FOREST MANAGEMENT AND INDIGENOUS PEOPLES IN NORTHWESTERN ONTARIO

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One of the crucial issues facing forest managers and Indigenous communities in Canada is to develop cohesive and efficient relationships among Indigenous Peoples, provincial governments, the forest industry and, increasingly, environmental non-governmental organizations which are becoming significant players in determining forest management policy. This paper will examine these actors in forest management in northwestern Ontario, Canada and recent developments in policy which have coloured these relationships. Finally, a model of co-operation—"co-management " of forests—which is more in keeping with current policies to promote sustainable forest management and respect Indigenous Peoples' aspirations for self-determination, will be examined.

THE FOREST

The study area in northwestern Ontario is the Boreal ecoregion with a simple tree species mix of black and white spruce, jack pine, poplar and birch. The climate is characterized by warm summers and cold, snowy winters. Other than a few urban centres with populations less than 100,000 and numerous small, forest dependent communities, most of the area is heavily forested. The Boreal forest is Canada's largest forest ecosystem and represents 25% of the world's remaining intact natural forest ecosystems. It ties the country together from Newfoundland through the northern portions of the provinces of Quebec, Ontario, the Prairies and British Columbia and into the Yukon and Northwest Territories. Some might say the Boreal forest shapes Canada's national identity. Globally it is truly significant. It stores a significant proportion of the earth's total biotic carbon, Indigenous Peoples rely on it for their livelihood, culture and spirituality, and its timber supports the economies of numerous northern communities. The timber provides mainly pulp for paper, but also some saw logs which are semi-processed into dimensional lumber. Most of the pulp and lumber are exported, with over 80% of exports going to the U.S.

THE ACTORS

Indigenous Peoples

In Canada, Indigenous Peoples hold a unique position, many having negotiated on a government-to-government basis at the time of early settlement of the country, treaties which enshrined their recognition and protection of their way of life.

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There are three Indigenous Nations within the Boreal forest of Ontario, the Cree and Ojibwa who speak Algonkian languages, and the Metis (mixed bloods), all of whom are recognized in the Constitution of Canada (section 35). The Cree and Ojibway signed five treaties in this area with the Crown: Robinson-Huron (1850), Robinson-Superior (1850), Treaty 3 (1873), Treaty 5 (1875) and Treaty 9 (1905 & 1929) [see map of Treaty areas]. The Cree and Ojibwa practised and, while they also participate in the contemporary forest economy, they continue to practise a way of life based on hunting, trapping, fishing and gathering in the Boreal forest. This way of life is reflected in their economies, culture and spirituality. Although there are differing legal interpretations of treaties, most Aboriginal Peoples understand that the treaties were signed with the spirit and intent to share resources and to protect their traditional way of life.

An historian (Barry Cottam, 1994) briefly described the Ojibway situation in 1873 when they signed their treaty [Treaty #3], and he said:

> *The Ojibway of northwestern Ontario in 1867 were autonomous in their territory. By 1873, they had ceded most of it away in a treaty negotiated by representatives of the Crown. By the turn of the century, they were still not adequately settled on reserves promised by the treaty; their rich fisheries had been depleted; their rights to hunt and fish were being diminished; their traditional agricultural practices had not been satisfactorily replaced by the new methods and opportunities promised in the treaty; they were eliminated from direct economic development of the resource potential of their reserves through the provisions of a paternalistic Indian Act and a process of reserve selection designed to keep them away from natural resources of interest to Eurocanadians; and their relationship with the federal government, in particular the Department of Indian Affairs, was being encroached upon by a provincial government that had no responsibility for them and little sympathy for their situation.*

The Cree and Ojibwa are today represented politically by Provincial Territorial Organizations (PTOs) and individual community Chiefs and Councils. Some communities practise an hereditary system of governance. The PTOs in northern Ontario include: Nishnawbe-Aski Nation (NAN) representing over 40, mainly Cree, Treaty 9 communities, Grand Council Treaty 3 (GCT3) representing approximately 25 Ojibwa communities, and the Anishnabek Nation (Union of Ontario Indians) representing approximately 30 Ojibwa communities within the Robinson-Huron and Robinson-Superior Treaty areas. There are also a number of independent, non-aligned Indigenous communities in the Boreal who are not affiliated with a PTO or who did not enter into treaty. The Metis are represented by the Ontario Metis and Aboriginal Association and the Metis Nation of Ontario.

Indigenous communities or "Reserves" are governed by the federal *Indian Act*. Most Reserves are small in area, giving communities little in the way of land or resources upon which to build healthy local economies. These communities are dependent upon and guaranteed access (through treaties) to Crown land surrounding their Reserves, an area often called "traditional territory", a term which symbolizes both Indigenous Peoples' rights and uses of the land.

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The area north of the 51st parallel, which is also the Treaty #9 area, is unique in Ontario because it has not been logged, except for local use. Although there has been some industrial activity, especially mining and hydroelectric development, industrial logging has not taken place. With increasing pressure on wood supply, forest companies are now planning to log in some of this area. Because of its inaccessibility, the north of 51 area was exempt from the Class Environmental Assessment for Timber Management on Crown Lands in Ontario and the Province has been negotiating some form of self-government with NAN over the past 20 years.

The State

Most of the forested land in Ontario is publicly owned with management constitutionally assigned by the federal government to the Province of Ontario. The Province manages northern Ontario's forests through the Ontario Ministry of Natural Resources which has divided the northern forests into three broad administrative districts: Boreal West, Boreal East and the Central regions. Provincial forest management claims an "integrated resource management approach" and promotes "sustainable forest management", attempting to integrate environmental, social and economic values, but, in fact, forestry is still largely timber extraction.

Levy et al (1999) examined Ontario policy development by focusing on *the tension between industrial/governmental (perpetual revenues) and preservationist (the delights of the primitive) forest interests* , which has implications for the policy developments explored later in this paper. The authors point out that for most of its history, *provincial officials with a mandate to allocate forest resources have pursued a strategy of limiting non-fibre uses of the forest, thereby guaranteeing the industry a secure and competitively priced wood fibre supply. Over the years, this has meant fighting First Nation rights to forest lands, reserving lands in prime forests for the industry, scaling down conservationist measures, and containing the presevationist ambitions of environmentalists.* Jaggi (1997) specifically reviewed how Ontario forest policy developments affected Indigenous participation in forestry. Jaggi concluded that without governments complying with the commitments they have made in sustainable forest management policies, and without the cooperation of industry, *aboriginal forestry will be difficult to establish.*

Forest Companies

A handful of forest companies operate in northern Ontario, most foreign-owned multinationals. These include Bowater, Weyerhaueser, Abitibi-Consolidated, Boise-Cascade, Domtar and Buchanan. These companies are required to build or operate mills to process raw timber and to supply the timber for those mills they are granted large area, long-term (25-year) licenses with exclusive rights to harvest timber. Royalties or stumpage for this timber are paid to the Province. Companies have established wood-sharing agreements with chips from sawmill operations being exchanged with pulp mills and saw logs from pulp operations going to sawmills.

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Environmental Non-Governmental Organizations

There are a few small, locally-based environmental organizations in northern Ontario, but most who influence provincial forest policy are based in southern Ontario and are often subsidiaries of international ENGOs, among them Greenpeace, Sierra Club Canada and World Wildlife Fund Canada.

POLICY AND LEGAL DEVELOPMENTS INFLUENCING THE ACTORS

Recognition of Indigenous Rights in Legal Decisions

Recent legal cases have defined more clearly the Indigenous rights recognized in the Canadian Constitution (Section 35) and the particular rights related to the forest sector. Indigenous Peoples have long been frustrated by the jurisdictional conflict that, through the Canadian Constitution, gives the federal government a fiduciary obligation for Indians and Indian lands while giving provinces responsibility for natural resources. This conflict has resulted in Aboriginal communities being excluded from a share of the economic benefits from forestry activities and from decision-making in forest management. Since the landmark *Sparrow* decision in 1990, decisions in British Columbia like *Delgamuukw* (1997), *Halfway River First Nation* (1997) and *Haida* (1997) and in New Brunswick, *Paul* (1998), have pointed to the obligation provinces have to recognize and protect Aboriginal and treaty rights in their resource development and planning.

The expanding case law on Aboriginal and treaty rights related to natural resources has been addressed in Asch (1997), a compilation of essays on law, equality, and respect for difference. House (1998) examined recent developments in the courts in respect to Indigenous claims and the forest industry, specifically the Paul, the Haida Nation and the Delgamuukw judgments.

Statement of Political Relationship

In 1991 the Ontario New Democratic government signed a ground-breaking "Statement of Political Relationship" with the Chiefs of Ontario recognizing the inherent right to self-government of First Nations and making a commitment to *"facilitate the further articulation, the exercise and the implementation of the inherent right to self-government...."* The agreement signalled a change in the relationship between the Province and First Nations, the first time in history that such mutual recognition and commitment to build a relationship based on government-to-government negotiations had occurred.

Regional Chief Gordon Peters (Chiefs of Ontario, 1991) outlined how he saw this agreement affecting lands and resources: *As First Nations peoples, we require a means by which we can sustain ourselves, necessitating the need for negotiations on expanding our land bases beyond our reserve boundaries and access to the resources that these lands provide.* There was hope that this agreement might change the nature of Indigenous-provincial relationships by forming the basis for future discussions on lands and resources. However, provincial initiatives which

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were underway or to be undertaken over the next few years ignored this Statement of Political Relationship and continued treating Ontario Indigenous Peoples as just another stakeholder in multistakeholder processes (see Smith, 1995 for a full explanation of the rights issues which form the basis for recognition of Indigenous Peoples' unique role in multistakeholder processes).

Class Environmental Assessment Terms and Conditions and Resulting *Crown Forest Sustainability Act*

The Class Environmental Assessment (EA) for Timber Management on Crown Lands in Ontario was underway when the Statement of Political Relationship was signed. The EA Board rendered its decision in 1994 (EAB, 1994), with several of its recommendations to the Ontario Ministry of Natural Relationships focussing on the Ministry s relationship with Indigenous communities (Bombay, 1995). The OMNR was directed to implement the following conditions as part of its timber management planning: Condition 4 on establishing a Native Consultation process; Condition 19 on producing Native Background Information Reports; Condition 57 on producing a Report on Protection of Identified Native Values and Condition 76 on consulting with trappers and ensuring that trails used for traplines be rehabilitated and unobstructed following timber operations.

But the recommendation which received the most attention from Indigenous groups was Condition 77 which directed the OMNR to, in negotiation with Indigenous people, *identify and implement ways of achieving a more equal participation of Aboriginal peoples in the benefits provided through timber management planning.*

Condition 77 has been the focus of Indigenous groups since 1994 and its lack of implementation has caused frustration and disillusionment in the OMNR's ability to address Indigenous lands and resources issues. The Class EA Terms and Conditions became part of the OMNR's changes to its forest management legislation, resulting in the new *Crown Forest Sustainability Act (CFSA)* which became law in 1995. Section 23 of the *CFSA* provides a legislative basis for the province to enter into co-management with First Nations. The clause states that *the Minister may enter into agreements with First Nations for the joint exercise of any authority of the Minister under this Part* [Part II, Management Planning and Information]. As well many of the EA Board's terms and conditions are incorporated into the new act and its regulations contained in four planning manuals. The *Forest Management Planning Manual for Ontario s Crown Forests* (1996) contains provisions for preparation of Native Background Information Report (Section 1.4.6), a Report on Protection of Identified Native Values (2.6.3) and a separate Native Consultation Program (3.3.1) for those communities who so choose it.

In addition, the Manual outlines how the MNR will undertake *"Negotiations with Aboriginal Groups"* as stipulated by the Class EA Board on Condition 77. It commits the MNR to:

> *develop a framework for the implementation of Term and Condition 77, in consultation with: (a) Nishnawbe-Aski Nation, (b) Grand Council Treaty #3, (c) Union of Ontario*

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> *Indians, (d) Association of Iroquois and Allied Indians [the PTO representing southern First Nations], (e) Ontario Metis Aboriginal Association, (f) Metis Nation of Ontario, (g) the forest industry (e.g. Ontario Forest Industries Associaton, Ontario Lumber Manufacturers Association), and (h) other aboriginal government bodies, as may be appropriate. The framework will provide guidance to MNR s District Managers for the conduct of negotiations with native communities at the local level on the subject matters identified in Term and Condition 77.*

Grand Chief Charles Fox of Nishnawebe-Aski Nation did not place any faith in the new *CFSA* saying that by passing the act, *the provincial government breached several promises to NAN and is imposing on his people s Aboriginal rights to control their traditional territories* (Milne, 1994). Fox had been promised by the province that any new legislation would apply only to forests south of the 50th parallel and that negotiations which had been underway between the province and NAN since 1986 would establish jurisdiction and governance for the territory north of the 50th parallel in which area the majority of the NAN population resides. Fox pointed to the 1991 Statement of Political Relationship and said: *By passing Bill 171 without consultation, the Ontario government has failed to respect the government-to-government relationship we are supposed to have... the province is continuing to exclude First Nations from the benefits of forestry developments.*

Negotiations between the OMNR and the PTOs would bring the relationship back to a government-to-government one, as captured in the 1991 Statement of Political Relationship and it would also provide much needed direction to the OMNR s District Managers who, in the absence of guidelines from central authorities in the OMNR, now operate on an ad hoc basis, some in the tradition of enlightened bureaucrats and others who are not so benevolent.

Devolution of Powers to the Forest Industry

Another reason Indigenous groups are so frustrated with the OMNR is that with the new *CFSA* came a new form of licensing, the Sustainable Forest Licence. Large area tenures which had been under Forest Management Agreements (FMAs) were, on their expiry, transferred to the new SFLs. As well, Crown Management Units (CMUs) which had been managed by the OMNR itself, were also converted to SFLs. The new SFLs provided an opportunity for the entry of new players and the formation of partnerships to manage these licenses. With Condition 77, Ontario Aboriginal groups saw the opportunity to become partners in forest management and to achieve a share of the forest economic development that was advocated by Condition 77. However, as negotiations with large forest companies with existing FMAs progressed, even small operators saw the transfer of CMUs to SFLs as a threat. An industry observer in northwestern Ontario warned: *There s no question that the small operator is doomed. This process will gradually and sometimes not so gradually knock out the smaller guys and their cutting licenses will revert to the big guys* (Angus, 1996). Under the NDP, four community forest pilot projects had been started on CMUs, including the Indigenous community of Wikwemikong on Manitoulin Island. With the transfer to SFLs, the Conservative government stopped funding the

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projects.

While the OMNR postponed negotiations on Condition 77, new SFLs were signed under what the OMNR termed a "new business relationship", giving companies more responsibility for forest renewal, planning, forest protection, information and auditing. As a result of the scaling back of provincial responsibility for forest management, the OMNR underwent massive cutbacks and layoffs of staff. An indication of the extent of this devolution is contained in the province s 1999 budget which cut a further 43% from the OMNR budget (Ferguson, 1999) with the opposition NDP commenting that: *The large drop in the Ministry of Natural Resources budget is probably because the forest industry and others are regulating themselves instead of being policed by ministry staff.* With such devolution, forest companies, who do not have constitutional responsibility for relationships with Indigenous Peoples, were left with the legacy of historical injustice and unsolved lands and resource problems, from land claims to the implementation of Condition 77.

Industry companies were required under the generic SFL to *work cooperatively with the Minister and local Aboriginal communities in order to identify and implement ways of achieving a more equal participation by Aboriginal communities in the benefits provided through forest management planning* (Section 21.1, OMNR, 1995), but because the OMNR had not negotiated with the Indigenous PTOs and provided no guidelines for implementation, forest companies often paid only cursory and token attention to the clause. Aboriginal communities saw this as another injustice: *The MNR has not been moving very quickly on the implementation of this condition. And while the MNR stalls, land continues to be parceled out to the large timber companies. The province is being told loud and clear that this kind of double dealing will not be tolerated by First Nations* (Nashkawa, 1995).

Criteria and Indicators for Sustainable Forest Management

The Province of Ontario is also a member of the Canadian Council of Forest Ministers which initiated both the National Forest Strategy (1998) and the Criteria and Indicators of Sustainable Forest Management (Smith, 1998) and is therefore responsible for implementing their commitments. The renewed National Forest Strategy contains an expanded Strategic Direction Seven, "Aboriginal People: A Unique Perspective" outlines a framework for action which includes the following:

- *To achieve an increased level of involvement of Aboriginal peoples in forest management and decision-making;*
- *To recognize and make provision for Aboriginal and treaty rights in sustainable forest management;*
- *To increase access to forest resources for Aboriginal communities to pursue both traditional and economic development activities;*
- *To support Aboriginal business development in the forest sector;*
- *To increase the capacity of Aboriginal communities, organizations, and individuals to*

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participate in and carry out sustainable forest management;
- *To achieve sustainable forest management on Indian Reserve Lands.*

The CCFM s Criterion 6, Accepting Society s Responsibility for Sustainable Forest Management, includes several indicators on the recognition and protection of Aboriginal and treaty rights and participation of Indigenous Peoples. The commitment to implement the CCFM Criteria and Indicators is included as regulation in the Ontario Forest Management Planning Manual (OMNR, 1996). As with Condition 77, Indigenous groups are still waiting to see these commitments implemented by both federal and provincial governments.

Lands for Life

The Ontario Ministry recently concluded a northern Ontario-wide land use planning exercise, Lands for Life. Three round tables were established in northern Ontario and discussions were held during 1997-98. From the beginning, there was controversy about the involvement of Indigenous Peoples.

Nishnawbe-Aski Nation Chiefs recalled their representatives after experiencing frustration in raising Indigenous concerns about a range of issues from jurisdiction including tenure to business opportunities (Cheechoo, 1999). In the end, the Conservative government ignored the recommendations from the round tables and in secret meetings with representatives of the forest industry and environmental groups worked out a deal increasing park/protected areas while maintaining wood supply to the existing industry. Indigenous representatives were not included in these discussions.

The government, industry and environmental groups portrayed the results as a model of co-operation. But it was not a win for Indigenous Peoples. The province elevated the forest industry and environmental groups to equals at the negotiating table and left out Indigenous Peoples. The three winning groups negotiated a package which increased protected areas, where, although possibly illegal, Indigenous traditional uses are limited, and ensured no reduction in wood supply to the existing companies. Indigenous rights, increasingly being recognized as prior and unique rights by the Courts, were ignored. Indigenous organizations were not invited to the table and yet the decisions made profoundly affect their ability to exercise treaty rights such as hunting, fishing, gathering and trapping, and limited their ability to share in economic benefits because there is no unallocated wood left in Ontario.

In spite of being left out of the discussions, the Ontario Forest Accord did make commitments to include Indigenous Peoples in the future:

1. *To consult with the principal representative organizations of the First Nations in the Strategy planning area concerning:*
   - *the process for consultation with local First Nations whose rights may potentially be affected by future decisions about the use of Crown lands and resources;*

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- *measures for long-term protection of sacred Aboriginal sites on Crown lands; and*
- *economic participation and opportunities for Aboriginal peoples in the resource and tourist industries on Crown lands, and opportunities for participation in the management of protected areas.*

2. *To consult with the principal representative organizations of the Metis in the Strategy planning area concerning the topics mentioned in item 1, if and as it is established that Metis communities with existing Aboriginal or treaty rights are located in the area.*

3. *To consult, when future decisions about use of Crown lands are made, with local First Nations and any Metis communities who have existing Aboriginal or treaty rights which may be infringed upon by such decisions.*

4. *To have discussions with Aboriginal communities on the traditional uses that occur in proposed protected areas, and any Aboriginal and treaty rights that may exist, before the areas are regulated.*

Needless to say, such commitments have a hollow ring in light of the secret deal between the province and industry and ENGOs and government inaction on implementing earlier commitments such as Condition 77. Chiefs from across the province made their displeasure known, vowing at a Nishnawbe-Aski Nation led press conference on April 1, 1999 to stop *Living Legacy "with whatever means we are forced to employ"* (Porter, 1999). NAN Grand Chief Charles Fox again explained Indigenous frustration with the province:

> *... It s the longstanding avoidance of Aboriginal issues that has raised the hackles of NAN, more so than recent political posturing about consultation. It was back in 1996 that the Harris government first took an interest in the resources of the region, developing and in 1997, approving the North of 51 initiative. After eight drafts of a protocol agreement respecting resource development issues, in February 1998 discussions between the province and NAN ceased. Last May, smelling detrimental impacts on treaty rights, NAN decided to back away from any resource talks with the Harris government. By July, NAN had pulled out of the Lands for Life round tables, saying their representatives were being treated like just another interest group. In November, a procedural action was filed, taking the government to court for lack of consultation...*

NAN joined forces with the Canadian Environmental Law Association (CELA) to pursue legal action against the province. In a preliminary analysis of the Lands for Life proposals, CELA (1999) addresses the exclusion of Indigenous groups from the negotiations, noting that *establishment of the boundaries of parks and protected areas where no timber harvesting will be allowed may affect the ability of the MNR to comply with Condition 77"* and that *the Strategy and the Accord contain no provisions providing assurance to Aboriginal peoples that they will be included in the benefits.* CELA captures the dilemma of Indigenous groups caught between exclusion of traditional Treaty activities of hunting, fishing and trapping in protected areas and

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exclusion from economic benefits promised by Condition 77 but impossible to implement if wood supply is ensured to the existing industry players. CELA simply and elegantly recommends that:

- *First Nations peoples must speak for themselves and make the decisions as to how their existing Aboriginal and Treaty rights will be affected by Ontario.*
- *Where there are outstanding land claims, Ontario must promote the settlement of those claims before proceeding with other land use decisions.*
- *First Nation communities must be consulted as to traditional activities before drawing new parks and protected areas boundaries, and before committing lands to industrial uses.*
- *Treaty rights of affected First Nations must be reviewed with them before proceeding with the Land Use Strategy.*
- *MNR must ensure compliance with Condition 77 of the Class Timber EA before proceeding with any further mining or forestry land use decisions.*
- *Explicit legislative recognition of the right to First Nations constitutional rights to continue Treaty activities and traditional activities in parks and protected areas unless otherwise agreed must be provided.*
- *For land use decisions in lands affected by Aboriginal and treaty rights, joint land use and management decision making procedures must be established.*

Whether the OMNR s most recent commitment to consultation or court decisions will lead to changes in the relationship between Indigenous groups and the province remains to be seen. The question remains: what will lead to change? "Co-management" has been offered as a catalyst for change.

Co-management and Common Pool Resource Theory

A school of interdisciplinary researchers arose under the theoretical guidance of Elinor Ostrom (1990) to study what she called "common pool resources" (CPRs). Ostrom postulated that under certain circumstances co-operation leading to sustainable management was possible based on a theory of self-organizing and self-governing forms of collective action. This school of researchers went on to conduct empirical case studies of small-scale CPR situations to determine which circumstances had to be in place to achieve sustainable management. Ostrom described her approach:

> *Instead of presuming that the individuals sharing a commons are inevitably caught in a trap from which they cannot escape, I argue that the capacity of individuals to extricate themselves from various types of dilemma situations varies from situation to situation... Instead of basing policy on the presumption that the individuals involved are helpless, I wish to learn more from the experience of individuals in field settings. Why have some efforts to solve commons problems failed, while others have succeeded? What can we learn from experience that will help stimulate the development and use of a better theory*

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of collective action one that will identify the key variables that can enhance or detract from the capabilities of individuals to solve problems?

The role of both the state and local resource institutions has been pointed to as crucial for the sustainable management of CPRs. As pointed out above, many authors have pointed to one or the other as being the only enlightened manager. Hanna & Jentoft (1996) think that *"property-rights regimes are a link between the human and natural systems that are granted, codified, and upheld by the state."* They recognize that at times, however, because of the *"human complexities that exist in economic and social spheres"*, the state itself implements management regimes that *"cause the tragedy to occur."* M Gonigle (1999), however, points to the need for the modern state to act as a supporter for the development of local institutions. M Gonigle recommends the modern state be reinvented with a new 'constitution' which would mean *the communalization of productive territorial wealth, the equalization of access to the bases of social and economic power, and the strengthening of the territorial economy through enhanced self-reliance, the enhancement of a use (in contrast to exchange) economy, and the development of regionally controlled markets.* It is such a model of centrist state-local community relationships, that might be applied in Ontario. This model promotes the enhancement of a use economy that is in keeping with Chapeskie s (1994) assertion that *co-existence provides a more suitable framework from which to re-vision the discourse of resource management. This should take place in the context of a full and frank acknowledgement within the governing institutions of the non-aboriginal society of both the existence and value of customary aboriginal relationships to the land.*

Co-management has been defined as Indigenous communities' *"political claim to the right to share management power and responsibility with the state; an attempt to formalize a de facto situation of mutual dependence and interaction in resource management* (McCay & Acheson, 1987). Co-management can be seen as what Pinkerton (1989) termed an *"alternative institutional arrangement"* between the state and Indigenous groups to sustainably manage forest resources. Berkes (1994) points out that it is pointless to try to define the term co-management more precisely than various degrees of integration of local- and state-level systems of sharing power and responsibility for resource use because of the variety of arrangements possible.

In my undergraduate thesis (Smith, 1991), the literature review summarized writings on the history of Indigenous rights and access to land and resources issues, the meaning given to Indigenous rights and self-government by Indigenous Peoples themselves, the dynamics between federal/provincial governments and Indigenous Peoples and the nature of resource agreements with Indigenous Peoples. As of 1990, the most comprehensive studies of co-management in Canada were Pinkerton (1989) which addressed in a number of essays the issues of co-operative fisheries management and Cassidy and Dale (1988) who examined agreements in British Columbia to determine how the resolution of outstanding land claims might affect resource development.

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Pinkerton noted that in Canada there has been special attention paid to Indigenous community development *"both because of their extreme dependence on the natural resource base and because of vigorous indigenous political development."* The issue of co-management has received particular focus in Canada because of the small size of the Reserve land base which was set aside for Indigenous Peoples by the federal government. Although Reserve land size is small, one author pointed out that while *Ontario s Native population is larger than that of any of the American states except Oklahoma, Arizona and California , all of the reserves in every province of Canada combined would not cover one-half of the reservation held by Arizona s Navajo Nation* (White-Harvey, 1994). Indigenous Peoples under treaty and definition of Indigenous title and right continue to use Crown land for their traditional activities.

Since 1990, many studies have built on Pinkerton and Cassidy's work. Notzke (1994) did a comprehensive national survey of Indigenous perspectives on natural resource management, covering water resources, fisheries, forestry, wildlife, land, non-renewable resources, protected areas and environmental impact assessment. Notzke describe co-management *as a means of crisis resolution, a result of comprehensive claims settlements, a matter of policy and a tangible expression of native people s empowerment these categories continue to exist contemporaneously and cannot always be clearly distinguished. They also represent an evolution in progress.* Other authors have examined specific co-management agreements, especially the NorSask Forest Management License Area in Saskatchewan (Beckley and Korber, 1996; Chambers, 1999). The Royal Commission on Aboriginal Peoples, which conducted hearings and studies for a five-year period from 1992-96, became a focal point for many studies on Indigenous Peoples and lands and resources (see, for example, Chapeskie, 1994), with the Commission s final report including a volume on lands and resources (1996).

Co-management is often seen as a means to enhance economic development for Indigenous communities. For example, Ron Irwin, before he served as Minister of Indian Affairs, drafted his ideas on co-management and a model agreement in "Aboriginal Self Determination: A Co-Management System for Natural Resources" (1994) in which he stated that co-management shall *"increase control, authority, responsibility and accountability for economic development and promotion of Aboriginal peoples, promote economic self-sufficiency of Aboriginal peoples and promote sustainable development."* These ideas obviously influenced his actions during his term of Minister of Indian Affairs, a term that focussed on economic development above all else.

Aside from its contribution to Indigenous economic development, it has been stated that co-management in and of itself will lead to sustainable forest management. Berkes (1994) suggested that *co-management creates the potential for some healthy synergy between the kinds of knowledge held by the two solitudes by enabling the use of detailed local knowledge accumulated through a long series of observations over many generations.* Others (Pinkerton, 1989; Chambers, 1999), myself included (Smith, 1991), stipulate various criteria on which to evaluate successful co-management regimes. In my thesis I emphasized criteria from an Indigenous point of view, these being: recognition of Indigenous rights, a share of economic benefits, the protection of cultural values and shared decision-making.

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Many authors (Stevenson, 1999) refer to the need to "empower" Indigenous groups and point to mechanisms which should be in place to do this. Berkes and Fast (1996) point out that the *"loss of indigenous cultures, or cultural diversity, is comparable to loss of biological diversity"* and contend that *policy mechanisms ... need to include measures to build and strengthen indigenous social institutions, to recognize indigenous communal property rights for land and resources, and to assess the cumulative impact of development projects* . Usher (1991) put forward the view that *the criteria for co-management ought not simply to be user participation in the state system, or even the appropriation of user knowledge by the state system, but rather a harmonization of the state and indigenous systems or approaches to understanding.*

While empowerment of Indigenous communities, maintenance of cultural diversity and the advantage of incorporating traditional ecological knowledge may be incentives for the state to bring Indigenous groups into forest management, Indigenous groups see themselves as equals, partners who negotiated government-to-government relationships and agreed to share natural resources. The Royal Commission on Aboriginal Peoples (1996) recommended as the basis for a new relationship between governments and Indigenous Peoples in Canada, four "Rs": respect, recognition, responsibility and reconciliation. As Barsh points (n.d.), "recognition" in international law involves *"the formal decision to establish a relationship with another government."*

CONCLUSION

While the practice of the Ontario Ministry of Natural Resources may lead to the conclusion that the province is unwilling to recognize Indigenous Peoples as partners, to uphold the sharing intent of the treaties as interpreted by Indigenous Peoples or to negotiate with Indigenous political territorial organizations the implementation of agreements that would give substance to the government-to-government relationship captured in the 1991 Statement of Political Relationship, and further supported by the recommendations of the Royal Commission on Aboriginal Peoples, the Province of Ontario does have in its current legislation and policies the foundation for such negotiations.

The terms and conditions of the Class EA Board, especially Condition 77, the provisions of the new *Crown Forest Sustainability Act* and, most recently, the commitment to consultation contained in *Ontario s Living Legacy* all contain wording which provide the basis for government-to-government negotiations with Indigenous groups on co-management of forest resources. The challenge for the province is to break out of the adversarial role they have historically played with Indigenous Peoples and become, as M Gonigle (1999) recommends, a supporter of local use economies and to do this on the basis of the respect, recognition, responsibility and reconciliation recommended by the Royal Commission on Aboriginal Peoples.

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