were available for public review. He stated that the Technical Committee "included representatives from government, industry, academics, technical experts, consumers and Native Canadian organizations." In the package you sent on February 12 to Participants and Submittors to the Public Consultations on Sustainable Forest Management, there was an enclosure, "CSA's Standards on the Sustainable Forest Management System," which stated that "The Committee includes representatives from ... First Nations organizations."

When the National Aboriginal Forestry Association agreed to participate in the CSA process as a member of the Technical Committee, we clearly stated that our participation was <u>not</u> to be seen as representative of any other Aboriginal organization or of Aboriginal interests in general.

In a "Review of Working Draft 004," submitted to Linda Piazza on November 10, 1994, we reacted to this wording: *This publication reflects the interests of forest product producers* ... *Aboriginal groups* ... *and others*" with the following comment:

The National Aboriginal Forestry Association does not represent "Aboriginal groups." We are a non-governmental, non-political organization. It is misleading therefore to say that because of our participation (and we are, to date, the only Aboriginal participants) that the "interests of … Aboriginal groups" are reflected. Provided that we support the final

Head office: P.O. Box 67 Golden Lake, Ontario K0J 1X0



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March 19, 1996

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> Anmad Hossem, P. Eng. Manager, Environmenial Programs Standards Development

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Canadian Standards Association, 178 Regulate Pontevard, Etablicolos, C. darla, Canada MSW 183. [etephone] (4 bu 247-4000, Titelay, 64 pp. 247-4000.

#### **APPENDIX 3**

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#### Editorial from Forestry Chronicle, Jan/Feb 1996 Aboriginal Participation in Forest Management: *Not Just Another "Stakeholder"*

VbbENDIX

Editorial from Forestry Chrmidle, Jan/Feb 1996 A boriginal Perrocipation in Forest Management Mot Art dreatier "Stateholder"

#### The **Forestry Chronicle**

#### **Canadian Institute of Forestry** Institut forestier du Canada **Official Journal/Revue officielle**

A professional and technical periodical published by the Canadian Institute of Forestry/Institut forestier du Canada to improve the management and use of the Canadian forest land resource and encourage a wider understanding of Forestry.

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### EDITORIAL

#### **ABORIGINAL PARTICIPATION IN FOREST** MANAGEMENT: NOT JUST ANOTHER "STAKEHOLDER"

ublic participation is as integral today to forest management planning as is understanding ecosystem dynamics. Neither process is easily understood or implemented, and in public participation this is especially so with Aboriginal involvement in planning. Aboriginal organizations, communities and individuals dependent on the forest state repeatedly that they are not just another "stakeholder" or "interested party" in deciding how forest land is used and cared for. In fact, Aboriginal political organizations demand to be treated as a third level of government, in addition to the federal and provincial governments. Aboriginal peoples also claim a special role as forest stewards. What makes us so special? Why should we merit special treatment? Are we not all equal in the Canada of the almost-twenty-first century?



Aboriginal interests in forest land are tied to the particular legal, historical, economic, political and cultural circumstances that have evolved in this country since European settlement. Foremost is Aboriginal peoples' claim to original occupancy of the country we now call Canada. The rights of original occupancy were recognized by the British in the Royal Proclamation of 1763 in which the Crown recognized that they were encroaching on Aboriginal lands. The Proclamation required the consent of Aboriginal peoples before that land was occupied and gave the Crown the sole authority to negotiate such land settlements. From the Proclamation flowed treaties between the Crown and Aboriginal peoples. Aboriginal peoples entered into these Treaties to protect a way of life and to solidify a relationship with the Crown that recognized a special trust relationship in which Aboriginal peoples' way of life would be protected. This way of life was based on an intimate relationship with the land which provided economic, cultural and spiritual sustenance.

The Crown had a very different interpretation of the Treaties. They were a convenient arrangement in which the Crown assumed Aboriginal peoples were surrendering their rights to land to allow settlement of immigrants and resource exploitation such as mining and logging. The Crown's end of the bargain was seen to be token payments of annuities, provision of token negotiated items such as farm implements, education benefits, health benefits and small parcels of Reserve land. At the time the Treaties were negotiated, the protection of the traditional Aboriginal way of life, mainly hunting, trapping, fishing and gathering, seemed an easy promise to keep over the wide expanses of "unoccupied" land.

At the same time the Treaties were being negotiated the Crown was also building a governing structure for the new country. Responsibilities were defined and delegated. One of the results was the division of jurisdiction over the management of most natural resources to the provinces, the very natural resources which provided the basis for the Aboriginal way of life. The Crown hoped that the "Indian problem" would go away, that Aboriginal peoples would be assimilated into the larger society, but Aboriginal people maintained their identity through their connection to the land.

We all know what happened over the next century. For Aboriginal peoples, their way of life, in spite of the Treaties, was progressively restricted and they became, reluctantly, more and more dependent on the largesse of the Crown. Promises were broken, natural resources were licensed and exploited by powerful interests, and Reserves became prisons preventing Aboriginal peoples from exercising their way of life and their rights.

Aboriginal peoples remember the Treaties and the promises. Those Treaties are as meaningful and binding today as they were the day they were signed. They have never been officially abrogated. In areas where treaties were not signed, Aboriginal title to the land still exists. Even the Crown recognizes this, writing recognition of Aboriginal rights into the Canadian Constitution. Canadian courts have also recognized these rights in recent decisions which place more than a moral imperative on federal and provincial governments and industrial interests to treat Aboriginal claims to natural resources seriously. Cases such as, among others, Calder (1973), Guerin (1985), Sparrow (1990), Delgamuukw (1991) and most recently, Apsassin (1995) recognize that

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Aboriginal title to the land is unique, that Aboriginal rights cannot be extinguished by regulation and that Aboriginal rights to hunt, fish, trap and gather (both commercially, in some cases, and for subsistence purposes) take precedence over other uses, and that, if the Crown does not protect Aboriginal interests (what we describe as the Crown's "fiduciary obligation"), they are legally and financially responsible. In the Apassin case, the court is setting damages which may run over \$60 million in compensation for selling the oil and mineral rights of the Blueberry River and Doig River First Nations in BC. The decisions have inferred that not only does the federal government, whose constitutional jurisdiction is "Indians and Indian lands", have a responsibility to ensure that Aboriginal rights are protected but so do those delegated with the responsibility for natural resource management, including the provinces and those license holders to whom the province delegates authority for forest management.

The recognition of Aboriginal rights in forest management has been slowly filtering

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 Studies in forest ecology led to forest site descriptors and ecological land classification systems, and understanding of forest soils and hydrology. The silviculture work in the 1920s developed thinning guidelines and stand growth models, and led to development of nursery practices and forest renewal systems. Contributions in forest genetics and tree improvement are notable and anticipated some of the concerns about biodiversity.

This work was done largely by the federal government through the CFS — the only government willing to provide the primary funds for these nationally oriented studies. There was important supplementary research by some provinces and a few industries, but the main load has through policy and practical decisions over the past five years. From Strategic Direction Number Seven of the National Forest Strategy which addresses the Canadian Council of Forest Ministers' commitment to increased Aboriginal participation in the forest sector to the current Criteria and Indicators for Sustainable Forest Management process which recognizes Aboriginal rights and makes the commitment to measure Aboriginal participation as an indicator of sustainable forest management, the federal and provincial governments are setting an example for the world. In initiatives by both the Forest Stewardship Council and the Canadian Standards Association to certify "sustainable forest management systems," Aboriginal issues are being addressed in a substantial way.

Provinces such as BC and Ontario have incorporated Aboriginal involvement in forest management planning into legislation and regulations. Many provinces have begun to consider "co-management" arrangements, a few of which can be seen as "governmentto-government" agreements in that decision-making is a genuine shared responsibility

been carried by CFS. If we did not have the CFS, we would have had to invent one to provide our basic, long-term and national or trans-regional research. I think there is still buoyancy in the life raft, but agree with him that:

- "Relevancy will include new thinking from without while building on existing strengths."
- "With multi-stakeholder governance, we shall build on good science and develop policy research capabilities which will address the biting questions Canadians have about their forests."

I am on side with Ted and offer my own help and cooperation in every way. Lets get on with it. between the province and Aboriginal organization.

The forest industry has responded in varying degrees. The BC Council of Forest Industries is not alone in its appointment of a vice-president of Aboriginal Affairs, the Ontario Forest Industries Association has addressed Aboriginal issues in its code of practice, and a few individual companies like Alberta Pacific have been conducting traditional land use studies and incorporating them into their forest management plans. There is also the unique example of the Clayoquot Sound Science Panel and Regional Planning Board where traditional knowledge played an integral role in the Science Panel's recommendations and where the local Aboriginal peoples have a form of veto over forest management decisions in the Clayoquot Sound area.

Perhaps it is the legal imperative which has encouraged federal and provincial governments and the forest industry to treat Aboriginal issues seriously. Perhaps it is a desire to address historical injustices. Perhaps it is a recognition that Aboriginal peoples have a valuable and unique role to play in forest management. Hopefully, increased Aboriginal participation in the forest industry is not just a measure to ensure increased access to unsustainable levels of timber harvesting. Whatever the reason, the outcome of recognizing that Aboriginal peoples are not just another "stakeholder" can serve to benefit us all, and, more importantly, to benefit improved stewardship of our forest lands. That's where the proof of the benefits of co-existence based on respect for Aboriginal rights and aspirations will lie: in our forests.

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