

Innovative forest practice agreements – What could be done that would be innovative¹

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The concept and implementation of sustainable development are resulting in seemingly impossible goals for policy-makers and practitioners. Sustainability, in terms of government policies, tends to mean something quite different than what it means to Aboriginal peoples. Sustainability to Aboriginal peoples is not just about the environment and development; it is about survival of their peoples. Because of the close link between the social and economic elements of sustainable forest management, policies for strengthening the economic development of the forest sector are unlikely to be successful in the long run when they do not integrate environmental, social and cultural concerns. Innovative forest practice agreements (IFPAs) and other forms of community-based tenures offer vehicles to do so something unconventional – alternative mechanisms and means by which to incorporate indigenous knowledge and values and to implement Article 8(j) of the Convention on Biological Diversity.

Key words: Indigenous peoples, Sustainable Forest Management, Innovative Forest Practices, tenure arrangements, Article 8(j), Convention on Biological Diversity

Le concept et l'implantation du développement durable entraînent des objectifs à première vue inconciliables pour les législateurs et les praticiens. La durabilité, en terme de politiques gouvernementales, représente quelque chose de totalement différent de ce que cela signifie pour les peuples autochtones. La durabilité pour les peuples autochtones ne touche pas seulement l'environnement et le développement; c'est une question de survie pour ces peuples. Parce qu'il existe un lien étroit entre les éléments sociaux et économiques de l'aménagement forestier durable, les politiques pour renforcer le développement économique du secteur forestier seront vraisemblablement sans succès à long terme lorsqu'elles n'intègrent pas les questions environnementales, sociales et culturelles. Les ententes de pratiques forestières innovatrices (IFPA) et les autres formes de tenures communautaires constituent des véhicules permettant de faire quelque chose d'une manière non-conventionnelle - des mécanismes et des moyens alternatifs selon lesquels il est possible d'incorporer les connaissances et les valeurs autochtones et d'implanter l'Article 8(j) de la Convention sur la diversité biologique.

Mots-clés: peuples autochtones, aménagement forestier durable, pratiques forestières innovatrices, ententes de tenure, Article 8(j), Convention sur la diversité biologique

Sustainability – Differing Definitions and Perspectives

Sustainable Development has become a powerful and controversial theme, creating seemingly impossible goals for policy makers and practitioners. Proposals for change are often revealed in terms of their contributions to "sustainability" (Barkin 1998). Globally and locally, when policy makers use the word "sustainability" we are dealing with concepts that mean very different things to different people. Sustainability in terms of government and bureaucratic policy tends to mean something quite different than what sustainability means to Aboriginal peoples. To start with, I would like to highlight some of the differences in the definitions of sustainability and sustainable development, as in my opinion, this is where the differences between Aboriginal and non-Aboriginal goals and objectives regarding forest management begin.

According to the *Dictionary of Natural Resource Management* (Dunster and Dunster 1996):

Sustainability: is the ability of an ecosystem to maintain ecological process and functions, biological diversity, and productivity over time.

Sustainable development: is a conceptual ideal where development meets the needs of the present generations without compromising the ability of future generations to meet their own needs.

However, global and local policy makers should try to remember that the forest and forest resources are fundamental to the survival of Indigenous peoples as distinct peoples. Since time immemorial and still today, the forest and its resources form the basis of their livelihood in terms of economic and social development, their culture and spirituality.

An Indigenous Definition and Perspective

Sustainability, according to one Indigenous definition, is synonymous with Survival. Sustainability is inextricably linked to their dependence on the lands and resources. Use is based on a holistic and spiritual, respectful approach. There is a spiritual, ecological, economic and social bond between the land and the people. In a similar vein of philosophy, Aldo Leopold (1949) termed this connectivity, one in which there is no separation between the soils, water, plants, animals and people, the "*Land ethic*." Leopold (1949) stated that "*a land ethic could not prevent the alteration, management and use of these resources, but that it did affirm their right to continued existence, and at least in spots, their continued existence in a natural state.*"



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Sustainability in this case is not just about the environment and development, it is about people, and the way in which diverse groups of people can continue to survive. It is about the conservation, management and use of biodiversity in its true and full sense. Thus, strategies developed to promote sustainability must focus on the importance of meaningful, local participation and control over the way in which people live (Barkin 1998). To be meaningful, participation of Aboriginal peoples must involve more than a consultative role; to succeed the approach must be that of empowerment.

So the question becomes "how can different forms of forestry-based tenures or innovative practices agreements meaningfully incorporate and reflect these radically different perspectives and values that are inherently attached to different management goals and objectives?"

Social elements of Sustainable Forest Management (SFM) may be broadly defined as those which involve two-way interactions or transactions between the forest and people, whether individuals or communities (ILO 1997). Because of the close link between the social and economic elements of SFM, policies for strengthening the economic development of the forest sector are unlikely to be successful in the long run unless they take into account social impacts and concerns (ILO 1997). Likewise, environmental policies and cultural values need to be integrated with both economic and social elements. The integration of the social, cultural, economic, and environmental values into practices at the management level will, of course, involve trade-offs; choices will have to be made. This is where Innovative Forest Practice Agreements (IFPAs) and other forms of forest tenure arrangements could play a significant role. Co-operative management agreements could be developed between First Nations, government and/or industry that incorporate economic development activities that are driven by and integrate environmental, social and cultural values, that are based on shared responsibility in decision-making and allow for the equitably sharing of benefits.

The Role of Indigenous Peoples in Sustainable Forest Management – International Commitments

In 1983, the World Commission on Environment and Development was asked to propose long-term environmental strategies for achieving sustainable development by the year 2000 and beyond. The report produced by the Commission, referred to as the Brundtland Report, summarized the long-term strategies and recommendations of the Commission. This report recognized that to achieve sustainability, "local communities must be given a decisive voice in decisions about resource use in their areas," and that "careful and sensitive consideration of their interests is a touchstone of sustainable development policy" (World Commission on Environment and Development 1987). A recent report by the International Union for Conservation of Nature and Natural Resources (IUCN) further supports the concept that sustainability is inextricably linked to the meaningful involvement of Indigenous peoples. A workshop on the *Influence of Tenure and Access Rights on the Sustainability of Natural Resource Uses* found that "replacement of customary tenure systems with government management regimes has operated largely to the detriment of the conservation of biological diversity, and that where well-defined tenure and access rights have been devolved to the local level (i.e., land-holders and com-

munities that live with, know or use the resources), sustainability of resource use had been significantly enhanced" (IUCN 1999).

Below is a listing of several international commitments, guidelines and policies that recognize and are committed to involving Indigenous peoples in sustainable forest management. Refer to Smith (1998) for a more complete listing and discussion.

The Rio Declaration, Principle 22 (Earth Summit 1992): *Indigenous peoples and their 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 interest and enable their effective participation in the achievement of sustainable development.*

The Convention on Biological Diversity, Agenda 21 and the Forest Principles are all outcomes of the Earth Summit held in Rio de Janeiro in 1992.

Agenda 21, Chapter 26: *In view of the inter-relationship between the natural environment and its sustainable development and the cultural, social and 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 peoples and their communities.*

Forest Principles (5a): *Appropriate conditions in National forest policies should be promoted for Indigenous peoples to have an economic stake in forest use, to perform economic activities, and achieve and maintain cultural identity and social organizations, as well as adequate levels of livelihood and well-being, including those through land tenure arrangements which serve as incentives for the sustainable management of forests.*

The Convention on Biological Diversity is the one of the Worlds commitments to sustainable development. 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 their 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.*

The Convention on Biological Diversity (CBD) recognizes that the maintenance of cultural diversity and the welfare of Indigenous peoples are fundamental aspects of both the conservation of biological diversity and sustainable forest management.

Forest Biological Decision, Decision VII/COP V of the CBD, Objectives: 3(d) *To identify traditional forest systems of conservation and sustainable use of forest biological diversity and to promote the wider application, use and role of traditional forest-related knowledge in sustainable forest management and the equitable sharing of benefits, in accordance with Article 8(j) and related provisions of the Convention.*

A Canadian Commitment: National Forest Strategy 1998–2003: Strategic Direction Seven: Principles: *Aboriginal communities require greater access to forest resources, and an increased capacity to benefit from forests in their areas of traditional use and Treaty areas, and to contribute to their management.*

Framework for Action: *We will ensure the involvement of Aboriginal peoples in forest management and decision-making, consistent with Aboriginal and Treaty rights: 7.3 By identifying means by which traditional knowledge can contribute to sustainable forest management, and by developing guidelines for defining this knowledge, incorporating it into forest research, management practices, planning and training, in a manner that respects Article 8(j) of the UN CBD.*

We will increase access to forest resources for Aboriginal communities to pursue both traditional and economic development activities: 7.8 By improving the access of Aboriginal peoples to forest resources in areas of traditional use and Treaty areas for sustainable uses through measures which may include: negotiating agreements with Aboriginal communities and businesses for access to forest resources, timber and non-timber, through new and existing forms of tenure, identifying and removing barriers to access at the local and regional levels, and establishing business partnerships and joint ventures with existing tenure holders.

Community-based forest tenures and innovative forest practices agreements provide innovative vehicles to implement commitments Canada has made to its Aboriginal peoples. The National Forest Strategy (1998–2003) identifies strategic priorities that are meant to guide the policies and actions of Canada's forest community over the next five years. "It applies to governments, industries, non-government organizations, and communities that have an interest in Canada's forest community" (National Forest Strategy, pg. xiii). Forest Ministers across Canada have signed the Canada Forest Accord. Federal, provincial and territorial governments are accountable to the Aboriginal peoples of Canada to develop the legislation, which allows for and mandates that these policies are implemented.

First Nations Involvement in Forest Management in B.C.

The legal regime of forest management in British Columbia inhibits Aboriginal peoples from implementing ecosystem-based management of forest land. There has been no recognition of Aboriginal rights to manage natural resources on their traditional territories, although several legal decisions recognize aboriginal rights to these resources. Aboriginal peoples are left out of planning and management decisions on tenured forest lands within their traditional territories, have no access to forest resources, and cannot collect a share of the revenues generated from logging on their traditional lands.

In British Columbia, it is difficult for First Nations to implement their land and cultural ethics because of the existing corporate tenure system. This is further compounded by a lack of resources to inventory cultural and traditional use information within their traditional territories. This information is needed by communities to develop their own land-use plans and to make informed decisions regarding the conservation, management and use of all resources with their traditional territories. Only then can industry and the government deal with

First Nations on issues requiring prior informed consent. Without this information, government agencies and other third parties are forcing First Nations to make decisions in the absence of data relating to their interests and concerns.

First Nations involvement in the forest sector varies greatly from community to community and Nation to Nation. Some hold corporate tenures, some have management responsibilities over their traditional territories, others have to deal with the referrals process. In most cases, Aboriginal peoples have found that corporate tenures and joint ventures do not allow them to manage their traditional territories for ecosystem and cultural values (Burda *et. al.* 1997). The volumes required to be harvested are often in conflict with other community values and forest uses. Joint ventures usually involve industrial logging and processing as required by the timber-based tenures. Other arrangements to achieving these goals do not exist. Innovative Forest Practice Agreements (IFPAs) and other forms of forestry-based tenures could play a prominent role in representing alternatives to existing tenure arrangements.

IFPAs offer a vehicle to do something unconventional, an alternative mechanism and means by which to incorporate indigenous knowledge and values, and implement Article 8(j) of the Convention on Biological Diversity. IFPAs should ideally offer and promote broad and flexible management plans that address the importance of soils, non-timber forest resources, wildlife, fish and cultural values.

Innovative Forest Practices Agreements (IFPAs)

Innovative Forest Practices Agreements (IFPAs) are key parts of the BC government's Jobs and Timber Accord. Through these pilot agreements, the Ministry of Forests (MOF) and licensed tenure holders will test innovative approaches in forest management to increase forest productivity and economic benefits to licensees, while protecting key environmental priorities (MOF News Release, March 23, 1999). Forest companies participating in these agreements have the opportunity to receive access to more wood by conducting innovative forest practices. These agreements can have up to a 15-year term. The forestry plan must show how innovative forest practices will increase the productivity of the forest resources, describe the management area and demonstrate how jobs will be created and maintained. The holder of the IFPA may then apply to the regional manager for an increase in the license Annual Allowable Cut (AAC).

There are several problems with the current design of IFPAs:

- Forest Renewal BC provides public moneys to IFPA holders to produce their forest management plans, conduct the inventories and data analyses needed to realize their benefits through innovative forest management.
- Conceptually and practically, it is very difficult to maximize the yield of forest lands, and at the same time, protect key environmental values. Sustainable forestry can not be achieved unless the volume-orientated system of timber rights is replaced by one that is based on sustaining the forest ecosystem (Tollefson 1998).

Why IFPAs Aren't Working for First Nations; three simple points:

- Lack of access to an equitable share of the benefits, which includes access to the increased AAC being offered to forest tenure holders;

- Lack of decision-making power; and
- Technical capacity building and employment opportunities are minimal.

Increases in AAC are being transferred to forest licence holders and not to First Nations. First Nations are opposed any increase allocation in AAC within their traditional territories being granted to existing forest licence holders as it is very difficult for First Nations to gain access to forest resources under the existing corporate forest tenure system in B.C. Thus, direct awards of increased AAC, as legislated under the BC *Forest Act*, through the IFPA to forest licensees further inhibits First Nations' access to AAC, as they are often told that there is no unallocated AAC available for them. The BC government is shutting the door on opportunities for First Nations through automatic transfer of available AAC to existing forest tenure holders.

Solutions are Simple:

Options that would improve IFPAs and promote meaningful partnerships with First Nations:

- Consensus-based decision-making regarding the management and use of all resources within the management area. This would empower First Nations and allow for incorporation of indigenous knowledge in the conservation, use and management of the forest for all forest values, not just those based on maintaining the status quo.
- Equal and fair access to resources, and a share in the benefits, which includes access to any and all increases in AAC to licence holders. This is where most IFPAs with First Nations break down. Until this issue is equitably resolved IFPAs offer an unfair process, given the potentially large increases in AAC to be awarded directly to licensees.
- Access to employment and training opportunities that enable technical and professional management capacity-building of community members. In general, First Nations are offered silviculture and some fisheries work as partners with licensees in these agreements. These opportunities do not address the serious capacity challenges First Nations have with respect to commercial forestry management and practices.
- Funding for traditional use and cultural inventory research in general. With this information First Nations can make informed decisions that ensure that management goals and objectives reflect and protect their interests and concerns.

- Access to quota and markets for First Nations forestry products. Even if and when First Nations are given access to tenure and/or economically viable opportunities to harvest, they have no access to markets. There is no room for new quota allocations to First Nations under the current Softwood Lumber Agreement.

Conclusion

The current corporate tenure system and other management agreements do not allow First Nations the authority or flexibility to manage the forests within their traditional territories for many different forest values and uses (Burda *et al.* 1997). With the goals of the day being to conserve, use and manage the forest and all its resources and values, the forest sector should embrace change rather than engage in a losing battle to defend the status quo. To go forward successfully in British Columbia and Canada, requires the full involvement of Aboriginal peoples in developing and carrying out policies and strategies that will undoubtedly benefit the forest sector.

Successful partnerships between First Nations and industry entail respect, decision-making by consensus, co-management, and the equitable sharing of benefits. This would truly be innovative.

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