



# First Nations and industry collaboration for forest governance in northwestern Ontario, Canada



Melanie Zurba<sup>a,\*</sup>, Alan P. Diduck<sup>b</sup>, A. John Sinclair<sup>a</sup>

<sup>a</sup> Natural Resources Institute, University of Manitoba, Canada

<sup>b</sup> Department of Environmental Studies and Sciences, University of Winnipeg, Canada

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## ABSTRACT

The focus of this paper is the move towards greater collaboration among First Nations and forestry companies for the governance of forests in northwestern Ontario, Canada. The economic downturn in the forest economy in Kenora, Ontario in the 2000s opened pathways for new collaborative partnerships to emerge in governance systems that include industry and local, provincial, federal and First Nations governments. In order to enhance our collective understanding of collaborative governance in the forest sector we set out to describe the institutions and institutional changes that made cross-cultural collaboration possible and explain cross-cultural collaboration in terms of meta-governance (values, norms, and principles), particularly in relation to substantive decision-making. Using a review of policy and management documents and semi-structured interviews with governance actors, we examined regional shifts in tenure, the governance system of a leading example of collaboration, and procedures, processes, and organizational structures that helped establish equal decision-making authority that facilitated collaborative relationships. We found that tenure reforms allowed for structural changes in the governance system for the Kenora Forest, these led to formal partnerships between First Nations and industry, and the new governance system involved power sharing in decision-making authority. Conclusions of the work include that future tenure reforms should continue to promote collaboration in the region, and that the case study represents a novel type of collaboration between industry and First Nations in Canada.

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## 1. Introduction

The focus of this paper is collaboration among First Nations and forestry companies involved in forest governance in northwestern Ontario, Canada. In this context we view governance as, “the totality of interactions, in which public as well as private actors participate, aimed at solving societal problems or creating societal opportunities” (Kooiman, 2003, p.4). Further, we agree with Kooiman that institutions provide the context and establish the normative foundation for governance processes. Crawford and Ostrom (1995) speak of institutions in terms of the structures, rules, norms, and shared strategies affecting human actions and physical conditions, which can manifest in an array of social organizations – from formally enshrined entities, such as government agencies, to more loosely structured community groups involved in some form of collective action (Ostrom, 1990; Ostrom, 2005).

Structurally, Kooiman (2003) describes first-order governance as problem solving and the creation of opportunities. Second-order governance involves maintaining or adapting the individual characteristics of institutions. Third-order or ‘meta-governance’ includes consideration of the social-political framework, which is ultimately driven by norms,

values and principles intrinsic to a governance system (Kooiman, 2003; Kooiman and Jentoft, 2009). Kooiman and Jentoft (2009) discuss the importance of accounting for features of meta-governance, especially those that come into conflict, as is prevalent in governance systems that aim to include more than one epistemological stance (Ross et al., 2011). Through accounting for the features of meta-governance, we can begin to understand how different stances are represented in decision-making, and can also conceive of governance systems in terms of collaboration. Collaboration is defined here as a form of communicative action existing within a social-political space where autonomous parties work towards mutually favourable outcomes (Conley and Moote, 2003; Peters and Pierre, 2004; Ross et al., 2002).

New models of governance have begun to inform decisions and practices required to sustain Canada’s forest-based communities and economies (Beckley, 1998; Bullock et al., 2009; Crosby and Parkins, 2010; Ambus and Hoberg, 2011; Tindall et al., 2013). Over the past 40 years, several models have been introduced in an attempt to ensure forest management decisions are more inclusive, adaptive, accountable, transparent and sustainable (e.g., Pearse, 1976; Rayner et al., 2001). For example, research on collaboration in forest governance has revealed that new kinds of relationships between First Nations, government and industry can result in fundamental institutional change (Natcher, 2001; Bullock and Hanna, 2008; Bullock et al., 2009; Tindall et al.,

\* Corresponding author at: 604-333 Wellington Cres, Wpg, MB R3M 0A1, Canada.  
E-mail address: [umzurba2@myumanitoba.ca](mailto:umzurba2@myumanitoba.ca) (M. Zurba).

2013). For such cross-cultural collaboration, it is important to have institutional norms or principles that are capable of accommodating differing perspectives and epistemological stances. Such mechanisms can contribute to equity within decision-making forums, and enhance the ability of local communities to influence policy at multiple levels of governance and different spatial scales (Zurba, 2009).

Collaborative governance, however, is not always easily implemented, especially if it includes multiple centers of authority and parties with different levels of power (Andersson and Ostrom, 2008). To meet this challenge, it is essential to understand the details and connections within a governance system in order to understand the functions that might promote and maintain meaningful forms of collaboration where parties share power and have different amounts of influence over decision-making. Moreover, it is important to understand collaboration in governance in terms of substantive decision making, that is, decision making that results in substantive action aimed at creating meaningful outcomes (Kooiman and Jentoft, 2009). Kooiman and Jentoft (2009) explain how substantive decision making is enabled by design and by an “explicit set of meta-governance principles which are deliberated by and made explicit to all concerned, public and private” (p. 819).

In order to enhance our collective understanding of collaborative governance in the forest sector we set out to describe the institutions and institutional changes that made cross-cultural collaboration possible (first-order governance) and explain cross-cultural collaboration in terms of meta-governance (values, norms, and principles), particularly in relation to substantive decision-making. To do this we considered the Miitigoog General Partnership Inc. (referred to as “Miitigoog”), which is a 50/50 shared-forest tenure agreement between First Nations and industry for the governance of the Kenora Forest in northwestern Ontario.

We conceptualize cross-cultural collaboration in forest governance for our work as institutional development involving accommodation of differing epistemological stances (Fig. 1). The collaboration can occur in and across each of Kooiman’s orders of governance, with institutional development at the third order representing the highest level of collaboration. Further, we conceptualized collaboration as being adaptive, which is portrayed by the feedback loops below the three orders of governance. This conceptual framework helped guide our research design, data collection and analysis, which are discussed in section 3. Additionally, we viewed the framework as being contextualized and influenced by shifting environmental, social, political, and economic

factors, including emerging models of collaborative forest governance in Canada, and in particular co-management, Aboriginal forestry and community forestry, which are reviewed in the next section.

## 2. Collaborative forest governance in Canada

First Nations in Canada are most likely to be included in natural resources governance through co-management agreements, which are relatively new (beginning in the 1970s), and have generally taken shape as different kinds of memoranda of understanding and shared management arrangements between First Nations and government agencies (Armitage et al., 2007; Berkes, 2009). First order governance for such arrangements have typically been led by government or have been pursued through legal action (Coates and Carlson, 2013). There have, however, been some shifts in the past decade towards new forms of collaboration with communities and these are becoming increasingly valued in governance circles in Canada (Dale, 2013). While co-management agreements have been evolving and taking on new configurations over time (Berkes, 2009), several agencies are now acknowledging that higher (more substantive and equitable) forms of First Nations participation are desirable for dealing with the complexity of ‘real world’ resource issues, and should start to better include social issues such as reconciliation (Sunderland, 2008).

Across Canada, almost 500 First Nations are located in or have traditional territories within “commercially productive forest areas” (Wyatt, 2008, p. 171). These resources create important opportunities for First Nations to develop various forms of Aboriginal forestry, including arrangements with industry and the state (Wyatt et al., 2013). However, for such arrangements to sustain third-order governance over the long-term they will need to be founded on common understandings and power sharing, including substantive decision making for First Nations. For example, Smith (2013, p. 89) views co-management as a form of governance that can help achieve this understanding, but she also asserts that “the negotiation of effective co-management regimes will require the state to recognize Aboriginal rights to lands and resources, including the right to self-determination equal to that of the state.”

As noted earlier, several new models of collaborative governance have been implemented across Canada in recent years, many of which have been developed to address disputes between forestry companies and First Nations (Tindall et al., 2013; Natcher, 2001, p. 171). The Clayoquot Sound Science Panel, created by the British Columbia

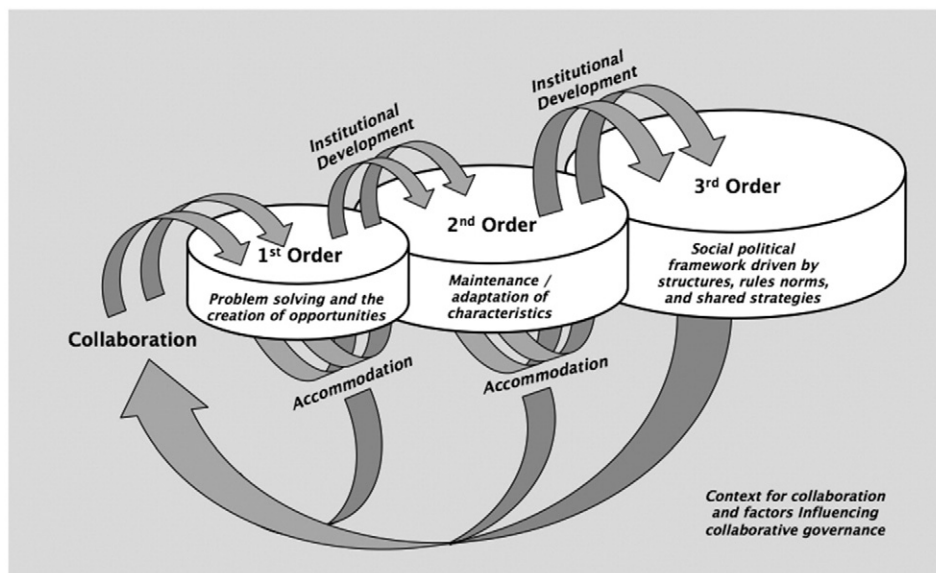


Fig. 1. Theoretical framework illustrating the cyclical nature of the institutional development of collaboration occurring across Kooiman’s orders of governance.

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