

Summary of Proceedings
National Forest Strategy Team 3 Working Meeting
April 5-6, 2006, Ottawa

Hosted by the National Aboriginal Forestry Association

Participants

Facilitators: Mark Kepkay & Marcelo Levy;

Don Sharp (Métis National Council)

Lorraine Rekmans (National Aboriginal Forestry Association)

Brad Henry (First Nations Forestry Program)

Nadine Roach (Union of Ontario Indians)

David Crevier (Indian and Northern Affairs Canada)

Nicole Lavigne (Cree-Québec Forestry Board)

Andrew Devries (Forest Products Association of Canada)

Bob Stevenson (Aboriginal trappers)

Wendy Vashbinder (Canadian Model Forest Network)

Harry Bombay (National Aboriginal Forestry Association)

Larry Stanley (Saskatchewan Environment)

Sandra Cardinal (Alberta-Pacific Ltd.)

Keith Deering (Newfoundland & Labrador Dept. of Natural Resources)

Gary Anka (Natural Resources Canada)

Valerie Courtois (Innu Nation)

Deborah McGregor (University of Toronto Geography)

Stephen Harvey (Ontario Ministry of Natural Resources)

Rob Cahill (Fur Institute of Canada)

Pamela Perreault (Researcher)

Alastair MacPhee (Congress of Aboriginal Peoples)

Jean-François Gravel (Québec Ministry of Natural Resources and Wildlife)

Marc Stevenson (Sustainable Forest Management Network)

Gerald Cunningham (Métis Settlements General Council)

Notetaker: Rosalind Kee

Jim Webb (Little Red River Cree First Nation)

Mary Sandy (Nicola Tribal Association)

Bob Yatkowsky (Tembec)

Karen Gelowitz (NFS Theme 5)

Sarah Lawson (Natural Resources Canada)

Kelsey Peters (First Nations Forestry Program)

Tim Leclair (Métis Settlements General Council)

Garry Parenteau (Métis Settlements General Council)

Terry Teegee (Carrier-Sekani Tribal Council)

Hugo Asselin (l'Université du Québec en Abitibi-Témiscamingue)

Joe Wheesk (Nishnawbe-Aski Nation)

Brenda Iserhoff (Nishnawbe-Aski Nation)

Jean-Louis Causse (Indian and Northern Affairs Canada)

Art Hay (Indian and Northern Affairs Canada)

Jennifer Wilson (Indian and Northern Affairs Canada)

Byron Louis (National Aboriginal Council on Species at Risk)

BACKGROUND

On April 5 and 6, 2006, Thematic Team 3 of Canada's National Forest Strategy Coalition gathered in Ottawa to assess progress and plan future work in implementing Theme 3 of the 2003-2008 National Forest Strategy (NFS), "Rights and Participation of Aboriginal Peoples". The objectives of this working meeting were:

- To provide an update on activities over last year relevant to Theme 3.
- To review draft discussion documents and to obtain feedback and suggested edits.
- To agree on next steps under the six working groups of Team 3 and update the workplan.

The meeting was hosted by the National Aboriginal Forestry Association (NAFA), which has been designated as Champion of Theme 3. Over the course of two days, attendance numbers varied between 25 and 40 people. Representatives were present from national Aboriginal organizations, Aboriginal communities, federal government, provincial governments, the forest industry, and innovative regional initiatives.

APRIL 5, 2006

Terms of Reference

The Team spent most of the first morning of the meeting in introductions, review of the meeting objectives, and review of the Terms of Reference (TOR).¹ In addition to the TOR, Team 3's work is based on the Objective and 7 action items of Theme 3 (Figure 1). As Theme Champion, NAFA coordinates and facilitates the Team. Marcelo Levy was introduced as a new "Co-Coordinator" of Theme 3, together with Mark Kepkay under NAFA's supervision.

The projects to be discussed at this meeting are directly related to the 7 action items of Theme 3, and they are the results of discussions that NAFA facilitated among Team 3 participants from June 2005 through March 2006. During those discussions, 6 Working Groups were formed to address issues of high priority. Notes from meetings and teleconferences are available.

The key working principle of the Team is to establish an open process that develops consensus and broad support for joint projects that advance the Theme 3 action items. This Team has no readily available funding to hand out, and no jurisdictional authority to make policy directly. Instead, the power of the Team to advance the action items comes from broad consensus and contributions from all members.

It was noted that other teams have adopted different approaches to implementing the NFS, and in some cases they have not been able to maintain a Coordinator. Most of them also have initiated fewer joint projects. There is flexibility in how each team can advance the action items; however, there is not a clearly defined process for the NFS Coalition as a whole to adopt the deliverables that come out of the team processes.

¹ See the July 2005 document, "Terms of Reference, Thematic Team 3 of the National Forest Strategy".

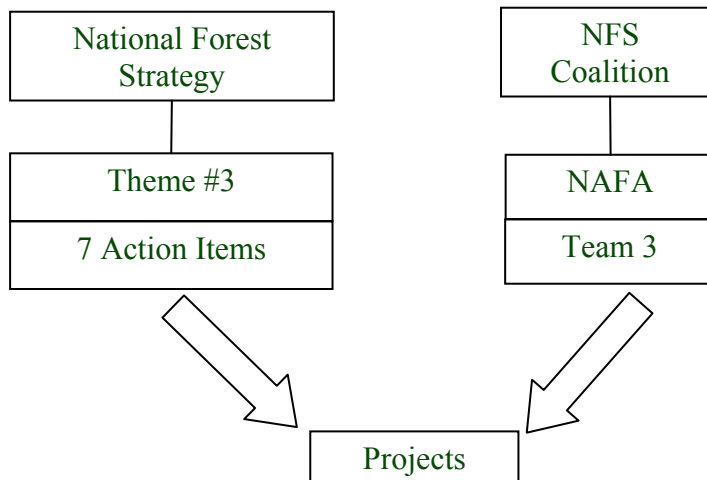


Figure 1: Relationships among Team 3, NFS Coalition, Theme 3, and Projects

NFS Coalition Progress Reporting

Mark Kepkay outlined the work carried out so far on reporting progress and key gaps to the NFS Coalition. The Coalition finalized the NFS performance indicators in December 2005. As the Team 3 representative to the Evaluation Committee, NAFA had coordinated Team 3’s input in the process leading up to the final indicators.

In February 2006, the NFS Coalition prepared an interim progress report based on the indicators. On behalf of Team 3, NAFA provided data and input to this report, which still remains in draft form. In parallel to this process, several other parties have been developing their own progress reports, on an “ongoing working draft” model. Team 3 should consider preparing such a report as well.

In addition to ongoing progress reporting, Team 3 soon will need to develop input to the design of the Final Evaluation of the NFS as it approaches the end of its term in 2008. That work will get underway this coming summer. The Evaluation Committee will be seeking input from Team 3 on how to approach the evaluation.

Data Collection Working Group

Coordination of reporting on progress is one of the key specific functions identified in Team 3’s TOR. In addition to supporting the reporting processes of the NFS Coalition as described above, Team 3 has started to develop data collection and reporting projects independently. Our experience and deliverables in these independent projects can be used as a basis for developing our input to the NFS Coalition’s Final Evaluation, but it is uncertain how exactly the Coalition will treat this input.

The independent projects currently proposed by the Data Collection Working Group are outlined in the overview document, “Proposed Data Collection Projects under the National Forest Strategy Theme 3” (March 3, 2006; see also Figure 2). Time constraints did not permit discussion of all of these projects in detail at the meeting.

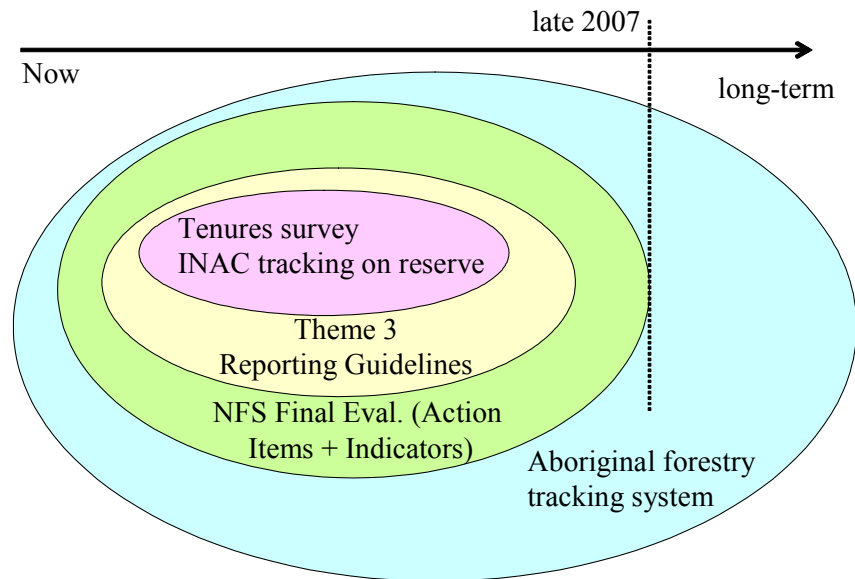


Figure 2: Schematic of proposed Team 3 Data Collection Working Group projects

In the fall 2005, the Working Group identified a need to develop additional guidance for parties that are reporting on progress relative to the Theme 3 action items and indicators. Most of the current meeting’s session for the Data Collection Working Group was devoted to discussion of the draft document, “Guidelines for Reporting Progress on National Forest Strategy Theme 3” (March 14, 2006). The objective is to enable consistency in reporting across the country. The draft Guidelines document was the first attempt to do this, including General Guidelines for reporting on Theme 3; Specific Guidelines that clarify wording and provide recommended reporting formats for each indicator; and Definitions and Background for key terms.

Much of the discussion of the Guidelines document revolved around the Definitions and Background section. Many had concerns that it is not appropriate for Team 3 to be defining such political issues as Aboriginal rights, etc. There was general agreement that while definitions were important, they were not the priority for the reporting Guidelines. It was proposed that the definitions are more appropriately considered “background information”.

Another major concern was the difficulty of measuring progress on accommodating Aboriginal and treaty rights (e.g., the Specific Guidelines for Action Items 3.1 and 3.2). Many felt that Team 3 was better off to focus on measuring progress in participation, since this would be more amenable to quantitative, transparent reporting. Others expressed concern over segregating rights from participation, and the need to work on the issues of measuring progress on rights, even if this seems more difficult. Ideas for measuring rights included (1) looking at the level of effort invested by the parties and (2) determining whether practices are *negotiated*, rather than imposed, on Aboriginal communities.

Team 3 members spent the remainder of the Data Collection Working Group session in close review of the General Guidelines section of the Guidelines document, as this seemed the most

likely place to secure agreement over the next few months. Specific edits were made as a group, and will be incorporated in a revised version of the document after the meeting.

Due to time constraints, the Team was not able to look closely at any other projects being advanced under the Data Collection Working Group. These other projects will be discussed in future teleconferences and other discussions of the Data Collection Working Group.

Next steps identified for the Data Collection Working Group include the following:

- NAFA will implement the update of the tenures survey (assuming the funding is confirmed) and continue exploring the potential for tracking Indian and Northern Affairs (INAC) activities relative to Reserve forests.
- Mark and Marcelo will revise the Guidelines document according to feedback gained here. Specifically, they will make the agreed edits to the General Guidelines, and the definitions will be re-titled “Background”. However, the working group should continue to explore the potential for developing simpler, mutually acceptable definitions of key terms.
- Mark and Marcelo will begin to develop a “working draft” report on progress in Theme 3 that will be shared and revised on an ongoing basis through to the end of the NFS term, in 2008.
- Although it was not discussed in detail during the meeting, the project to build long-term capacity for tracking progress in Aboriginal forestry will be considered in future discussions. This is definitely the most ambitious of the projects. A look at institutional developments that improve the information about trends in Aboriginal forestry is needed to support policy making.

Capacity Working Group

Action Item 3.4 calls for governments and other parties to invest in capacity-building for Aboriginal peoples in the forest sector. The Capacity Working Group was originally called the Institutions Working Group. Discussions over the fall 2005 concluded that capacity was the key to making progress not only on institutional arrangements, but also on all of the other action items of Theme 3. Thus the name of the Working Group was changed.

Although NAFA circulated a proposed outline for developing a joint Capacity Strategy prior to this meeting, the reaction of the Team members suggested that this step was premature. There was a need to ground discussion in a more open-ended discussion at this meeting, identifying the diversity of perspectives on what capacity is and how it can be built specifically in the context of Aboriginal rights and participation in the forest sector. Three presenters were invited to provide food for thought in this regard. After this discussion, the Team would then be in a position to work jointly on a proposed outline for the Capacity Strategy project.

Pamela Perreault made the first presentation of the session. She has been working on a PhD thesis on Aboriginal capacity in the forest sector, and she has also been developing a paper with Marc Stevenson for the Sustainable Forest Management (SFM) Network. She proposed that Capacity is about resources, skills and abilities as well as building relationships, and then facilitated an open discussion about various perspectives on what capacity is. Definitions from the group identified various elements of capacity, including:

- legitimacy
- ability to influence decisions
- a two-way process of communications and building relationships

- Long-term and short-term capacity
- Different levels of capacity (e.g. individual, community, organizational, institutional, etc.)
- The ability to participate, represent and engage
- The capacity to realize rights
- The ability to understand ones own community

A key general point in this discussion is that the range of functions for which capacity-building is needed in Aboriginal groups is very broad. Often a single individual in a Band Office or other organization is tasked with everything related to forest issues - writing resolutions, training staff, business development, technical planning, and much more.

Larry Stanley from Saskatchewan Environment made a presentation on Saskatchewan's approach to building Aboriginal capacity. The approach there is to address capacity challenges by recognizing common opportunities for both the communities and the province to advance value-added and knowledge-based developments. The result they are seeking is a strong, shared industry.

At present, Saskatchewan is conferring with northern communities to figure out (1) Where are we right now? (2) Where do we want to go tomorrow? (3) How are we going to get there? The aim is to build on the communities' existing capacity by engaging them in the processes that the whole industry is going through. For example, some people with a lot of knowledge of the land are now performing air photo interpretation on contract for the Province. They intend use that existing knowledge as a launching point for getting Aboriginal people more involved in the industry, which in turn will lead to increased knowledge and skills, and a greater capacity for playing leadership roles.

There was great interest among meeting participants regarding this tangible, on-the-ground initiative. People were curious about how Saskatchewan will measure the success of these initiatives, for example in terms of the level of satisfaction on the part of Aboriginal peoples. Discussion also addressed some technical details of how the partnerships would work, and what kinds of information would be produced. Confidentiality and control of traditional knowledge was flagged as a key issue.

Lorraine Rekmans presented NAFA's ideas towards a national capacity building strategy. She made the point that even in those areas where responsibilities are grounded in legislation, capacity is lacking on both the community and the government sides. For example, in the context of the *Indian Act*, neither First Nations nor INAC have established the capacity to implement their obligations for Reserve land management. The Auditor General has recommended more than once that INAC take action to address this shortfall in capacity.

Lorraine also noted that many studies demonstrate that community well-being is promoted by involvement in decision-making. This requires good institutional arrangements. At present, INAC holds all of the authority, but key issues remain unaddressed. Fixing this would be a good place to start in terms of building capacity – at the community level, at the institutional level, and in governments. From this basis, we could expand capacity-building efforts beyond Reserve boundaries.

Participants questioned whether a focus on capacity for Reserve management, even if just as a starting point, would tend to neglect the needs of Métis, off-Reserve First Nations people, and others. In addition, Indian Reserves are generally very poor in productivity. Some people emphasized that we need to keep a focus at the scale of First Nations' entire traditional territories.

The next step for the Capacity Working Group is as follows:

- The Working Group will conduct follow-up discussions on the idea of a joint discussion paper – i.e. a shared factual description of the current situation – and then of using that as the platform for developing a joint strategy – i.e. what to do about it.

APRIL 6, 2006

Traditional Knowledge Working Group

Action Item 3.3 calls for parties to incorporate Traditional Knowledge (TK) in forest management, consistent with the Convention on Biological Diversity. Deborah McGregor initiated discussions on Day 2 of the meeting with a presentation on TK from an Anishnabe perspective as a member of the Whitefish River First Nation community. She noted that she expects the major progress on this issue to emerge first at the community level, rather than in high-level policy-making.

Deborah outlined the evolution of the study of TK in Canada as an academic field starting in the 1980s, and the incorporation of the concept in natural resource/environmental policy and legislative frameworks. The early focus was on documenting TK, but the biggest challenge is that TK might not be compatible with documentation and storage in the conventional sense. Without actual practice on the land, it gets lost. That is its essential nature. In addition, rather than trying to define TK as Team 3 has been doing (see below), the focus should be on developing a shared understanding about what the concept of TK is and how it should be applied. Shared understanding should be through a negotiated process. This points to a paradigm shift in thinking about TK – a shift away from studying Aboriginal people and their knowledge, and towards working with them.

Deborah suggested 5 key considerations for incorporating TK in forest management:

1. The holders and practitioners of TK should be involved in the whole research and decision-making process.
2. Youth must be involved in all phases of TK initiatives.
3. Gender roles must also be recognized. Women are usually the carriers of TK.
4. TK is not a singular entity. It is plural – it is knowledges. Everyone has knowledge to offer.
5. There is an ethical side to the issue, in the idea of intellectual property rights. Rights include respect.

Comments by Team 3 members in response to the presentation included the point that we need to design our TK systems around the traditional ways of generating and sharing that knowledge. This will require developing institutions that bring the people who are usually out on the land into the discussion in a way that is comfortable and appropriate to their needs. Team 3 should find a way to “clear a space” in the dialogue and the institutions for TK holders to have their say and be respected. TK was characterized as a circular flow of reciprocal sharing of knowledge, with everyone contributing and everyone learning. Again the importance of involving youth was emphasized.

The remainder of the TK session was devoted to discussion of two draft documents produced by the Working Group in fall-winter 2005-06: (1) a draft “Definition of TK for the Canadian Forest Sector” (March 14, 2006) and (2) a draft outline of a “Proposal to Develop a Resource Kit to Support Incorporation of TK in Forest Management” (March 13, 2006). The idea of the resource

kit project is to provide useful information and models that local parties can adapt to serve their own unique situation and needs.

Many participants expressed reservations about defining TK in a general way, because this would tend to place limits on the ways that Aboriginal people could contribute to forest management. In addition, the concept of TK is complex, involving social, political, technical, and other aspects. Under these conditions, it should only be defined relative to specific contexts and purposes. Other participants expressed frustration at the reluctance to define TK in a concise manner. Without some concise way of conveying what it's all about, it seems unlikely that we can capture the attention and support of those outside of our Team. Parallels were noted with the concept of "sustainable forest management" (SFM): Every paper about SFM starts with the sentence, "There is no common definition of . . ." But then they almost always proceed to quote one or more existing definitions. The process of developing a definition might be a good way to establish common understandings, but probably the priority for Team 3 should be to develop a resource kit to describe best practices.

Mark Kepkay presented the draft outline of the resource kit project. According to the draft, the first step would be to compile existing information (protocols, case studies, research papers, etc) to find common themes and enlightening examples. The second step would be to organize workshops to have TK holders, communities, governments, and industry critique the themes and examples with a view to developing the resource kit. The third step would be to produce a draft version of the resource kit and to have the document widely distributed for comment. This could be followed by field testing in one or more communities. After revisions based on this process, the goal is to complete Version 1 of the toolkit by March 2008, with a commitment to continually improve it. Regarding the actual content of what the resource kit would consist of, feedback received to date suggests that case examples from across the country would be a good place to start. From that starting point, over time some key principles are likely to emerge that we could identify.

In considering priorities for further work of the TK Working Group, several people suggested that Team 3 needs to be aware of processes that are evolving outside our own, such as the "Access to Benefits Sharing" workshops and policy development process that the federal government is currently advancing. We need to consider how we can influence and provide input to these processes.

The next steps for the TK Working Group are as follows:

- The Working Group will follow up on these discussions with further clarification of the resource kit development process. This will be elaborated into a full project proposal, identifying joint roles, and aimed at generating funding specifically earmarked for the project.
- As a secondary priority, the Working Group will also revisit the question of the definition and how to improve it.

Learning Forum Working Group

Mark Kepkay outlined the progress in establishing the web site "Forest Home" and what the content would be. This is intended to be a shared forum for Team 3, not just a NAFA forum. The design is complete, but content still needs to be added before it can be made public. In addition to Team 3 activities and projects, it will have information on current news, issues in Aboriginal law and policy, a careers section, etc. The focus has been to build a simple website with an emphasis on information and easy maintenance. If the first-phase design proves manageable, then the Learning

Forum Working Group has identified a number of additional features that could be added, such as: an online discussion forum, French language content, interactive career development functions, etc. Apart from the website, the Learning Forum Working Group needs to keep in mind that a lot of people in our target audience do not use the internet frequently. We need to find alternative ways of sharing information and experiences with that audience.

The next steps for the Learning Forum Working Group include the following:

- All Team 3 members should continue to provide relevant links, documents, and other information to Mark and Marcelo for inclusion on the website.
- Mark and Marcelo will complete the initial “population” of the website with materials, aiming to make the website public by the end of May.

Métis Forestry Working Group

The Métis Forestry Working Group was formed for two reasons: (1) Action Item 3.4 calls specifically for the establishment of a “Métis Forestry Program” to parallel the existing First Nations Forestry Program of INAC and NRCan; and (2) in general, the status of Métis groups relative to the various other action items is even worse than that of First Nations.

A key challenge is the lack of resources for Métis organizations to play a leadership role in the Working Group. As Team 3 Champion, NAFA is committed to facilitate the process, but it cannot provide leadership. The Métis Settlements General Council (MSGC), Métis National Council (MNC), and Congress of Aboriginal Peoples (CAP) all expressed their interest in leading or co-leading the Working Group. In addition, the possibility of Métis organization(s) serving as co-Champion of Theme 3 was also discussed.

Once the Working Group is fully functional and prepared to begin developing a proposal for the Métis Forestry Program, they will need to take account of lessons learned from implementing the First Nations Forestry Program. The goal is to build capacity.

Finally, it was suggested that the Métis Forestry Working Group should advocate for the next NFS (after 2008) to be more responsive to Métis-specific issues.

Next steps in the Métis Forestry Working Group are as follows:

- NAFA will facilitate further follow-up discussions about leadership and approaches in the Working Group among CAP, MSGC, MNC, and interested groups not present at this meeting.
- The Working Group will also look at the possibility of drafting a joint lobby letter to get financial support from the Interlocutor’s Office and/or Human Resources and Skills Development Canada.

Aboriginal Trapping Working Group

Team 3 members have shown a high level of interest in developing capacity to address the needs of Aboriginal trappers in a forest management context. However, leadership of the Working Group has not yet emerged. NAFA cannot lead this Working Group due to lack of resources and capacity in the issues. However, as Champion of Theme 3, NAFA can provide facilitation.

In terms of projects that the Working Group has considered to date, one of them is to develop a “resource kit” similar in purpose to that being advanced in the TK Working Group. It would

provide information and examples of good practice that communities and their partners could adapt to their own needs. One example of this kind of project, from a perspective that is not exclusively Aboriginal, is the Manitoba Model Forest's project to develop a "best practices manual". The document is one product of a deliberate dialogue initiated with the Manitoba Trappers Association, local communities, and government approximately 4 years ago by way of discussions and workshops, and it is due for release at the end of 2006. In considering what an Aboriginal-specific resource kit might look like, it is important to recognize that for Aboriginal peoples, trapping is a cultural activity as much as it is economic. Furthermore, the most viable economic activities on a trapline may not be trapping – such as commercial guiding, recreation, and so on.

Discussion also included the issue of compensation for trapping losses due to forest practices. This is commonly done in some areas (e.g. Alberta), but not others. In addition, many parties feel the preferred practice is to avoid the losses in the first place. Cases were cited where individuals have acquired trapping licenses with no intention to trap, but rather to collect compensation money when the inevitable development pressures arrive.

The discussion during this session identified a number of interesting cases across the country that people need to hear about – for example, the planning processes under the 2002 Paix des Braves agreement between the James Bay Cree and the Québec. The resource kit project should encourage the sharing of lessons and models from these cases. Again it was emphasized that any project needs to involve the trappers themselves, the youth, and the elders.

Next steps for the Aboriginal Trapping Working Group include the following:

- NAFA will facilitate further follow-up discussions of the working group. Topics to be considered include:
 - A joint letter to request greater political pressure on this issue from political Aboriginal organizations.
 - Developing a resource kit project to build on the work of the Manitoba Model Forest, Fur Institute, and an earlier effort of the Aboriginal Trappers Federation.
 - Compiling materials for posting on the Forest Home website (see above).

Meeting Wrap-Up

To wrap up the meeting, the achievements to date and the identified next steps were reviewed by revising the March 27, 2006 version of the Team 3 workplan. It was noted that the main gap relative to the meeting objectives is to secure committed project resources from Team members other than NAFA. Mark and Marcelo will follow up on discussions by writing up and circulating notes, contacting Team members individually, exploring potential funding options, and scheduling teleconferences for May and June.

In closing, participants were asked for final comments on the meeting. People were impressed with the turnout. They appreciated the opportunity to come together and exchange views with others. NAFA was commended for the work done so far with so little resources. Several people approved of the willingness to hear a wide diversity of perspectives and to face challenging issues.