THE GOVERNANCE OF FORESTLAND AND RESOURCES IN BRITISH COLUMBIA: CASE STUDY OF STELLAT’EN FIRST NATION.

by

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ABSTRACT

This thesis is a case study of the Stellaquo, citing some global examples. British Columbia’s (BC) forestland and resources governance is studied by identifying which processes of devolution, combined with decentralization, are most suitable for the Stellaquo. The Stellaquo identified a model ideal for their self-government, which is a combination of its pre-contact traditional and hereditary governance structure with contemporary western government designs. The Stellaquo proposed tripartite governance with the federal and provincial governments, emphasizing that their self-government “must be at the center of managing consultation processes leading to extraction of resources, and possessing veto powers in determining who has access to their resources”.

The thesis is written in a manuscript based format with each chapter suitable for journal publication. Findings indicate Stellaquo’s demand for a higher level of authority in governing forestland and resources in their territory. This proposal is because the Stellaquo evaluates the Indian Act model of governance as ‘unsuitable’, and characterized by domination and infringement approaches that colonial and post-colonial governments used, and continue to use against Aboriginal Peoples.

The research discusses issues pertaining to empowering resource users, particularly Canada’s Aboriginal Peoples or Indigenous peoples worldwide, who are utilizing property rights and collective rights theories for advocating equitable access and rights to territories. I utilized these theorems in support of Aboriginal Peoples’ claim for ownership to traditional territories, as jurisdictions they have resided and governed before colonial contact. The thesis contributes to ongoing debates over identifying appropriate alternative resource governance policy approaches in BC. Each chapter describes the Stellaquo concerns and proposals for reforms in the governance of forestland and resources in BC. Finally, the thesis also complements research perspectives that relate to exploring adequate measures for institutional development of emerging First Nations governments, though I did not make these notions its main foci.
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LIST OF ABBREVIATIONS/ACRONYMS

The following acronyms are used throughout the thesis.

AAC: Annual Allowable Cut
BC: British Columbia
BCG: Band Council Government
CCFM: Canadian Council of Forest Ministers
CD: Capacity Development
CSTC: Carrier Sekani Tribal Council
CIDA: Canadian International Development Agency
DIAND: Department of Indian Affairs and Northern Development
FNs: First Nations
FRO: Forest and Range Opportunity
FRA: Forest and Range Agreement
GB: Great 8 industrialized nations (USA, Canada, Germany, Russia, UK, Italy, France & Japan)
GTZ: Deutsche Gesellschaft für Technische Zusammenarbeit
HDI: Human Development Index
IA: Indian Act
Ins: Industries
IOG: Institute of Governance
IDRC: International Development Research Centre
LDC: Least Developed Countries
MFR: Ministry of Forests and Range
n-FNS: Non-First Nations
NAFA: National Aboriginal Forestry Association
n.d: No date
NFS: National Forest Strategy
NRFLs: Non-renewable Forest Licenses
OECD: Organization for Economic cooperation and development
PoG: The South Africa–Canada Program on Governance
RC: Research Council
RPF: Registered Forestry Professional
RCAP: Royal Commission of Aboriginal Peoples
SCC: The Supreme Court of Canada
SFMN: Sustainable Forestry Management Network
THG: Traditional hereditary government
UN: United Nations
UNCHS: United Nations Conference on Human Settlements
UNDP: United Nations Development Program
UNESCAP: United Nations Economic and Social Commission for Asia and the Pacific
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“To God be the glory for great things he has done. I give my sincere gratitude to Him for taking me through this challenging and rewarding experience.”

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DEDICATED TO:

Stellat’en First Nation,
My wife, Rebecca Lubunia Lee-Johnson, and
Jedrick and Jedrica.
CO-AUTHORSHIP STATEMENT

I, (Eddison Benjamin Lee-Johnson), am the principal author of all materials contained in this thesis. Chapters 2, 3 and 4 written in manuscript format are a product of collaborative efforts with members of my thesis committee. The committee provided guidance in structuring the thesis, the research program, and data analysis. Co-authors for manuscript Chapters are highlighted as foot notes on each Chapter.

Referencing format

This thesis should be referenced as:

CHAPTER 1

INTRODUCTION

1.0 BACKGROUND

This paper provides a background of the study, a brief description of Stellaquao as the case study and the methodology used by the researcher. It also accounts for the beneficiaries of the research, outlines the thesis problem statement, objectives, hypothesis, limitation of the study and structure, and organization of the thesis.

The relationship existing among forestland and resource users the world over has been regulated through the years by legislation, policies, and court rulings that prescribe the nature and context each party should uphold in relating with each other (Glück, Rayner, & Cashore, 2007; McNeil, 2006). In Canada, rights, sovereignty and geo-political jurisdiction of key interest groups such as Aboriginal Peoples¹, federal and provincial governments’ (state²), and industry are regulated by legislation, policies and laws, which stipulate how forestland and resources are allocated (Forsyth, 2006; Ross & Smith, 2003; Haley & Luckert, 1990). Many court cases like Delgamuukw versus the Province of British Columbia (SCC, 1997); Haida versus the Province of British Columbia (SCC, 2004a); Taku River First Nations versus Rinstad et. al. (SCC, 2004b); Tsilhqot’in versus the Province of British Columbia (SCC, 2007) have shaped Aboriginal Peoples’ and governments’ relationship. These court rulings generally impose on governments a legal obligation to consult and accommodate Aboriginal groups (Ross & Smith, 2003; Gladu & Bombay, 2000). However, notwithstanding these court rulings, governments’ implementation of the content of these rulings, especially those issues that should incorporate the interests of Aboriginal Peoples, is still elusive (Gladu & Bombay, 2000; Haley, & Luckert, 1990).

¹ The terms “Aboriginal peoples”, “Indigenous peoples” and “First Nation” are used interchangeably in reference to a registered status Indian community under the Indian Act. “Aboriginal” is used in Canada’s Constitution Act, 1982 defined as including “Indians, Inuit and Metis.” “Indigenous” is the most accepted international term. Capitals denote nationhood while people as plural refer to more than one Indigenous nation. “First Nation” is the term of choice for many Canadian Aboriginal communities.
² State in this thesis is used to describe the federal and provincial governments.
According to Janine Luggi\(^3\), the federal and provincial governments’ fiduciary and jurisdictional control over Stellaquo\(^4\):

“is a violation of our sovereign human rights, which was forcefully reduced during colonization through the dominating might of European settlers...the federal and provincial governments have been acting as wards over us, denying us our rights to govern ourselves”.

Recent treaty and other forms of agreements signed by governments and some Aboriginal Peoples have posited some level of control to Aboriginal Peoples (Rafoss, 2005, pp. 9-11). Despite these new trends that indicate some forms of improvement in relationship building, Aboriginal Peoples are still determined to explore extensive forms of forestland and resource governance liberation from federal and provincial governments’ control (Pelling, 2004; Borrows, 2001). Studies have shown that there is a strong determination among Aboriginal Peoples across Canada, as they vigorously pursue parcels of lands owned before contact and establish new forms of governance (McNeil, 2006, pp.3-8; Alfred & Conssant, 2005, pp. 601-603; Rafoss 2005; Peeling, 2004; Borrows, 2001). Aboriginal Peoples’ new governance structures are a departure from the Indian Act band systems of governance, toward a more ‘traditionally oriented leadership structure in managing themselves and the resources within their traditional territories\(^5\) (Peeling, 2004; Gladu & Bombay, 2000; Mills, 1994; Tennant, 1985). The compatibility of a traditional model of governance with a twenty-first century lifestyle has prompted Stellaquo and other Aboriginal Peoples to critically evaluate this option as they forge creative ways of combining their traditional hereditary governance with contemporary (western governance) in their proposed self-government structure (Jorqesen, 2007; Spaeder & Feit 2005; Pelling, 2004; Borrows, 2001).

As the Stellaquo, and other First Nations in British Columbia and across Canada move towards regaining control over forestland and resources in their

\(^3\) Janine Luggi is the current Coordinator of Natural Resources of Stellaquo. At the time of interview she was working at the treaty office of Stellaquo.

\(^4\) The terms Stellaquo and Stellat’én are used interchangeably through out this thesis to represent the respondents of this research.

\(^5\) Traditional territories described by Brian Thom (2000) are portions of lands First Nations have lived on before contact with European settlers. These boundaries are represented in maps, which are used in land claims during treaty negotiation with federal and provincial governments.
traditional territories (Rafoss, 2005, pp. 10-13; Borrows, 2001), frameworks to guide aboriginal forestry governance and power-sharing with the federal and provincial government will be required (Forsyth, 2007). This research is to investigate which processes of self-governance, as a model of participatory governance of forest resources, might be appropriate in British Columbia.

The processes of devolution of resource management involve programs that shift responsibility and authority from the state to local community leadership bodies, a rolling back or shifting the boundaries of the state (Veldeld, 1996). The study will examine global forest tenure and governance, from which devolution will be analyzed, with the view to identifying strategies that are adaptable to First Nations communities in British Columbia (Kiser & Ostrom 1982; Castro & Nielsen 2001; Edmunds & Wollenberg, 2004; Spaeder & Feit 2005; Ritchie & Haggith, 2004; Pinkerton, 1989, 1993, 1995, 1998, & 1999).

1.2. THESIS STATEMENT

This research examines concepts of forestland and resource management, governance, devolution and decentralization from a global perspective, by presenting a succinct case for the relevance of devolving the governance of forestland and resources to Stellaquo and the First Nations (FNs) of British Columbia. Together with meeting the Stellaquo’s demand for self-governance, one of the principal aims of devolution, which this thesis addresses, is to equip First Nations governments to adjust to changes occurring in the globalizing economy (Glück, et. al., 2007; Jorgensen, 2007; Rude & Deiter, 2004).

1.2.1 The problem Statement

The main problem which concerns this research is the design of a governance structure for forestland and resources that combines both Aboriginal and Eurocentric concepts of governance. The approaches to forestland resources through a co-government, or tripartite government and multi-stakeholders structure, is discussed with the view of developing alternative governance of forestland and governance models that address questions such as:
i. What structure or model of government is appropriate to Stellat'en self-governance?

ii. What aspects of First Nations values, rights and authority are lacking in the current forest management structure of BC?

The framework of these questions is generated from Stellat'en First Nation's concerns about BC's forest sector, and how their rights and sovereignty are accorded by governments. It describes their vision of a self-determined nation that is seeking sovereignty. The Stellaquo's design of a governance model, that is culturally ideal to them, is expected to offer them more authority in decision making, increase their levels of participation in management through asserting their rights to the governance of forestland and resources within their traditional territory. The Stellaquo have expressed a clear desire to increase their participation in the management of resources from a state of consultation to a higher level of authority and ownership, which the present forest tenures and governance lack.

This research is also concerned with problems affecting how existing forest and land management approaches are utilized in BC. First Nations have criticized consultation processes and co-management institutions currently used by the Ministry of Forests and Range and governments (Stevenson, 2006; Ross & Smith, 2002; Borrows, 2001). Rakai (2005, pp.5-8) supports First Nations' concerns over forestland and resource management in British Columbia, by describing the forest sector as bearing a "Eurocentric approach that alienates First Nations values and aspirations. It is a bias that has tended to dominate extensive forms of European concepts and customs through centuries of European colonialism".

1.2.2 Stellat'en First Nation, the research case study

The Stellat'en First Nation (No. 613), respondent of this study, is located about 10 minutes west of Fraser Lake on Highway 16 in British Columbia. The name Stellat'en is derived from two Carrier words, the one meaning "peninsula" and the other "river" (Brown 2002; Carrier Sekani Tribal Council, 2007). The Stellaquo as they commonly call themselves, is part of an eight member group of nations: Burns Lake Ts'il Kaz Koh First Nation, Nak'azdli Band, Nadleh Whut'en, Saik'uz First Nation, Takla Lake First Nation, Tl'azt'en Nation, and Wet'suwet'en First Nation, who
together make up the Carrier Sekani Tribal Council. The Stellat'en is an Athapaskan-speaking people who have lived in Fraser Lake since time immemorial (See Figure 1.1).

![Carrier Language Area](http://www.cnc.bc.ca/shared/assets/newbooks-carriersekani3039.doc)

**Figure 1.1: Map showing Carrier language area**


The Stellat’en is currently making claims to their traditional territory through treaty negotiation processes with federal and provincial governments. The traditional territory, demarcated in red on Figure 1.2 is estimated 695207.356 hectares⁶.

⁶This is in Albers Projection which is a Ministry of Lands standard
Before European contact, and their subsequent displacement and assimilation practices, the Stellaquo was a self-sustaining nation that was aggregated with Clan leaderships that governed integrated systems of traditional and social communities (Clare, 2000; Brown, 2002, pp. 9-18). Four main clans, Frog, Caribou, Beaver and Bear form the basis of family kinship with territorial lands controlled by clan leaders. Each clan has a hereditary chief that controls their traditional territory and ensures the availability and management of forms of livelihoods (Browne 2002, pp. 12-25). Bahl’at, presently known as potlatch, served as the primary institution through which hereditary chiefs governed, distributed
wealth, maintained and managed land ownership, connected and settled disputes with neighbouring nations, and affirmed territorial boundaries (Browne, 2002; Clare, 2000). These systems of government were outlawed by the apparatus of colonialism and replaced by the current chief and band council government (McKee, 2000). Though structural forms of clan identity are still evident in Stellaquo, they remain dismantled and lack the authorities they used to possess.

Unlike Stellaquo’s hereditary chiefs who are chosen by elders and have life terms in governance, the chief and band councilors are elected by Stellaquo members through the polls by a single majority and have two year governance tenure. Stellaquo’s current chief and council are Chief Mabel Louie, Councilor Violet Kennedy and Councilor Robert Luggi Jr. The band office is located on the Stellat’en Reserve, serving as an administrative building and a point of contact for senior governments.

Currently Stellaquo has a four hundred and seventeen band membership (417) with a fraction of the population living in urban centres (Ministry of Indian and Northern Affairs Canada, 2007). Stellat’en First Nation services two reserves with a total size of 3.2 square kilometers (appendix 4).

Much of the economic development activities of Stellaquo are forest-related such as a woodlot, a sawmill and a contract silviculture business that they occasionally secure from industries such as Canfor and West Fraser. Other revenues are also generated by the Slenyah Gas Bar and Convenience Store. The youth population totals 100°. Unemployment among youth is high and is a concern that needs to be addressed.

1.3 THESIS METHODOLOGY

This thesis is written from data collected from research titled “Participatory Approach to Aboriginal Tenure Reform in Canada”. The Carrier Sekani Tribal Council (CSTC) in 2004 contacted the Sustainable Forest Management Network with a desire to research alternative tenures that integrate Aboriginal values. The

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7 Figure provided by the Stellat’en Band office manager- telephone confirmation March 12, 2008.
study commenced in May 2006 with a consultation meeting at the CSTC headquarters in Prince George. The purpose of this consultation was in response to staff of the Carrier Sekani Tribal Council’s doubt about the Q methodology proposed by Dr. Ronald Trosper, the Principal researcher of the project, and to identify which research methods would be appropriate for the cultural values of the CSTC.

The researchers⁸ presented eight potential community research methods to the team of CSTC representatives for deliberation. These were:

i. training in transformative learning.

ii. focus group workshop

iii. use of multi-stakeholder workshops.

iv. multi-stakeholder visioning exercise.

v. collaboration with non-governmental organizations.

vi. development of criteria and indicators

vii. boundary demarcation to facilitate coordination among stakeholders.

viii. cross-community visits.

After careful analysis of the advantages and disadvantages of each method, the final choice was a focus group workshop. This choice was based on the extent of participation it provided, and the opportunity for community members to discuss proposals for tenure reforms, by identifying current problems with British Columbia’s (BC) tenure system, and to propose solutions and to create a vision of tenure that is representative of Aboriginal Peoples values and interests. CSTC representatives also agreed that other methods could be used, in addition to the workshop, for complementary purposes.

Research for this thesis was conducted in one year with a series of phases as outlined below.

Phase 1 involved conducting a meeting with Stellaquo community representatives to review the appropriateness of a workshop as a research method, discuss the

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⁸ The researchers were Eddison Lee-Johnson (Author of this thesis), Sarah Weber, a colleague with whom I jointly carried out workshops and interviews, and Dr. Ronald Trosper my Masters thesis supervisor and co-principal investigator of the “Participatory Approach to Aboriginal Tenure Reform in Canada” for Western Canada with the CSTC. Dr. David Natcher of Memorial University was the overall principal investigator of the project.
research questions and to prepare a schedule for the proposed workshop. In the meeting Stellaquo members agreed to recognize equal participation of the category of participants based on the different clan systems.

They also observed that their community members are very particular about the current problems of the forest tenure systems which exclude Aboriginal Peoples. It was agreed that two separate workshops should be held. One was for adults and the other for youth who would be provided with an opportunity to contribute their ideas to the research in the workshops. A schedule for workshops was drawn up and tasks for contacting the community, preparing of the hall, and the distribution of workshop materials were assigned.

**Phase 2** involved the August 2006 workshops, which were conducted on two different days. A total of 99 participants contributed to the discussions of these workshops (55 adults and 44 youth were in attendance on different dates. See table 1.1 below). The same questions were used for both categories of participants, with those for the youth slightly modified or simplified to create clarity. Both workshops carried the same format of identifying problems with the current forest tenure, presenting solutions, and proposing a vision for Aboriginal tenure reforms based on Stellaquo values and interests. Problem identification in the adult workshop was performed by using a research tool called concept mapping as discussed in the paper titled, “Empirical analysis of forest management in British Columbia: the Stellaquo proposal for reforms”).

**Phase 4.** This phase involved structured interviews, which were conducted as a supplementary method to workshops. There were 19 participants. Seven on-reserve Stellat’en members, three off-reserve Stellat’en members, two non-First Nations, two Registered Professional Foresters (RPFs) and three Ministry of Forests and Range top personnel who were interviewed in February 2007. Open-ended interview questions were designed using information obtained from the August 2006 workshop. Responses were recorded and later transcribed. Managers of Canfor and West Fraser forest companies in the Vanderhoof forest district were contacted to participate in the interview. Both of them refused to be interviewed after receiving the interview questions they requested from me.
**Phase 5.** In this stage Stellat’ên First Nations organized a Research Council (RC) to review and comment on this research, and also the related research of Sarah Weber. Three meetings were conducted during the course of the research. The contribution of the RC was particularly instrumental in shaping the direction of the research processes. The RC suggested the need for a governance workshop which was conducted in May 2007. This proposal facilitated a full discussion of the roles and functions of the new government officials in the proposed governance structure.

**Phase 6.** Suggestions from the RC led to the May 2007 governance workshop. 55 community members participated in this workshop with 60% of participants were not in the August 2006 workshops. During the workshop, the new self-governance design suggested from interview responses was presented for deliberation. Functions and duties of each person in the model governance were identified by the participants. At the end of the workshop a structural design for Stellat’ên’s proposed new self-government was finalized (See chapter 4).

**Phase 7.** A two-page survey was distributed to the May 2007 workshop participants (48) and research council members (12). They were asked to identify the level of authority Stellat’en envisions in implementing the proposed governance model. 45 surveys were returned which provided the data used in Table 3.6.

**Phase 8** became the reporting stage. A final workshop was organized in October 24, 2007 to present the findings of the research. 75 members of the community participated in reviewing the findings and made suggestions. The discussion of the youth council that was left hanging during the May 2007 governance workshop was presented for deliberation. At the May 2007 governance workshop, eighty percent of adults had rejected the idea of a youth council having analogous functions and occupying a similar position with the Band Councilors in their new government structure. The youth and twenty percent of adults wanted it to be part of the new government. The issue was also brought up October 25, 2007 in the Research Council presentation workshop. It was evident that a Youth Council as an arm of the proposed government, with functions analogues to Band Councilors, created some sensitivity and mixed reactions among the adult participants. It was decided to shelve this issue and allow for future community input in it.
A summary of the research process and number of respondents contacted is illustrated in Table 1.1

Table 1.1: Summary details of research methods and respondents contacted August 2006 - October 2007.

<table>
<thead>
<tr>
<th>DATE</th>
<th>RESEARCH METHODS</th>
<th>CATEGORY AND NO. OF PARTICIPANTS</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Youth</td>
<td>Adults</td>
</tr>
<tr>
<td>August 14th &amp; 16th 2006</td>
<td>Tenure workshop</td>
<td>-</td>
<td>55</td>
</tr>
<tr>
<td>August 19th 2006</td>
<td>Tenure workshop</td>
<td>44</td>
<td>-</td>
</tr>
<tr>
<td>February – April 2007</td>
<td>Interviews</td>
<td>-</td>
<td>16</td>
</tr>
<tr>
<td>May 24th 2007</td>
<td>Governance workshop</td>
<td>25</td>
<td>30</td>
</tr>
<tr>
<td>May – August 2007</td>
<td>Survey</td>
<td>25</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>( out of 30 surveys)</td>
<td></td>
<td></td>
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<tr>
<td>October 24th 2007</td>
<td>Reporting and feedback</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>workshop</td>
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<tr>
<td>October 25th 2007</td>
<td>Presentation of findings</td>
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<td>8</td>
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<td></td>
<td>to Research Council</td>
<td></td>
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</tr>
</tbody>
</table>

Source: Stellat’en Workshop attendance roster August 2006 – October 2007

1.3:1 Data Collection

The major sources of data or information have been obtained from the four workshops (see Table 1.1 above), the research council meetings and members feedback on draft copies of thesis chapters and interviews conducted. Other sources of data collection were as follows:

1. I did an extensive reading of literature obtained from journals and relevant institutions in Canada and around the world. Much of the literature on Stellat’en was obtained from an annotated bibliography supplied by the Band Council. The internet was also used to supplement existing literature in journals and books,
particularly for literature concerning devolution and decentralization, institutional development and community development or participatory approaches for First Nations in British Columbia.

2. I held telephone discussions and visited with RPFs and non-First Nations. The visits included casual meetings, informal interviews and informal discussions.

1.4 BENEFITS OF THE THESIS: Research beneficiaries or audience

Every research targets a particular audience, both as respondents and beneficiaries. This study was geared towards meeting the needs of the following audiences:

i. Stellat'en First Nation is the primary audience, whose desire for a process of change in the present forestry operations and governance has been researched. They are a Northern British Columbia First Nation whose traditional forests and lands are under treaty negotiation. Findings and recommendations from this research is expected to guide Stellat'en through their future processes of identifying a governance model that is ideal for their needs and aspiration, as they shape their relationships with federal and provincial governments, neighbouring First Nations, industries, and non-First Nations living in Fraser Lake (Stellaquo's claimed traditional territory).

ii. The Carrier Sekani Tribal Council (CSTC) represents members from eight First Nations who belong to the CSTC association. They are referred to as the Dakelhne, translated as the “The People on the Land” or “of the Earth.” (Aasen, Craig, Hamilton, et al., 2006; Browne, 2002). Five thousand members comprise the membership of the eight First Nations, which includes Burns Lake Band (Ts'il Kaz Koh First Nation), Nak'azdli Band, Nadleh Whut'en, Saik'uz First Nation, Takla Lake First Nation, Tl'azt'en Nation, Stellat'en First Nation and Wet'suwet'en First Nation. The Tribal Council is an advocate for, and frequently represents the interests of its member-nations. The Council also provides technical and professional services to its member-nations in such areas as fisheries, education,
economic development, community and infrastructure planning, forestry, financial management, and treaty negotiation (Carrier Sekani Tribal Council 2007).

As initiators of the tenure reform project, it is expected that CSTS will find the findings and recommendations of this thesis useful in supporting their advocacy for changes in BC’s forest sector.

iii Other First Nations in British Columbia, Canada, and indigenous peoples the world over will benefit from this research. First Nations or aboriginals all over the world are putting pressure on existing governments about their rights to the governance of forest resources (Plumptre & Graham, 1999). Findings from this research will provide information about what processes are available in devolving authority to First Nations in the governance of forest resources.

iv. Sustainable Forest Management Network (SFMN) is the funding agency for the overall research, ‘Alternate Aboriginal Forestry Tenure project’. This participatory research included selected First Nations in the East, West, North and Southern regions of Canada. The project provided support and research expenses for me to collect data which was used in writing this thesis. A copy of this thesis will be presented to SFMN.

v. General: Among others who will benefit from this research are, forest industries, researchers, students, and governments. Information in this thesis will help guide these groups of people on how to utilize constructive ways of partnering with First Nations to advance their capacities, economic status, and at the same time accord them rights to govern forestland and resources.

1.5 THESIS QUESTIONS

The following questions are to be addressed in this thesis:

i. What processes of devolution of forest governance and management are appropriate for Stellat'en and other Aboriginal communities in British Columbia?

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9 Governance according to Plumptre and Graham (1999) involves the interaction among structures, processes and traditions that determines how power is exercised, how decisions are made and how community stakeholders have their say.
ii. What are the current approaches to forestland and resources management that hinder Stellaquo and BC’s Aboriginal Peoples' participation, access, sovereignty and self determination?

This study uses a participatory research approach to develop a framework that is suitable to the respondents in their determination of self-governance of forestland and resources within their territory. It is a design that describes, analyzes, and evaluates Aboriginal peoples’ objective of instituting an Aboriginal-Canadian governance approach; a paradigm shift from the Eurocentric perspective that has historically dominated the geo-political and resource management landscapes of colonized Aboriginal peoples (Natcher & Davis, 2007; Rafoss, 2005; Rakai, 2005; Rude & Deiter 2004; Ross & Smith, 2003).

1.6 THESIS OBJECTIVES AND ASSUMPTIONS

Objectives

The following objectives were used to find answers to the problem questions identified in the preceding section:

i. To analyze the framework of a model of devolution/self-governance of forestland and resources management to Stellat'en and other First Nations.

ii. To investigate responses on the need for changes in forest tenure and governance in British Columbia government.

iii. To build understanding and improve research partnerships between First Nations communities and universities (e.g. protocols, community-university relationships).

Assumptions

Three assumptions have been made in this research. This research assumes that:

i. The greater the authority First Nations will possess to govern forest management in British Columbia, the stronger will be their social and economic status.

ii. The stronger the influences First Nations have to exercise their rights in forestry operations in their traditional territories, the better will be their relationship with the Province and industries.

iii. The more inclusively First Nations values are incorporated in forest management operations, the greater will be their levels of participation in decision making.
Table 1.2: Assumptions, Criteria and Effect

<table>
<thead>
<tr>
<th>ASSUMPTION</th>
<th>CRITERIA</th>
<th>EFFECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUTHORITY</td>
<td>Forest Management</td>
<td>Increased Economic and Social status</td>
</tr>
<tr>
<td>INFLUENCE</td>
<td>Rights and Authority over forest operations</td>
<td>Better relationships with government and industries.</td>
</tr>
<tr>
<td>INCLUSIVITY</td>
<td>Incorporation of First Nations (FNs) values in forestry management</td>
<td>Increased level of participation in decision making</td>
</tr>
</tbody>
</table>

Source: Thesis project proposal.

The correlation and relationships between assumptions, criteria, and their effect are analyzed in the papers making up the chapters of this thesis.

LIMITATION OF THE STUDY

1. **The time frame of the research.** The research was conducted within a year, and data was collected during this short contact between the researcher and respondents. The workshops, interviews, research council meetings, surveys and few informal discussions were the only contact periods used to collect data. The time frame and volume of inquire that is anticipated for social science research requires that time was necessary to elicit more responses. Notwithstanding this limitation, the volume of information collected is substantive, and was adequately used to produce this thesis.

2. **Thesis style.** The thesis is written in a manuscript based format, which requires each chapter to be distinct from the other, but at the same time possessing some form of cross-relationship. Certain related themes are noted in the chapters which address the thesis research questions and assumptions of the study. In keeping with this framework, it would be observed that there are repetitions or certain themes among the four chapters or papers. This is a weakness when compared to the conventional thesis framework that does not give room to repetitions.

1.7 **THESIS PROJECT DESCRIPTION AND ORGANIZATION**

Figure 1 provides an overview of this thesis, which is organized into manuscript chapters. Chapters 1-4 analyze the frame work of the thesis while chapter 5 is the discussion, conclusion and recommendation section.

Chapter 1 is the introduction of the thesis. It contains a brief description of the case study, research problems, methodology, assumptions, limitations and concludes with an overview of the thesis.
Chapter 2 provides a literature review of the concepts of governance and government, devolution and decentralization, and co-management and co-jurisdiction of forestland and resources. It describes mechanisms of creating a balance for forestland and resources users.

Chapter 3 illustrates analysis of forest management in British Columbia. It presents empirical evidence of the major problems of forest management approaches and land tenure identified by Stellat'en First Nation. Stellat'en's deliberation at the August 2006 workshops' visioning exercises with youth and adults is presented in this chapter, as a contextual framework of proposals for reforms in policies that address BC's forest management approaches.

Chapter 4 reviews Aboriginal governance in the pre-contact, post-contact and current relationships with the state. It further describes Stellat'en First Nations proposed self-governance structure, and three strategic steps to implementing the devolution of forestlands and resources in their traditional territory. The Tripartite or co-governance model of governance is described.

Chapter 5 deals with the discussion, conclusion and recommendations of the thesis. This section of the thesis closely analyzes findings of the four chapters, establishing a cross relationship as a way of evaluating reasons for devolving the governance of forestland and resources to Aboriginal peoples. Weaknesses and strengths of the Stellat'en proposed model of self-governance in Chapter 4 will be undertaken. Recommendations for further research will also be suggested in this section.
Chapter 1  Introduction

Chapter 2  Creating a balance in both governance and access to forestlands and resources among users.

Chapter 3  Empirical analysis of forest management in British Columbia: the Stellat'en First Nations' proposal for policy reforms

Chapter 4  Designing new governance structure: An analysis of a process of implementing forest management devolution in British Columbia.

Chapter 5  Discussion and Conclusion

Figure 1.3 Research Project description and organization.
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2.0 INTRODUCTION AND BACKGROUND

This paper offers devolution, decentralization and co-jurisdiction as three approaches to leveraging rights, equity and participation in the use of forestland among resource users in British Columbia. The paper analyses these themes in view of introducing the scope in which they are used throughout the thesis. The term leverage in this paper describes the advantage forestland and resources users have in making decisions and executing control or rights over jurisdictional landscapes. It also deals with the dynamics that affect the integration and accommodation of different worldviews held by multiple users, which affect forestland and resources governance.

Forestland users worldwide, and in particularly British Columbia, include First Nations, federal and provincial governments, industries, academics, researchers and nature lovers. To First Nations peoples, forestry governance entails more than logging and economic gains; it involves a stewardship of resources within their jurisdiction, protection and preservation of cultural and traditional heritage, and the transfer of indigenous knowledge to present and future generations (Stevens, 1997; NAFA, 2007; NAFA & IOG 2000; Curran & M'gonigle, 1999, pp. 712-714). First Nations tend to view the land more holistically, making use of the land as a totality while also protecting it through their traditional stewardship models (TSM). (Stevens, 1997; Fonseca, 2004; NAFA, 2003; 2007; Sherry, Halseth, Fondahl, et. al., 2005). TSMs have their foundation in Aboriginal governance, which determines what, where, when and how resources are protected, harvested, regenerated, and managed (Trosper, 1998; Stevens, 1997). Before European contact, decisions about these operations were taken collectively, with a mutual understanding by each clan,

10 "A version of this chapter will be submitted for publication. Lee-Johnson, E. B., & Trosper R.L. (2009). Creating a balance in both governance and access to forestlands and resources among users"
under the direction of clan leadership (Trosper, 1998). This implied an Aboriginal forest governance, characterized by a ‘governing from below’ decision making approach, which consisted of participation, with a majority of community members who contribute to policy design and operational rules for the management of forest lands and resources (Trosper, 2002).

This procedure changed after contact, as users increased while forestland and the resource governance landscape changed. Governance of forestlands and resources in Canada has always been shaped by the quality of the relationship among the federal and provincial governments and Canada’s Aboriginal peoples (Rusnak, 1997, pp.1-12). The governing relationship since contact has taken different forms, spanning co-management (as in Fisheries), to joint stewardship or cooperative (in different forms of forest operations) and institutional governance. (Carlsson & Berkes, 2005; Rusnak 1997; Green Peace; Forest Trends). Though these governing models indicate some form of relationship among stakeholders, since contact, First Nations groups in British Columbia have been excluded from the policy-making framework (Smith, 2002, pp. 376-379; Rude & Deiter, 2004). The government and other interests, such as private companies, have preferred to use mere consultations and pseudo co-management institutions, which have been heavily criticized by First Nations as disenfranchising, secluding, and marginalizing them from their rights (Borrows, 2001; Stevenson, 2006).

Carlsson and Berkes (2005) have posited that increasing the level of meaningful decision-making authority over forest management for First Nations is a critical step toward First Nations’ participation in the sector. This proposition is premised on the assumption that the ability of First Nations to implement their vision and values regarding forest management, as well as the depth of decision making authority over forests, are intrinsically linked to the viability of a forest tenure system and Aboriginal peoples’ socio-economic status (Hopwood, 2005). For many Aboriginal groups, gaining power and formal authority over management decisions is not merely an issue of control, but of one of exerting cultural and political sovereignty over their traditional territories and sources of livelihood (Goetze, 1998; Ribot & Larson, 2005, pp. 1-13; NAFA, 2003).
2.1 Analysis of some concepts

2.1.1 The Concepts of Devolution and Decentralization

There are currently different scholarly views on the definitions of ‘devolution’ and ‘decentralization’. (Natcher & Davis, 2007; Ribot & Larson, 2005; Azfar, Kahkoneh, Lannyi, et. al., 2004, pp. 19-23; Fisher, 1999; Agrawal & Ostrom, 2001). While some scholars consider these terms synonymous and use them interchangeably, I tend to align with Altintas, N. Gurel and A. Gurel’s (2002, pp. 1-2), whose definition provide a dichotomy in terms of administrative functions and power.

**Devolution** to these authors is described as the relocation of power away from a central location, while **decentralization** is defined as the relocation of administrative functions away from a central location. They stress that while decentralization and devolution may occur at the same time, it is quite possible to decentralize administrative functions without devolving the power to make meaningful decisions to First Nations. These two terms have been used to identify processes involving the transfer of power or authority from a centralized structure, (in this case, the conquering government) represented by a top-down approach, to a more inclusive bottom-top design (Fisher, 1999).

Ribot (1999), Spaeder, and Feit (2005) have further shed light on the level of decision making and administrative functioning that ‘devolution’ and ‘decentralization’ would impart to local governing institutions, by using the phrase ‘democratic decentralization’. Democratic decentralization, also termed political decentralization, emerges when powers, rights, responsibilities, and resources are transferred to the local population and for which they would then become accountable. These authorities, acting on behalf of their local population, are elected democratically. In keeping with the ‘social contract,’ they are thus obliged to account for their actions to the people who elected them. In a democratic decentralization reform, the powers that are transferred to local authorities are exercised within a set of rules designed to insure sustainable forest use while maximizing local discretion. Such arrangements, involving minimum standards while guaranteeing that local representatives have discretion, enable local authorities to respond to local needs.
without threatening higher-level social and economic values (Pacheco, 2005, pp. 90-99; Azfar, et. al., 2004, pp. 23-27; Edmunds & Wollenberg, 2004).

It is worth noting that no advocates of devolution support transferring all powers over natural resources to local communities. However, there are nevertheless many powers that are meaningful to local people that can be "transferred while still protecting the resource base" (Altintas, et. al., 2002, pp. 8-12). In order to protect the resources from private interests, it is paramount that First Nations communities be allowed to exercise sovereignty in management and supervision, in order for them to interact with multiple interest groups, and at the same time experience economic grains within their territory. Apart from bestowing a jurisdictional leverage, such a transfer of powers also supports cultural identity and places value on one's sense of nation. Agrawal and Ostrom (2001), and Larson and Ribot (2005) also support devolution policies as a major vehicle for bringing a broader segment of a given population into public decision making processes, through informative and management approaches such as consultation, participatory dialogues, and collaborative research. Therefore, decentralizing the institutions of BC's forest governance would require an organized and genuine repositioning of certain administrative duties to First Nations communities, which will enable them to exercise control, as well as undertake functions presently carried out by the Ministry of Forests and Range.

Justifying a democratically instituted decentralized governance of forestland and resources, Agrawal and Ostrom (2001) and Ribot (1999, pp. 24-48) explain that these forms of political restructuring should aspire to recreate a just political governance, with the desire that communities closest to the resources should have greater say in management. Therefore, devolution and decentralization policy initiatives in forestlands and resources constitute a governance strategy that is prompted by external and internal pressure groups. Internal for example, is Indigenous peoples, most negatively affected by the exercise of power, that are collectively demanding the transfer of power to govern forestlands and resources closer to their communities. This power transfer involves proposed governance
structures that are independent and free from the Ministry of Indian Affairs and the Indian Act influences.

Decentralizing administrative functions and devolving authority from central to local governments have become a dominant topic in the contemporary discussion of forestland and resource management. Presenting their observations from research on forestry approaches at a global level, Ostrom (1990), Fisher (1999), Ribot and Larson (2005), and Glück, Rayner and Cashore, (2007, pp.61-65) have all supported the claim for devolution by generalizing that, apart from ensuring effective and sustainable resources management approaches, these models of governance promise collective rights, access, and equitable distribution of wealth to communities and peoples closest to natural resources.

2.1.2 The Concepts of Governance and government

Plumptre and Graham (1999, pp.1-2) in their paper “Governance and Good Governance” noted that the “terms governance and government are confused as synonyms”. This mistake is partly based on the fact that until before 1990, these concepts were intertwined and never separated. They were used as synonyms because of a relationship that is rooted in ancient Athens, where “citizens rather than a unit of actors met in the marketplace to deal with issues of public concern. Government in Ancient Athens was simply a process [through which] people dealt with issues” (1999, pp. 2-3).

In presenting a distinction between these terms, Plumptre and Graham describe government as an institution (or a set of institutions), in which key societal 'players' or 'actors' became necessary. Without these players, government is considered useless. Government as an 'institution' is supported by the definitions of both the Concise Oxford Dictionary: the “form of organization of State” or a “body of successive bodies of persons governing a State; … an administration or Ministry.”, and Wikipedia: a body that has the authority to make and the power to enforce rules and laws within a civil, corporate, religious, academic, or other organization or group. Governance to Plumptre and Graham, involves the “interaction among stakeholders or structures, processes and traditions that determine how power is
exercised, how decisions are taken, and how citizens or other stakeholders have their say. Fundamentally, it is about power, relationships and accountability: who has influence, who decides, and how decision makers are held accountable" (1999, pp. 3-4). Simply put, therefore, government emphasizes controls held by a unit, with limited community participation, while governance is the way communities, or other social actors, can take action in collaboration with, or perhaps independently of, established government structures to address issues of concern to citizens (Plumpter & Graham, pp. 3-6).

The Report of the Royal commission on Aboriginal Peoples (RCAP, 1996) identifies that governance to Aboriginal Peoples means a collective way of life. This is supported by Plumpter and Graham's concept of ancient Athenians who consider governance their collective responsibility to solve problems which confront them. Similar to ancient Athenians' collective governance, is Aboriginal peoples' which through clan leaderships and potlatches have structured similar community decision processes. These governance practices describe a pre-contact governance structure, which allowed inter-connectedness between the people and decision making. Potlatches ensure collective governance where there is no central or coercive authority, and no separation of society and the state. Aboriginal people's pre-contact governance lacked bureaucratic government structures, but their new governance modeled in the 21st century needs to develop government institutions that mirror contemporary political structures such as the executive, legislative and judiciary. While the framework of community participation in government decision is difficult to ascribe to current Canadian Euro-centric governments, scholars have posited that within Aboriginal peoples' world view, communal governance is still possible (Brown, 2002; Borrows, 2001; Glückert. et al., 2007; Kaufman, Robert & Kaye, et. al., 2003).

In describing the world views of Aboriginal people's governance, Glückert. et al., 2007 and Kaufman et. al., 2003 have discovered they are seeking a return to their traditional forms of governance by modeling processes of decolonization, through devolved or decentralized traditional forms of governments. These new forms of governments, Kaufman et. al indicated, will incorporate community
participation. Glück et al (2007, 60-70); Pelling, 2004; Kaufman et. al (2003, pp. 3-10) also identify many aspects of governance that evolve with devolution: power; legitimacy; resource capacity; intergovernmental or co-jurisdictional relationships; and legislative administration.

2.1.3 The concepts of co-management, co-jurisdiction/co-governance and Aboriginal peoples’ Autonomous government.

Who has power?

There is much literature that describes participatory levels in which natural resource users interact within any given jurisdiction. Two major concepts in natural resources participatory management are co-management and co-governance or co-jurisdiction. Although there is no precise definition for the term co-management, Berkes’s definition has surmised the concept as “the sharing of power and responsibility for resource management between the government and local resource users” (Berkes, I. Davidson-Hunt, & K. Davidson-Hunts, 1991, p.12). Berkes’ definition suggests that power sharing is core in co-management regimes. However, though the implementation of co-management in Canada has offered complementary effects through influencing resource users or stakeholders’ sense of ownership over some resources, and through offering possibilities for more cooperative and equitable management approaches, some scholars have identified its limitation as they question its approach to participatory decision making based on ‘who has power’ over the resources, who decides what is utilized?, who has access to resources? and in what quantities? (Forsyth, 2007; Natcher & Davis, 2007; Gluth et. al., 2007).

These emerging debates about power-relation dynamics in current co-management regimes worldwide and in particularly Canada, are centered on recent research findings that elucidate bottle-necks in BC’s bureaucratic institutional structures, in which the state overrules most of the decisions, consequently limiting active participation of First Nations communities at higher decision making matters. There is also a lack of clear definition and functioning of Aboriginal peoples’ rights in the co-management regimes (Agrawal & Chhatre, 2007; Forsyth, 2007; Natcher &
Davis, 2007). Some discussion is also centered on the way resources, for example forestry and fisheries are managed, as they are traditionally approached by governments through an institutionalized framework that favours industries over communities of First Nations (Forsyth, 2007; Orlowsk & Menzies, 2004, p.55-71). In addition, Canadian co-management regimes are directed by the tendency of senior governments' top-down bureaucratic approaches to governance, and a dearth of First Nations involvement and support within the policy formulation and implementation process. In part, this may reflect the particular regulatory tradition and the selection of policy instruments by governments, which are less favorable to the First Peoples' drive for autonomy, economic development and the influence of traditional stewardships in forest resource management within their claimed territories (Natcher & Davis, 2007). Natcher and Davis’ (2007) argument on co-management as a process of devolution, identifies the unilateral approach that the government’s natural resource personnel, working within the Northern Territory uses. According to these authors, First Nations traditional knowledge in management is sidelined for scientific knowledge. There is also an indication of the government’s overruling on major issues where First Nations want their interests to be recognized, which raises the question of what level of authority First Nations have as partners in the co-management structure.

Forsyth (2007) also explored the level of authority First Nations possess in the Canadian forest co-management structures. In his paper, “Who’s got the Power: Analysis of Aboriginal Decision-Making Power in Canadian Forest Management Arrangements”, he uses a relative power spectrum that analysis where the ultimate decision making power lies in Canada as shown in Table 2.1. In addressing the relative power concerns in forest management, I have adapted Forsyth’s design by including the column numbers 1-5. The 5th column ‘rights and control of resources’ is an addition I made on Forsyth’s table.
Table 2.1: Institutional Design and Role of Aboriginal government/group in Decision-Making

<table>
<thead>
<tr>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
<th>COLUMN 3</th>
<th>COLUMN 4</th>
<th>COLUMN 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutional Design</td>
<td>Context of Input</td>
<td>Consultation and Accommodation</td>
<td>Aboriginal Decision-Making Power</td>
<td>Rights and control of resources</td>
</tr>
<tr>
<td>Autonomous Aboriginal government</td>
<td>Aboriginal government determines rules for decision-making with other parties.</td>
<td>N/A</td>
<td>Highest - Aboriginal government has primary authority to make decisions.</td>
<td>Highest - Aboriginal government has primary authority to veto who has access or right to resources, and the quantum of resources.</td>
</tr>
<tr>
<td>Co-governance or Co-Jurisdictional Body</td>
<td>Aboriginal government participates with the State/Crown and other parties in a government-to-government relationship, providing frequent input and making decisions (e.g. creation and approval of planning documents).</td>
<td>High level of consultation and accommodation process is funded.</td>
<td>High - Decision making and implementation jointly undertaken by the State/Crown and Aboriginal group. The state/Crown has an obligation to recognize joint decisions.</td>
<td>High levels of consultation and accommodation process is funded. Aboriginal government and Crown has primary authority to decide who has access or right to resources, and the quantum of resources.</td>
</tr>
<tr>
<td>Co-Management Board</td>
<td>Aboriginal government participates with the state/Crown representatives in a government-to-government relationship, providing frequent input and preliminary approval of decisions (e.g. creation of planning documents).</td>
<td>Medium level of consultation. Low level of accommodation. Process is funded.</td>
<td>Medium - The state/Crown has an obligation to recognize joint decisions, but retains the authority to overturn them.</td>
<td>Medium level of control in lands co-managed. Medium level of accommodation. Process is funded.</td>
</tr>
</tbody>
</table>


Table 2.1 reveals interesting indicators of power relationships in the natural resource management of BC. The table shows that the level of authority an Aboriginal government possesses in resource management increases in the type of institutional design from co-management design with medium rating, co-governance or co-jurisdiction design having higher rating and finally Autonomous Aboriginal government with the highest authority.

While Co-management institutional designs generally increases Aboriginal groups' access to forest resources, Forsyth as well as this analyst, noted that there is a distinctive evidence of imbalance in the level of power between the state and an
Aboriginal government. The implementation of co-management as a governing institution affords Aboriginal decision-making power at a medium level of consultation, with low accommodation, since the state/Crown retains the authority to overturn all issues discussed in consultations and negotiation processes in co-management regimes (See co-management column 3, and 4 respectively). This is because most consultation processes, for example in land use planning, have involved the state (through Ministry personnel and experts/consultants) presenting prepared plans to Aboriginal governments for approval. This is more of a referral process than consultation. Consultation, by definition prescribes for each party in the consultation process to jointly frame the scope and discussion of the content inputted in such plans. This is not the case in most co-management institutions, and the worst is the case where the referral processes have involved a situation where "the Minister has the final decision". The crown's authority to over turn decisions is described by Somerville and Haines (2007, p. 62) as "hierarchical governance, a top-down governance in which a central governor [authority as in the case of Minister in the Canadian system] dominates the shaping and representation of a collective".

Pursuant to the limited level of decision making in co-management regimes, collective-property-right scholars are advocating for a shift in the degree of power sharing in co-management structures, by moving one step higher as shown in Table 2.1. Co-governance or co-jurisdiction design is suggested as an alternative, which according to Somerville and Haines' description is when a collective [the state/Crown and Aboriginal governments] works co-operatively within a process of mutual shaping and mutual representation in the level of their authority (2007, pp.62-63). Co-governance or co-jurisdiction as shown in Table 2.1, column 5, recognizes equal levels of authority in decision making as well as control. Utilizing this design in forestland and resources management in BC will recognize the inherent rights of Aboriginal peoples; make them accountable for managing their territory in a sustainable way with the state/Crown, by jointly executing operations. It could also assist in "developing effective institutions to support shared decision-making at all levels" (Forsyth, 2007, pp. 89-91).
One issue of concern had been the capacity of Aboriginal governments to be trusted with making sound decisions in managing resources sustainably. Some scholars and current senior government personnel I interviewed believe that Aboriginal peoples lack the technical skills required to sustainably manage forestland resources, and therefore justify the state/Crown's involvement in overturning decision that they consider unsuitable. I support the contrary view which other proponents suggest. They eluded that Aboriginal peoples have enormous experience which should be encouraged. Developing genuine co-governance structures, the contrary proponents say, should involve increasing capacities on the lower forest management institutional scale, for example Aboriginal governments, in order to counteract the tendency of hierarchical governance. (Natcher & Davis, 2007; Somerville and Haines 2007, p. 62-65).

During the research interviews, an elder described the First Nations role in co-management:

"...it means come and manage with us. We don't have much say in the decisions the federal and provincial governments make about forestland and resources, and even when we are consulted, it is just a show, because our ideas and rights are thrown out at the end of the day. They say the Minister has the final say. We are mere passengers in co-management...genuine co-management should see us in the driver's seat, jointly steering the vehicle with the state/governments, but this is not happening".

The elder's analogy for "joint drivers" is best positioned in co-governance/co-jurisdiction. For example column 5 describes the state/Crown and Aboriginal governments as operating on the same level of higher authority in decision making and implementation over the rights and control of resources. The impression one gets from this, is that in co-governance/co-jurisdiction, an Aboriginal government and the state/Crown operate as "co-drivers" with equal authority in deciding the course of the journey. The ability of an Aboriginal government to jointly make and implement decisions over resource management demonstrates a government-government authority. Therefore, an Aboriginal government, by virtue of its sovereignty, warrants
the state/Crown’s legal responsibility to consult and re-negotiate changes the state/Crown intends to make on any previous agreement reached between the two parties before implementation. Falling short of this is a breach of commitment.

Therefore, while co-management structures limit the authority an Aboriginal government has with the state/Crown, co-governance regimes assigns a higher level of authority that is analogous to the state/Crown. The need for Aboriginal governments to possess this higher level of authority is premise on the fact that as a government they have a political jurisdiction over the traditional territories they govern and should therefore be in control of making decisions and implementing them.

Autonomous Aboriginal governance demonstrates the highest level of decision making for Aboriginal governments. It depicts the level of authority before European contact, and the vision the Stellaqu and Aboriginal peoples aspire for their nations and governments. According to Stellat’en and several pundits, Chiefs, before European colonialization, had authority to make decisions about forestlands and resources and Aboriginal governments had primary authority to veto who has access or right to resources, and the quantum of resources. This is demonstrated in the alliances explorers and settlers made with Aboriginal peoples on their arrival to Canada, and their drive for resource exploration (Browne, 2002). As Aboriginal peoples strive to regain their pre-contact authority and control of their lands and resources, attaining this status at current treaty processes poses several challenges on the part of the state that are reluctant to devolve such authority to Aboriginal governments. Although treaty processes indicates agreements in negotiating Aboriginal peoples’ governance authority over their own people on treaty settlement lands that Aboriginal peoples eventually own exclusively, however, there are surmountable differences in other areas. Critical of these differences is notably Aboriginal peoples’ demand for jurisdiction and management authorities off settlement land to protect their interests. This is in lieu of outright ownership Aboriginal peoples’ hold over those lands. Canada and BC are reluctant to grant full jurisdiction of total claimed territories, partly because of a loss of political control over
Aboriginal peoples and also because of the potential impact on state revenues (Woolford, 2005, pp. 6-14).

Autonomous Aboriginal governments appear to be a sensitive debate, an avenue that the state is not prepared to explore. This is evident in the reactions received from the interviews conducted. While government personnel signal this institutional design as idealistic and damaging to the Canadian policy of cultural inclusiveness, which if explored will marginalize other segments of the country, the Stellaquo and other Aboriginal peoples' consider this claim a bogus excuse used by the colonial machinery of the state's prolonged political infringements and subjugation of Aboriginal Peoples' rights.

Although instituting autonomous Aboriginal government at present poses difficulties, the Stellaquo's vision of ensuring a higher authority in the governance of forestlands and resources within their traditional territory is a call for tripartite governance with the state, and the participation of neighbouring First Nations. This proposal presents a more inclusive approach to governance, where their values, rights and authority are recognized. It is a solution to creating a balance in the interest of forest user group.

2.1.4 The concept of land title and ownership in British Columbia

British Columbia, in contrast with other parts of Canada, had "fewer treaties signed, leaving Aboriginal Peoples of this region more susceptible to extensive expropriation of their lands" (Woolford, 2005, p. 2-3; Royal proclamation, 1763). Effort to remedy this problem of land ownership has been protracted in lengthy treaty negotiations, which as to date has fewer than expected final agreements signed. David Luggi, Carrier Sekani Tribal Council Chief describes the Crown's dominance over British Columbia lands as "the state's legitimacy for engaging in treaty negotiated settlement with Aboriginal Peoples". According to Chief Luggi, "the state base their claim on the fact that, initially after contact, the crown assumed that it held title to the land in Canada and that Aboriginal title was extinguished" Woolford affirms this in his quote from St. Catherine's Milling and Lumber Co. v. The Queen, 1888, stating that, "Aboriginal People was considered a lesser interest, or as a
personal or usufructory right, principles which the state held on to for the extinction of Aboriginal rights and title and colonialization". Aboriginal Peoples have ever since struggled to counter this claim through many channels, including litigation, protests, and treaty negotiations. The Stellaquo, like other Aboriginal Peoples, have a very clear knowledge and affirmation of their rights and titles, which they ascribe to centuries of existence of their nationhood and self-government, management of their land, resources and territorial interconnectedness with other nations. To a Stellaquo elder, "Aboriginal rights have existed since time immemorial when the creator first made First Nations stewards of the lands ...our ancestors protected our lands and passed them over for our watch. We never ceded our right to ownership of our territories, and those rights do not arise as a result of contact with non-Aboriginal peoples or governments".

Another aspect of BC's Aboriginal People's contested rights and title to land ownership is suited in their clan leadership and hereditary governance. They strongly affirm their inextinguishable governing role of their people and territories, which is demonstrated by the continued observance of their sacred practices and welfare stewardship practices in potlatches and longhouse ceremonies. Clan leaders still oversee the affairs of their houses and manage the traditional roles expected of them. Current Chief and band council leadership in Aboriginal communities have limited governing roles compared to those of hereditary chiefs and clan leaders (see paper titled "Designing new governance structure: An analysis of a process of implementing forest management devolution in British Columbia"). These (Band Chief and Councilors) are considered an alien governing structure that is Eurocentric and opposed to Aboriginal People's traditional governing structure. Management of traditional territories, forest stewardship practices and welfare is inconsistent in current Aboriginal reservation government structures. This is because Chief and Band councilors are only answerable to The Ministry of Indian Affairs, a situation which continues to pose mistrust and unaccountability of band leaders to its people. A shift from the Indian Act form of governance is Aboriginal people's self-government, which is characterized by devolution and decentralization process.
Devolution and decentralization as processes leading to Aboriginal self-government are generally contested by most First Nations. These processes, they claim, are justification of their relinquishing of their authority to non-Aboriginal governments, which therefore puts them in a barging position for regaining control. The Stellaquo, in addressing this issue, indicated that current treaty negotiations clearly demonstrate these inequalities. To Stellaquo, the state does not genuinely relinquish their control in treaty negotiated agreements. They still hold firm grip through co-management operations in non-treaty negotiated lands, which leaves Aboriginal Peoples less powerful in governing their territories. A more ideal solution to this problem, the Stellaquo proposed, is a co-jurisdictional or co-governance relationship, in which a tripartite authority is established between the state and Stellaquo in governing non-treaty lands. Stellaquo claims that it will prevent state control and allow Aboriginal sovereignty and authority to their self-government in governing their people and territories.

Creating leverage or balance in both access and governance of natural resources in BC would therefore require a critical evaluation that recognizes the power levels of the state and aboriginal governments. An overriding need, therefore, appears to be to focus upon promoting less bureaucratic and more sensitive policy approaches involving greater recourse to the participation of user groups, including Aboriginal peoples. Key to this approach is increasing equality and recognition of rights of users.

2.2 THE ‘PUSH AND PULL’ FACTORS OF DEVOLUTION AND DECENTRALIZATION IN FORESTLAND AND RESOURCE GOVERNANCE - A GLOBAL PERSPECTIVE.

While devolution and decentralization are theoretically designed to shift power over, administration of, and access to forestland and resource users, the literature has identified two fundamental factors that act as the driving forces to effect such changes: these are known as the ‘push’ and ‘pull’ factors (Glück, et. al., 2007, pp.61-70; Natcher & Davis, 2007; Ribot, 1999, pp.1-251; Carlsson & Berkes, 2005, p. i.; Ritchie & Haggith, 2004, pp.1-41; Edmunds & Wollenberg, 2004; Rusnak, 1997, p.i) Expanding on these two ‘push and pull’ factors will require making
comparisons from different prevailing situations, with examples drawn from current forestland and resources management scenarios.

The 'push and pull' factors for devolution and decentralization of forestland and resource governance are as follows:

2.2.1 THE PUSH FACTOR: The advocacy role of civil society, non-governmental organizations and social movements.

2.2.2 THE PULL FACTOR: Constitutional reforms—administrative, political and structural reformation.

2.2.1 The PUSH FACTOR: The advocacy role of civil society, non-governmental organizations and social movements.

Advocacy groups such as The Centre for International Forestry Research (CIFOR), Conservation International (CI), Forest Trends, Greenpeace, the World Rainforest Movement, and Ecotrust Canada all advocate for good forest governance that positions Indigenous peoples as managers of the forestlands and resources in their territories. The principle approach to forest governance taken by these agencies is based on a framework in which all stakeholders work to identify, develop, and apply innovative forest management options. While there is much truth to the claim that 'forests are used by many but managed by a few', the best arrangement for governing the multiple interests and needs of different actors have yet to be clearly defined or understood. The underlying argument is that, until effective institutional arrangements, organizational structures, and delivery mechanisms that integrate all stakeholder interests are in place, there will be little change in the livelihoods of forest communities, and a further decline in forest quality and health.

Advocating for equitable or shared governance of forests is a 'push factor' for devolution and decentralization which not only acknowledges re-structuring government institutions but accentuates the integrated management philosophy of multi-stakeholders rights (Azfar, et. al., 2004, pp. 23-27). This philosophy is based on the belief that there is a role for Indigenous societies/peoples, forest users, and other government agencies in determining the direction and nature of how forests
are used, as each participate in levels of authority, access, ownership, and decision making about resources (Azfar, et. al., 2004, pp. 23-33; Larson & Ribot, 2005, pp. 1-19; Ostrom, 1999). Good forest governance achieves this by clarifying the relationships, rights, responsibilities, and incentives among these key actors. By examining how wider economic, social, and environmental factors influence forest policies and practices, a forest governance approach can also act as an entry point to promote wider change. Gains made by First Nations in forest management would not only contribute to better public participation and the inclusion of civil society, but would also make decision-making processes more transparent and accountable and strengthen the livelihoods and assets of rural Aboriginal people (Larson & Ribot, 2005, pp.2-10; Azfar, et. al., 2004, pp. 25-27).

Advocating for sustainable devolved forest governance that respects Aboriginal geo-political space, rights, and sovereignty is a "push factor". It reacts to resource development pressures exerted by the industrial and political powers, whose economic and developmentally driven forest programs subject Aboriginal peoples to continuous disenfranchisement and the disembodiment of their access and rights to resources within their traditional territories. Creating a balance to this, is the suggestion put forward in the 2004 Interlaken Workshop organized in Switzerland. Decisions submitted in this report are a product of advocacy agencies that identified positive effects of good forest governance based on effective decentralization and devolution approaches, as follows:

i. Ensure power imbalances among stakeholders are recognized and addressed. This means not only strengthening local voices, but also guaranteeing that more powerful stakeholders understand, respect, and recognize the rights of others.

ii. Strengthen the capacities of actors at all levels by creating learning processes and partnerships to implement forest management activities.

iii. Establish more transparent and inclusive decision making processes by setting norms and good codes of practice.

iv. Decentralization processes and the achievement of an appropriate balance between centralization and decentralization of forest-related decision-making and management are critical to enacting progress toward sustainable forest management.
v. Appropriate allocation of roles and responsibilities between central and local
governments and the devolution of certain responsibilities to local communities
can contribute to equitable, efficient, and sound forest management and
conservation. On the other hand, inappropriate allocation of roles and
responsibilities in forest management can result in negative impacts on people's
livelihoods and contribute to conflicts and social unrest between local
communities and governments.

vi. Local institutions must be representative, and powers must be securely
transferred in order to achieve effective decentralization.

2.2.2 The PULL FACTOR: Constitutional reforms—administrative and political
reformation

New trends in forestland and resource governance are structured around
calls for institutional reforms. The need for institutionalized local community
governance of forestland and resources within prescribed traditional territories is
increasing at a global level (Glück, et. al., 2007, pp.61-70; Larson & Robot, 2005, pp.
1-7; Azfar, et. al., 2004, pp. 23-27). The scholars, Bardhan and Mookherjee (2005),
and Bardhan (2002, pp.185-205) have discovered that, across European countries
such as Wales, Scotland, and Finland, and in developing nations (India, China,
Indonesia, Bolivia) and least developed nations (Cameron, Tanzania, Senegal), the
effect of this "pull factor" is far-reaching in its demand for the transformation of
resource management. This has posited a new reality among resource users,
namely, researchers, academics and nature lovers that "localities with Indigenous or
Aboriginal peoples are a major component in deciding how forestland and resources
should be governed" (White & Martin, 2002). New structural designs for Indigenous
government institutions are emerging with central governments devolving political
regimes and decentralizing administrative control of forestlands to local
communities. While some reforms are based on decrees, most are implemented
through major judicial enactment and promulgated laws which are constitutionally
legislated (Glück, et. al., 2007; Robot, 2005, pp.1-22; Azfar, et. al., 2004, pp. 17-56).
The expansion of local activity and sovereignty of this sort emphasizes diversity in
the global political and business landscapes of forestland and resources (Glück, et.
al., 2007, pp.61-70; Ribot & Larson, 2005).
In Canada, scholars, industries, and provincial governments are coming to terms with the realization that the success of forestland and resource management operations hinges on the level of co-operation external stakeholders have with local Aboriginal communities. This co-operation is at all stages, from planning to the closing phases of resource management and extraction projects (Natcher & Davis, 2007; Pinkerton, 1996, 1993, 1992; Carlsson & Berkes, 2005, p. i.; Rusnak, 1997, pp.1-9). Though it is also evident that while forest governance has taken on different forms, such as co-management, joint stewardship, or co-operative and other institutional governance, there is evidence that Canadian Aboriginal communities have achieved a lower level of authority within these arrangements, compared to Indigenous populations in other countries with similar decentralized and devolved forest regimes (Natcher & Davis, 2007, pp. 275-277; Rusnak, 1997, pp.1-3).

Participants in the Interlaken workshop of 2004 in Switzerland, for example, analyzed the decentralization of forest governance in seven countries: Bolivia; Scotland; United States; Ghana; Nepal; Uganda; and Indonesia. The conclusion they reached was that Scotland’s approach to decentralization— a transfer from state to local control— has met with much success. With the establishment of the Scottish Parliament in 1999, control of Scotland’s forest estate passed to the Government of Scotland (Ritchie & Haggith, 2004). Since that time, over 100 communities have established woodland organizations. A people’s movement led to the passing of a Land Reform Act (LRA), which gave communities the right to acquire ownership of land, including woodlands. Communities exert their rights and determine the governance of lands and woodlands in compliance with both the LRA and traditional laws. Local demands for a larger share of power have shaped the devolution process at the national level in Scotland, unlike in other countries, particularly Canada, where the state still has the strongest hold and makes most of the decisions in the governance of forestland and resources.

In their comparative study of ten countries: China; India; Nepal; Cameroon; Bolivia; Philippines; Tanzania; Zambia; Botswana and Zimbabwe, Edmunds and Wollenberg (2004) stress that, while devolution and decentralization approaches have taken different forms, such as community forestry, household-based
management, and participatory management, full community control is still elusive. This is supported by scholars who have carried out extensive research, and whose findings posit a higher level of community ownership, in those countries, compared to findings from studies conducted in the British Columbia forestry sector (Natcher & Davis 2007, p 277; Pinkerton 1998, 1993; Carlsson & Berkes, 2005; Rusnak, 1997; RCAP, 1997). However, drawing analysis from both sets of studies, it appears that, Edmunds and Wollenberg's, and Natcher and Davis's (2007) depict the contrary, i.e., that provincial and municipal government institutions, such as the Ministry of Forests and Range wield greater control in decision-making regarding the existing devolved resource management regimes in Canada. The local community-based governance institutions in Edmunds and Wollenberg's study are as good and often better managers of forests than federal, regional, and municipal governments. In their paper, "Who owns the world's forests? Forest tenure and public forests in transition", White and Martin (2002, pp. 4-19) present a correlation between effective ecosystem based management and indigenous traditional forest governance. In analyzing the works of biologists and conservationists, they have discovered that biologists and protected area specialists are also beginning to change their perspectives on human interactions with nature. While their perceptions about Indigenous Peoples and the ecosystem was primarily that the Native people were blamed for deforestation and extinction of species, recent studies acknowledge that the traditional management practices of Indigenous Peoples, along with devolved governance structures, can be positive for biodiversity, conservation, and ecosystem maintenance. This positive outcome has been attributed to shifting trends in governments that are devolving control of forest land to communities.

Glück, et. al., (2007), Natcher and Davis (2007, pp. 271-277) and Omar Azfar, et. al., (2004) advocate an administrative and political transfer of authority to local communities. They claim that such a transfer leads to greater First Nations participation in decision making, and found the following three major effects at the local level of governing institutions:

i. a sense of ownership and accountability to local populations is fostered,
ii. there is “evidence of security and autonomy in their domain of power to make and implement meaningful decisions” (Glück, et. al., 2007; Omar Azfar, et. al., 2004),

iii. integration and institutionalization of traditional knowledge, laws and policies useful for contemporary forestland and resource management is allowed.

Glück, et. al., (2007, pp.61-70), Natcher and Davis (2007), and Rusnak (1997) have elucidated that there are recent shifts in Aboriginal peoples’ determination to achieve a change in the power relations between the different levels of government (federal, provincial and local) in the governance of forestlands and resources. These forces pushing for change are centered on the devolution and decentralization of management authority and administrative functions from centrally controlled institutions at federal, provincial, and municipal levels to local Aboriginal governments. This model of forest governance constitutes a restructuring in governmental resources management that involves moving away from a top-down decision making model, which leads to imparities in authority among the different stakeholders, to decentralization and collaborative decision-making. (Glück, et. al., 2007, pp.63-69; Natcher & Davis, 2007; Carlsson & Berkes, 2005; Rusnak, 1997).

2.3 DEVOLUTION AND DECENTRALIZATION OF FORESTLAND AND RESOURCE GOVERNANCE AS IT RELATES TO FIRST NATIONS SELF-GOVERNMENT IN BRITISH COLUMBIA

Within a distinct portion of the wider Canadian population, First Nations represent many groups of people who are striving to attain their pre-contact sovereignty and traditional governance that was disposed of by the colonists (Brubacher, Gladu & Bombay, 2002; Brown, 2002). Strong domination and obliteration of their traditional governments, alienation from their lands and resources, and micro-management of their existence through the Indian Act typify the European colonization of Canada’s Aboriginal people. Every effort by Aboriginal people to regain their sovereignty and reclaim traditional territories has met with stiff resistance from the federal and provincial governments. The only way out of this misery is a lengthy treaty negotiations process, a political tool designed by the federal and provincial governments to address First nations’ grievances, by inviting
them to participate in finding ways to resuscitate their traditional governments and reclaim some of their traditional lands. Most past agreements fall short of genuine devolution or decentralization. Much evidence points to provincial dominance over decision making, which has provoked past litigations (Natcher & Davis 2007, pp. 272-277).

Researchers tend to agree that genuine devolution amalgamated with structured decentralization of forestland and resource governance to Aboriginal communities is vital for helping them design a new conception of self-government that is representative of their culture and tradition (Glück, et. al., 2007; Natcher & Davis 2007, pp. 274-276; Altintas et. al., 2002; Smith, 2002; Brubacher, et. al., 2002). This approach has shown positive results, presenting opportunities for a sustainable reconciliation between states and their Indigenous Peoples worldwide. In Canada, decentralizing the administrative functions of forestland and resource governance and devolving jurisdictional authority to Aboriginal communities represents a shift from the existing Indian Act’s band-based structure of delegated responsibility in favour of a new relationship (Giokas, 2002, p.165). Giokas supports devolving jurisdiction over traditional territories to First Nations, and condemns the existing model of governance on reserves, which he sees as “legacies of the colonial past, [which] have proven to be incapable of meeting the governance and development challenges of postcolonial Aboriginal society” (Giokas, 2002).

A new paradigm of governance is therefore imperative, one that places Aboriginal Peoples at the centre of designing their own governments, administrating their own internal operations, and making choices about how they will manage forestlands and resources that harmonize with their traditional and cultural identities.

2.4 CREATING AN EQUILIBRIUM

One of the most effective ways to ensure equity in the allocation of resources among multiple users is to adopt an inclusive, bottom-up, and participatory approach to forestland and resource governance. In addition to allocating equity and improving efficiency among users, Aboriginal Peoples’ full participation in the forest sector's
political and economic landscape is indeed important for executing their inherent rights (Jorgensen, 2007; Glück, et. al., 2007; Giokas, 2002; Brubacher, et. al., 2002). One way to bring equity into the forestry sector is to increase participation through the recognition and institutionalization\(^\text{11}\) of Aboriginal Peoples' sovereignty and jurisdictional rights, via decentralized economic and political systems. Most scholars support this approach because decentralization brings government closer to the people. Thus genuine devolution, reinforced with decentralization of forestland and resources governance, would be a major step in bridging the protracted gap between federal and provincial governments, and First Nations created by colonization (Natcher & Davis, 2007; Carlsson & Berkes, 2005; Altintas et. al., 2002). Facilitating First Nations’ self-governance of forestland and resources would not only be an auspicious tool for reinstating First Nations’ geo-political jurisdiction, but would also help in the process of decolonization and reconciliation (Jorgensen, 2007; Giokas, 2002).

The protracted state of poverty, domination, and marginalization that First Nation peoples have so long endured is a glaring reality that federal and provincial governments need to address. The Stellaquo have indicated that they are ready to move toward liberation from the *Indian Act* and to govern themselves. This is supported by Rakai who states that, “First Nations should be provided the facilities to participate fully and effectively in designing and executing their own programs through a functional government that is borne from their ideas” (Rakai 2005, pp.12-25). The fact that colonialism has denied Indigenous People power globally, by cutting them completely out of the policy design process, has resulted in their interests and values not being incorporated into the formulation of policy in forest governance (Giokas, 2002). The devolution of forestland and resources in the Canadian and BC contexts, on the other hand, should significantly improve participation in the process of governance, leading to greater operational efficiency in forest management (Glück, et. al., 2007). Devolution will also give Canadian First Nations a forum in which apart from being able to articulate their cultural, social and

\(^{11}\) Institutionalization is examined in the sense of facilitating the necessary structures and elements needed for First Nations governance. It requires the genuine examination and subsequent relinquishing of the fiduciary and jurisdictional roles played by Canada and BC respectively. This approach to governance is documented in the OECD 2001 report, Devolution and Globalization: Implications for local decision-makers.
traditional needs more effectively, they will also be recognized as contributors that provide important information needed to design policies that are both relevant to their lives and reflective of their values and preferences.

Most scholars have recognized that there are no ready-made solutions and that natural resources, including forests, are a contested resource and, therefore, a politically sensitive subject in Canada (Glück, et. al., 2007; Natcher & Davis, 2007, pp. 276-277; Carlsson & Berkes, 2005; Rusnak, 1997; Pinkerton, 1996). However, it is believed that using a 'forest governance approach' could be a starting point from which to begin addressing the complex questions that this issue raises, by providing a framework in which to craft the structures, mechanisms, and cross linkages necessary to tackle future challenges. Most importantly, the practice of good forest governance is critical if we are to meet forest production needs, attain conservation goals, and ensure that local livelihood concerns are addressed (Larson, 2004; Ross and Smith 2002).

2.5 CONCLUSION

Decentralization combined with devolution in the British Columbia forest sector should begin with the provinces genuinely working with local Aboriginal people and by building on their emerging self-governance institutions. As all of this evolves, the BC government should work with First Nations governments in building the institutions and capacities that will position them to effectively implement self-determination by taking over roles that were previously held by the province and the Ministry of Indian Affairs.

Representative and accountable local self-governments may be the most appropriate interlocutors for this process in British Columbia. Local Aboriginal governance institutions must be representative and powers must be securely transferred from federal, provincial, and municipal institutions in order to achieve effective decentralization. Genuinely effecting this change will require not only that First Nations’ governing institutions be accountable to their people, but also the
establishment of "subsidiary principles"\textsuperscript{12} to guide the choices and sequencing of power transfers for creating a rewarding and sustainable decentralization process. Establishing basic "subsidiary principles" in the transfer of forest management to First Nations' governments will ensure a balanced approach in devolution.

\textsuperscript{12} Subsidiary principles. These are sometimes attributed to the principle of common good, a rational and rights-based principle, in which those in authority recognize that individuals have a right to participate in decisions that directly affect them, in accordance with respect, dignity and equity. Establishing basic fundamental subsidiary principles in the transfer of forest management to First Nations governments will ensure a balanced approach in devolution.
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CHAPTER 3

EMPIRICAL ANALYSIS OF FOREST MANAGEMENT IN BRITISH COLUMBIA: THE STELLAT'EN FIRST NATIONS’ PROPOSAL FOR POLICY REFORMS.

ABSTRACT
Functioning as landlords of more than 90 percent of the forested lands in the province, the British Columbia (BC) government has attempted to reform the tenure system in recent decades by incorporating a greater number of stakeholders or interest groups in the tenure system. Despite recent changes, such as restructuring, certain shortfalls persist, rendering a deficiency in dealing with changes the sector is undergoing globally. This sector has been seeing changes in the public’s attitude to resources, while, at the same time, indigenous or Aboriginal Peoples are demanding greater participation and a space in their jurisdiction and management for multiple values. Over the past decade, a growth in Aboriginal rights in forestry has been illustrated by an increase in First Nations ownership of 3-5% of forest licenses in BC. Notwithstanding this increase, recent changes have not brought about the certainty and opportunities the First Nations governments have sought. The BC forestry sector’s institutional framework shows an inequitable balance not only in management approaches, political and administrative structure, and forest management value systems, but also in the economic relationships among the main stakeholders; namely, government, industry, and First Nations, with the last being marginalized.

3.0 INTRODUCTION/ BACKGROUND
The purpose of this paper is to learn how forest policy could be changed to better reflect the values, interests, and rights of Aboriginal peoples. In this paper I first describe BC’s current forest management by providing a brief synopsis of different perceptions. Next I discuss four major problems of current forest management approaches and policy framework addressed as themes, and the proposals for forest management and policy reforms put forward by the Stellat’en. In concluding, I provide reasons why The Stellat’en forest management proposals point to the fact that policy-makers and Canada’s First Nations need to understand the context that necessitates both the nature of these proposed changes and their consequences as important factors prompting the need for forest management and policy reformation.

British Columbia forest management integrates consultation, accommodation, compensation, revenue sharing, and rights as major management approaches that determine how stakeholders own and control forestland and resources. This paper examines how these five approaches contribute to the success or failure of BC's forest management structural arrangement. This research was conducted in Stellat'en from July 2006 – October 2007. Findings and recommendations are made available to prompt a discussion for policy changes geared toward tenure reforms that integrate the interests of all stakeholders, particularly the Stellaquo and other First Nations communities who, despite of their close proximity to forest resources, benefit the least from these resources.

Since forest covers nearly half of BC's surface area, it is among the most important sectors of the province's economy (Forsyth, 2006; NAFA, 2003, p.1-4). British Columbia accounts for some 57.9 million hectares of forested lands, of which approximately 96% are provincial Crown lands and 4.0% is privately owned (NAFA, 2003, p.59; Ministry of Forests pp. 2-3). Aboriginal-controlled forested lands account for 0.4% of total lands in the province (NAFA, 2007, p. 38). British Columbia has various forest tenure arrangements, the most important ones being Tree Farm Licenses and Forest Licenses, which account for aggregately 162,328 hectares of actual timber harvested in both Crown and private lands (2006/2007) (NAFA, 2007, p.38-40; Ministry of Forests, 2008; Zhang, p.1, n.d).

3.0.1 Forest tenure and BC's First Nations

Part of British Columbia's forest management consists of forest tenure as a "policy tool" with important economic and social implications (Zhang, n.d, p.1; Parsons & Prest, 2003). As landlords of more than 90 percent of BC's forest lands, the BC government has attempted to reform the tenure system in recent decades by increasing some forms of access to Aboriginal peoples (Ross & Smith, 2003; Zhang, n.d, pp. 1-5). Despite recent changes, some management approaches are still ill-equipped to manage the global changes the sector is undergoing, including, and perhaps most importantly, dramatic changes in public attitudes toward resources, not to mention Indigenous Peoples' demands for greater participation and jurisdiction, and the need for value-focused approaches to forest management.
Haley & Nelson, 2006, pp.4-10; Orlowsk & Menzies, 2004). Orlowsk and Menzies describe the situation in BC as one in which the BC Forest industry is confronted on all sides by public environmental concerns and Aboriginal peoples’ rights movements: “The industrial model of logging, whereby large transnational companies control huge tracts of crown land, has been in a state of decline since the 1980s, resulting in calls for a restructuring of the industry...forcing forestry companies to pay a lot more attention to how and where logging is done” (Orlowsk & Menzies, 2004, pp.72-73). They also credit many of the changes to the Aboriginal peoples’ rights movements, which have resulted in “crucial law defining Supreme Court of Canada decisions, such as Delgamu’ukw (1997), and Marshall (1998), which have resulted in at least a legal understanding for non-Natives when it comes to settling Aboriginal treaties and recognizing Aboriginal title” (Orlowsk & Menzies, 2004, pp. 73-75).

Though some significant changes have been made, in general, however, amendments to the province’s forestry regime continue to have negative impacts upon Aboriginal rights and title, and have not brought about the certainty and opportunities Aboriginal Peoples’ governments have sought (Ross & Smith, 2002). First Nations’ rights and access to forest resource use are confined to the political and economic euphemisms of forest range agreements or interim agreements, community forestry, or some other forms of joint management schemes, which adversely affect their long term financial and economic stability. The conditions tied to the licenses dictate limited volume base, extensive fragmentation, and a five year non-renewable short lifespan (Hopwood, 2002; Anonymous, 2004; Sierra Club, n.d). Big multi-national industry companies, on the other hand, are granted twenty years transferable and replaceable licenses. Even with vast advances in Aboriginal rights over the past decade, only 5% of forest no replaceable licenses in Canada are held by Aboriginal groups (NAFA, 2000; 2003). Ross and Smith (2002) state: “the provincial systems of tenure are a structural and systemic impediment to the recognition and protection of Aboriginal and treaty rights in forest management” (2002, pp 379). This is particularly troubling, especially when one takes into account that current statistics provide evidence that over 75-80% of Aboriginal groups in
Canada live within productive forest areas (Forsyth, 2006; Graham, 2005, pp 1-14; NAFA, 2007).

Curran and M'gonigle (1999, pp. 713-715) note that Aboriginal Peoples' interests in forestland and resources management in their traditional territories is tied to "enhanced economic benefits, concern about ecosystem degradation caused by destructive industrial logging practices, the loss of traditional values, and the consequent need for more holistic forest management". This is supported by Stellaquo's claim regarding their historic reliance on—and current interdependency—they have with their physical environment (land, water, and forest). To the Stellaquo, forests support multiple needs, such as timber products (lumber and firewood), hunting, medicine, and spiritual and cultural needs. This mixture of social, cultural, and economical needs creates conflicts between Aboriginal Peoples and other users in the management of forestry tenure systems.

The truth is that government-designed forest tenure arrangements have favored business interests over First Nations interests, limiting First Nations participation in policy making and governing of their own forestlands (Natcher & Davies, 2007, pp. 271-277; Pinkerton, 1998). First Nations have heavily criticized the consultation, accommodation, and negotiation processes that the provincial government and other institutions, such as Ministry of Forests and Range, have used in making forest arrangements, which they see as a protracted history of exclusion and denial of their rights (Borrows 2001; Stevenson, 2006). According to Smith's analysis (n.d., 405), this low level of Aboriginal participation in the forest sector is attributed to the alienation of Aboriginal Peoples from their land through the enforcement of industry-sponsored tenure regimes, which disturb their identities and existence (culture, tradition, rights, access). Ross and Smith's assertion that "the provincial systems of tenure are a structural and systemic impediment to the recognition and protection of Aboriginal and treaty rights in forest management in Canada" speaks directly to the negative effects of current forest tenure features, such as the determination of the Annual Allowable Cut (AAC) and stumpage charges small First Nations logging companies are made to pay (Ross & Smith, 2003, p.379). By Stellaquos' estimation, these conditions are calculated efforts designed by
governments to exclude First Nations who have *bona fide* rights as users and owners of land and resources in Canada.

Researchers have identified major gaps in access and control among forest resource users associated with the commercial tenure designed by the provincial government is aimed at extensive timber production, which benefits industries at the expense of First Nations (Natcher & Davies, 2007; Carlsson & Berkes, 2005; Rusnak 1997; Sierra Club n.d). Reports from three major commissions cited by Pinkerton (1998, pp.365-357) and Natcher and Davies' (2007) analysis of current forest management, identify four major weaknesses of the forest sector management approaches. These authors (Pinkerton, 1998; Natcher and Davis, 2007) identify some 'exclusionary characteristics' of the government's industrial forestry model, which has government's restructuring and forcing policy changes in co-managed or devolved government structures at the expense of First Nations. These exclusionary characteristics include the following:

1. Flawed governmental political and administrative approach to forest management,

2. BC's ecosystem-based management is both economically and environmentally compromised due to a pro-business tenure system that gives leeway to non-compliance with environmental regulations by industries,

3. Disenfranchisement of First Nations in forest management with regard to decision making and participation in forest planning and policy formation,

4. Limited Aboriginal People's rights and access to forestlands in current forest tenure regimes.

As these four points were echoed by the Stellaquo in the workshops and interviews, they have been chosen to serve as the framework of this paper, to present findings from the research work with the Stellat'en First Nation. These points have been used to lay the groundwork for an empirical analysis of BC's forest management, by identifying how each is linked to such forest management approaches as consultation, accommodation, compensation, revenue-sharing, and rights, as currently practiced in BC's forest management.
3.0.2 Stakeholders' perceptions of BC's forest tenure system

Forestlands, rivers, oceans and other resources serve diverse dynamics in BC. As natural resources, they provide pristine and aesthetic value for environmentalists and outdoor enthusiasts in the form of parks, trails, and wilderness (Harshaw & Tindall, 2005; Bryan, 2000), while, for governments and industries, they are a social, economical, and political tool that has been used since the time of initial contact with First Nations (Haley & Nelson, 2006, pp. 6-8). To Aboriginal peoples, these forests are of great importance to the 208 communities of First Nations in BC (Ministry of Indian Affairs 2008) who are geographically positioned in 80% of commercially productive forest areas. The forest is both the home of their ancestors and a source of cultural and economic livelihood and spiritual sustenance (Curran & M'Gonigle, 1999; NAFA, 2007, 2003; Uphoff, 1988). Despite the striking fact that they occupy such a high percentage of forestlands, the participation of First Nations in the forestry sector has been illusive and relatively low, in comparison with the private sector, even with their emerging political presence, which has increased marginally (by 10%) in the last three years (NAFA, 2007; Natsher & Davies, 2007; Hopwood, 2002; Anonymous, 2004).

3.1 METHOD

Data collection for this research was initiated with a community workshop in August of 2006. The workshop was a component of a larger research project, titled 'Participatory Approach to Aboriginal Tenure Reform in Canada', that was concurrently conducted on a national level in the east (Kaska First Nation), north (the Innu Nation), and west (Carrier Sekani tribe for which Stellat'ën First Nations was selected as a case study) of the country.

Separate workshops were organized for youth and adults in Stellat'ën, BC. The workshops' formats consisted of facilitators asking a series of focus questions and participants brainstorming the answers. Participation in the workshops was open to all community members to encourage inclusiveness. Concept mapping is a key technique that was used to identify and analyze the strengths and weaknesses of the existing forest tenure and governance relationship between the Province and First Nations. This method showed causal relationships between some problem
statements identified in an earlier session, for example, too much clear cutting, damage done to fish and moose habitats, which were demarcated as nodes on the map (see Figure 3.1). Key statements from the ideas generated in Session 1 were selected by the facilitators and written on large cards. Twenty nine cards were placed in a circle on a large piece of paper. These cards represented the nodes of the concept map. Participants worked in one large group to identify causal relationships between nodes. Starting with Node 1, participants were asked if it had any relationship to any other nodes. If so, what was the direction and strength of causation? Facilitators drew the arrows on the concept map, as indicated by the participants. Participants were asked to connect the nodes or problem statements, using arrow lines to show causal relations and their effect between nodes or problem statement (Eden, 2004). Dotted arrow lines denote weak relationships; disjointed arrow lines represent moderate relationships; while boldened arrow lines show strong causal relationships. Concept mapping is a participatory method that helps people to “problem structure” the most pressing issues and uncover solution options (2004, p.673).

Figure 3.1: Concept Map showing current Forest management problems of BC’s Forest Sector. Source: Stellat’en August 2006 workshop report.
3.2 RESULTS/FINDINGS

The following findings were obtained from the workshop in August 2006.

3.2.1 Structural analysis of tenure relationships with stakeholders

The Stellaquo identified some significant problems with the current tenure system in BC’s forest sector. These problems have been categorized into four themes:

3.2.1.1 Theme 1: Political and administrative problems associated with BC’s industrial forest tenure management approaches.

3.2.1.2 Theme 2: Compromised sustainable practices associated with BC’s industrial forest tenure management approaches.

3.2.1.3 Theme 3: Appropriation of Aboriginal rights associated with BC’s industrial forest tenure management approaches.

3.2.1.4 Theme 4: Economic barriers associated with BC’s industrial forest tenure management approaches.

Tables in each of the themes (3.2.1 – 3.2.4) possess a set of problem statements which were generated by participants during the focus group sessions and used in the concept mapping exercise (See Appendix 5). Minimal adjustments were made to the statements to ensure clarity without altering their content or direct meaning.

3.2.1.1 Theme 1: Political and Administrative problems associated with BC’s industrial forest tenure management approaches

Forest tenure in BC and Canada involves such management operations as consultation, dialogue, accommodation, and other people-management approaches that legally define how the government should relate with Aboriginal Peoples, and other stakeholders. These legal duties stem from both the fiduciary relationship that exists between Aboriginal People and the Crown (Hurley, 2002, pp.1-11) and their jurisdictional relationship with the province (SCC, 2004a, 2004b, 2007). These relationships, created by history, treaties, legislation and litigations, rest “equally with the provincial and federal crowns” (Ross & Smith, 2003, p.1). Table 3.1 describes Stellaquo views of how the five management processes are currently conducted by the BC’s forest sector administration.
Table 3.1: Participation in Forest management

<table>
<thead>
<tr>
<th>No.</th>
<th>FOREST MANAGEMENT PROCESSES</th>
<th>CURRENT CHARACTERISTICS</th>
</tr>
</thead>
</table>
| 1.  | CONSULTATION & DIALOGUE    | • Formal distribution of letters of consent to First Nations bands.  
• Limited in-person dialogue.  
• The process is ceremonial with preconceived decisions by government and industry.  
• Limited willingness by government and industry to accommodate Stellaquo’s interests. |
| 2.  | ACCOMMODATION              | • Minimum job opportunities for Stellaquo people  
• Stellaquo’s traditional and cultural values not considered by industry logging processes |
| 3   | RIGHTS AUTHORITY & ACCESS  | • Access limited to 5-year non-renewable FRA\textsuperscript{14} and FROs \textsuperscript{15}.  
• Stellaquo is confined to limited land base in reserve lands.  
• Government and industry possess most rights. |
| 4.  | COMPENSATION               | • Dispensed as one-off payment during comprehensive land claims.  
• No compensation for damages incurred on traplines, rivers, or berry patches from industry activities. |
| 5.  | REVENUE SHARING            | • No revenue shared from stumpages or logging, and mining company profits derived from Stellaquo’s traditional territory. |

Source: Stellat’en Forest tenure focus group discussion workshop, August 2006

The BC government’s forest management approaches, as listed in table 3.1, have resulted in the major problems identified by the Stellaquo, as shown in table 3.2. Problems 1 - 5 show Stellaquo’s dissatisfaction over their limited involvement in the current tenure management structure. Problems 6 -10 illustrate the government’s one-sided approach that caters to the industrial model of forest tenure, favoring forest industries over First Nations. Problems 11 -14 represent an imbalance in the governance of forestland and resources between industry and government, versus First Nations and Stellaquo in claimed traditional territories, indicating less participation of Aboriginal Peoples in the sector.

\textsuperscript{14} FRA- Forest Range Agreement  
\textsuperscript{15} FRO- Forest Range Opportunities
Table 3.2: Political and administrative problems associated with BC’s industrial forest tenure management approaches

<table>
<thead>
<tr>
<th>NO.</th>
<th>PROBLEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Forest tenure is BC government driven. The government dictates the rules.</td>
</tr>
<tr>
<td>2</td>
<td>First Nations involvement in policy formation/setting is limited.</td>
</tr>
<tr>
<td>3</td>
<td>First Nations are not involved in decision making at other levels (Lack of an appropriate consultation process).</td>
</tr>
<tr>
<td>4</td>
<td>Government asks First Nations’ opinions, which are ignored, then embark on its own plans (Lack of government-to-government processes).</td>
</tr>
<tr>
<td>5</td>
<td>Ministry of Forests and Range criteria don’t consider First Nations’ interests.</td>
</tr>
<tr>
<td>6</td>
<td>Shipping of raw logs out of the country lacks value added focus.</td>
</tr>
<tr>
<td>7</td>
<td>No level playing field for First Nations.</td>
</tr>
<tr>
<td>8</td>
<td>Big forestry companies/industries monopolize the sector.</td>
</tr>
<tr>
<td>9</td>
<td>Timber operations are controlled by a select few.</td>
</tr>
<tr>
<td>10</td>
<td>Ministry of Forests and Range not fair in giving Non-renewable Forest Licenses (NRFLs) to First Nations.</td>
</tr>
<tr>
<td>11</td>
<td>Current policies are worse than in the past.</td>
</tr>
<tr>
<td>12</td>
<td>Forest tenure is a political and administrative tool used by government to suppress First Nations.</td>
</tr>
<tr>
<td>13</td>
<td>Absence of liaison personnel between First Nations communities, Ministry of Forests and Range, and industries. Formerly, there was a government funded representative who would confer with both native and non-native communities before making reports. There is a present need for a full-time person in this capacity.</td>
</tr>
<tr>
<td>14</td>
<td>Logging roads signs read ‘do not enter’ while berry picking sites are fenced/off-limits. One is not allowed to enter to collect wood supplies for winter.</td>
</tr>
</tbody>
</table>

Source: Stellat’’en Forest tenure focus group discussion workshop, August 2006

3.2.1.2 Theme 2: Compromised sustainable practices associated with BC’s industrial forest tenure management approaches

One of the most critical issues affecting Stellaquo and other Indian reserves in Canada, as lamented by Zaa Louis\(^\text{16}\)...

"is the control federal and provincial governments have over the access and use of land and its resources. Since the enactment of the Indian Act in 1876, the land tenure arrangement in reserves is based on Eurocentric land management policies emanating from the Indian Act and DIAND. Many First Nations have viewed land management as satisfying a few, ignoring the values and cultures of First Nations, which is affecting our stewardship and sustainable principles. We find ourselves mortgaging our sustainable principles for crumbs of money given as grants to reservations".

\(^{16}\) Zaa Loui is an elder in Stellaquo community
In the workshop, the Stellaquo indicated that they are not against development and exploitation. But they do insist that the federal government, provincial and municipal authorities, and commercial enterprise need to consider the issues of sustainable forest management from their cultural perspective (Smith, Scott & Merkel, 1995). Table 3.3 shows certain unsustainable practices that are carried out by industries and the province in their extractive drives within Stellaquo traditional territory.

**Table 3.3: Unsustainable practices associated with BC’s industrial forest Tenure management approach**

<table>
<thead>
<tr>
<th>NO.</th>
<th>PROBLEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Over harvesting.</td>
</tr>
<tr>
<td>2</td>
<td>Loss of moose and caribou habitats.</td>
</tr>
<tr>
<td>3</td>
<td>Lack of communication between the community and company concerning berry picking sites, trapping, and medicinal territories.</td>
</tr>
<tr>
<td>4</td>
<td>Loss of natural habitat for wildlife (logging near dens; grizzlies, cougars and other wild animals moving in to residential areas in search of food because wildlife habitat is logged out).</td>
</tr>
<tr>
<td>5</td>
<td>Traplines are destroyed and replaced by roads for mining, and logging activities.</td>
</tr>
<tr>
<td>6</td>
<td>Not giving back to the land: Industries do not follow through with silviculture or reforestation programs.</td>
</tr>
<tr>
<td>7</td>
<td>Machines used for industrial forest products extraction are not environmentally friendly.</td>
</tr>
<tr>
<td>8</td>
<td>Industry has continuous harvesting under a tenure that is long term, while First Nations have a short term non-renewable license.</td>
</tr>
<tr>
<td>9</td>
<td>No adequate protection of fish habitats, such as small and large creeks used by fish.</td>
</tr>
<tr>
<td>10</td>
<td>A host of greed-driven companies enter Stellaquo’s territory to undertake clear cutting, with a lack of sufficient selective harvest.</td>
</tr>
<tr>
<td>11</td>
<td>Insecticide (bug) spraying is a problem to animals, plants and the Stellat’en people’s health.</td>
</tr>
<tr>
<td>12</td>
<td>Logging has forced animals such as bears and caribou to relocate.</td>
</tr>
<tr>
<td>13</td>
<td>Logging trucks produce diesel pollution. Industries should strive to be more energy efficient and less consumed by greed.</td>
</tr>
<tr>
<td>14</td>
<td>Tree harvesting runs over the plants people use for medicinal purposes.</td>
</tr>
</tbody>
</table>

**Source:** Stellat’en Forest tenure focus group discussion workshop, August 2006

The Stellaquo recognize that the federal and provincial governments’ trade sustainability for economic gains by not regulating the activities of companies as indicated by problems 1 - 6. Problem 3 shows a lack of communication between industry and First Nations community members, which results in the destruction of their cultural sources of livelihood and botanical species preservation sites during logging. Unfortunately, in present Canadian society, governments have paid little
more than lip service to acknowledging Aboriginal peoples' cultural values with regard to forest extractive processes, as identified in problems 6 and 7. Though many words have been written in policy documents promulgated by the Crown, the Stellaquo and other Aboriginal Peoples still face an uphill battle to get governments to accept and follow through on such important First Nations values as 'giving back to the land', or reforestation (see problem 6). Problems 8 – 14 point to enormous damages inflicted on Stellaquo and other First Nations' ecosystems by industries, while their activities go unchecked. It is obvious that Industries enjoy a greater level of impunity at the expense of First Nations.

3.2.1.3 Theme 3: Appropriation of Aboriginal rights in tenure management.

The recognition of Aboriginal people's rights to participate in BC's forestry sector have always been a contested issue (Ross & Smith, 2003; Curran & M'Gonigle, 1999; Goetze, 1998; Rusnak, 1997). Several recent court proceedings have demanded that the Provincial government find a new equitable balance in integrating the interests and rights of First Nations (SCC, 2004a, 2004b).

In Table 3.4, I identify nine problems with the current forest tenure management system in BC from the data collected from workshops and interviews that point to areas in which the Stellaquo people's rights, access, and sovereignty have been appropriated by the province. Table 3.4, problems 1-3 refer to land issues, such as rights and obligations. It is well known that industry and government have been extracting forest resources in Stellaquo traditional territory without the consent and approval of the Stellaquo. Their current land base, according to the Stellaquo, is limited to reserve lands, which limits the extent to which they can log. Points 4 - 6 concern the inequitable rights of access and unfair treatment of the Stellaquo in forest tenures allocation. Industries receive far more recognition and a far greater share of forest tenure licenses than the Stellaquo, who continuously face difficulties in securing a permit for their logging company. In addition, unlike BC government's treatment of industries, the government gives the Stellaquo only non-renewable permits in the form of Forests and Range Agreements (FRA). 4.8 show an unmet capacity development need. The Stellaquo's lack of technical skills is a
A major limitation that affects their ability to undertake forestry-related operations and getting well-paid jobs in the forest industries or natural resources sectors.

Table 3.4: Appropriation of Aboriginal rights associated with BC's industrial forest tenure management approaches

<table>
<thead>
<tr>
<th>NO.</th>
<th>PROBLEMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Harvesting on traditional territories without consulting Stellaquo.</td>
</tr>
<tr>
<td>2</td>
<td>Stellat’en First Nations lack land base adequate for logging (reserve land is too small).</td>
</tr>
<tr>
<td>3</td>
<td>Stellaquo logging company goes through extensive bureaucratic processes to get its logging plans accepted.</td>
</tr>
<tr>
<td>4</td>
<td>Government gave no concession to Stellaquo logging company with regard to stumpage fees, but treated it as if it would any big company that holds large resources compared to First Nations.</td>
</tr>
<tr>
<td>5</td>
<td>First Nations encountered lots of bureaucratic difficulties with Ministry of Forests and Range (MFR) before obtaining current tenure licenses.</td>
</tr>
<tr>
<td>6</td>
<td>First Nations interests do not fit into existing policy/criteria in attaining rights and licenses to log. We are restricted to FRAs and FROs.</td>
</tr>
<tr>
<td>7</td>
<td>Current tenure systems do not take into account First Nations cultural values</td>
</tr>
<tr>
<td>8</td>
<td>Lack of First Nations stewardship principles.</td>
</tr>
<tr>
<td>9</td>
<td>Forest Range Agreements lack Stellat’en First Nation’s stewardship.</td>
</tr>
</tbody>
</table>

Source: Stellat’en Forest tenure focus group workshop discussion, August 2007

3.2.1.4 Theme 4: Economic barriers associated with BC’s industrial forest tenure management approaches

Table 3.5 shows the economic barriers that BC's current tenure system sets up against First Nations. The Stellaquo have indicated that the current forest tenure administrative system has set up economic structures and policies that put them and other First Nations communities at a great economic disadvantage. Instead of opening up opportunities, the current arrangements have created barriers that impede their economic development. Table 3.5 reveals the following findings:

a. Forest industries exhibit a leading edge over First Nations, as expressed in problems 1 - 3. The superior ability of industries to meet tenure requirements gives them a competitive advantage over First Nations.

b. The Stellaquo and other First Nations with Forest and Range Agreements (FRAs) have noted that the economic opportunities this tenure offers are either extremely minimal or totally uneconomically viable. This is expressed in problems 4 and 5.
c. The current tenure arrangement makes economic development for First Nations unsustainable, because the FRAs are short term, as mentioned in problem 10; the high stumpage fees, problem 2; low income due to underselling of harvested logs to industries in order to meet the time frame of the tenure arrangement, shown in problems 4 and 5; few jobs provided to the community, in problem 9; and the small land base that has been provided to First Nations in past treaty negotiations.

d. The Stellaquo are unable to operate their own industries because of the difficulties they face in securing funds to purchase equipment and to undertake training, (problem 7) and lack of jobs (problem 8).

Table 3.5: Economic problems associated with BC's industrial forest tenure management approaches

<table>
<thead>
<tr>
<th>NO.</th>
<th>PROBLEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tenure system caters to big companies whose capital makes them more capable.</td>
</tr>
<tr>
<td>2</td>
<td>Industry holds tenure: They have renewable licenses and extensive land base compared to First Nations.</td>
</tr>
<tr>
<td>3</td>
<td>Stumpage fees too high for First Nations.</td>
</tr>
<tr>
<td>4</td>
<td>Big companies underbid Stellaquo for timber sales.</td>
</tr>
<tr>
<td>5</td>
<td>First Nations must sell logs to big companies at non-competitive prices due to need to harvest within a brief time frame.</td>
</tr>
<tr>
<td>6</td>
<td>In treaty negotiations, First Nations were offered a small land base. Land formulas in current treaties have offered only 5% of claimed territories to First Nations. A small land base limits the capacity to log in an economically and environmentally sustainable fashion.</td>
</tr>
<tr>
<td>7</td>
<td>Difficult to obtain funding for purchasing equipment and training needed to boast First Nations economic capacity.</td>
</tr>
<tr>
<td>8</td>
<td>Lack of jobs for First Nations people.</td>
</tr>
<tr>
<td>9</td>
<td>Not many from community work for Canfor and West Fraser.</td>
</tr>
<tr>
<td>10</td>
<td>Forest and Range agreements are short term: prevents long-term planning and economic stability.</td>
</tr>
<tr>
<td>11</td>
<td>Insufficient training for community members to enter forest industry and natural resource sector.</td>
</tr>
</tbody>
</table>

Source: Stellat'en Forest tenure focus group discussion workshop August 2007

3.3 DISCUSSION: The Stellaquo’s proposal for forest management reform in British Columbia.

The Stellaquo Nation is presently dissatisfied with the current tenure system, as outlined in tables 3.1-3.5. During the workshops, participants were asked to envision alternative features they would desire in an Aboriginal tenure. In this section, I discuss some of the proposals and suggestions presented during the
visioning session of the workshops. These suggestions illustrate some of the outcomes the Stellaquo would like to see as alternate tenure forms in order to solve the problems associated with the current tenure system. The Following are Stellaquo's proposals or solutions to each of the four problem themes mentioned above.

3.3.1 Changes needed to Theme 1: Political and administrative approaches in forest management

Participants suggested some solutions that represent the key reforms that would be needed to address the problems in the current forest management processes, as shown in Table 6. These suggestions indicate an Aboriginal forest tenure that would require a modification in order to improve the way the province currently implements the five forest management approaches. This change, according to the Stellaquo, should incorporate Aboriginal rights, cultural perspectives and governance into BC's tenure regime. The following table summarizes the proposed modifications.
Table 3.6: Alternate approaches to the Five Forest management Participation processes

<table>
<thead>
<tr>
<th>NO.</th>
<th>FOREST MANAGEMENT PROCESSES</th>
<th>FEATURES THE STELLAT’EN WOULD LIKE TO SEE</th>
</tr>
</thead>
</table>
| 1.  | CONSULTATION & DIALOGUE     | • Recognition of Stellaquo’s notions of sovereignty and self determination.  
                                 | • Recognition by other governments that they are equal partners in resources management decisions. Giving full prior and informed consent.  
                                 | • Full exchange of information through direct dialogue  
                                 | • Equal participation that respects different knowledge and value systems.  
                                 | • Ongoing commitment in the consultation: effective monitoring and evaluation, and joint design and endorsement of the consultation process and outcomes. |
| 2.  | ACCOMMODATION               | • Stellat’en should be the one accommodating industries as far as forestland and resources in the traditional territory are concerned.  
                                 | • Accommodation should provide clear and demonstrable benefits to Stellaquo.  
                                 | • Accommodation should be considered by the province as a legal obligation that recognizes the rights of Aboriginal peoples.  
                                 | • Willingness of the province to offer Stellaquo adequate access to economic benefits (revenue sharing and access to timber) through negotiated agreement.  
                                 | • Current First Nations accommodation in the form of FRA is ill-equipped. First Nations should be included in determining the calculation of the AAC. |
| 3.  | RIGHTS AUTHORITY & ACCESS   | • Work with government to develop a legislative framework that respects and recognizes First Nations’ use, management, and protection of forestland and resources.  
                                 | • Ensure government supports Stellat’en aspirations for an Aboriginal tenure that will incorporate cultural and traditional values in the management of forestland and resources.  
                                 | • Protection of wildlife habitats, archeological sites, burial grounds, berry patches, and traplines.  
                                 | • Establishment of a Stellat’en Forestland and Resource government structure involving hereditary chiefs, traditional leaders, and elders in the community.  
                                 | • Access to capacity building that will remedy the community’s human resources training gaps. |
| 4.  | COMPENSATION                | • Compensation should not wait until treaty negotiations.  
                                 | • Trapline and berry batch owners should be compensated by industries. |
| 5.  | REVENUE SHARING             | • Revenue sharing should be directly from stumpage charges the province collects from logging companies in Stellaquo territory. |

Source: Stellat’en Forest tenure focus group discussion workshop, August 2006.
3.3.1.1 Proposal: The degree or level of authority in forest resources management

The Stellaquo are proposing a co-governance or tripartite relationship among government, industry, and First Nations for the management of forestland and resources. This proposal is indicated by the statements and percentages in Table 3.6 in which participants were asked to propose a model of tenure reform that will incorporate Stellaquo values and aspirations. These statements represent the Stellaquo’s ideas about the functions they hope to undertake and the level of authority they hope to achieve vis-à-vis the governments, industry, other First Nations, and Non-First Nations living in the Frazer Lake area.

In determining what level of authority the Stellaquo are seeking in the forest governance relationship, we distributed a matrix of statements that correspond to five key functions (See table 3.7) to the Stellaquo community. The aim was to allow each participant to individually fill in the spaces adjacent to the statement that best describes the degree of Stellaquo involvement he or she desires. The percentages are an average of the total number of responses given for each statement and function, divided by the total number of respondents, multiplied by 100%. The answers are rounded to the nearest whole number. For the first statement, “Make and enforce forest management laws”, 28 out of 45 respondents indicated that this function should be the sole responsibility of Stellaquo. Thus, the level of authority when calculated is higher than the status quo, which is represented by 45%. 41% of the respondents favored an inter-governmental/co-government decision making function between the Stellat’en and the relevant local governments, while 14% desired other First Nations to be involved. As there was no response for the involvement of industries, this function is represented by 0%.
Table 3.7: Degree or level of authority the Stellaquo is pursuing regarding forestland and resource management in their traditional territory

<table>
<thead>
<tr>
<th>Statements</th>
<th>Sole responsibility of Stellaquo %</th>
<th>Inter-governmental decision-making /Co-jurisdictional %</th>
<th>Consultation with other First Nations %</th>
<th>Accommodation (Industries and Non-First Nations)</th>
<th>No involvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participate in making and enforcing forest management laws.</td>
<td>45</td>
<td>41</td>
<td>14</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Participate in making and implementing forest management decisions.</td>
<td>20</td>
<td>51</td>
<td>25</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Authority to manage internal and external affairs according to Stellat'en First Nation law.</td>
<td>99</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Authority to determine operations of forestry or logging industries in traditional territory.</td>
<td>60</td>
<td>30</td>
<td>0</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Participate in designing a new administrative /governance structure for forests in the traditional territory.</td>
<td>40</td>
<td>30</td>
<td>30</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Participate in designing new forest tenure agreements.</td>
<td>50</td>
<td>40</td>
<td>10</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Authority to choose appropriate economic policies and projects for Stellat'en First Nations.</td>
<td>100</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Authority to exercise power through effective institutions, such as Keyah, potlatch, hereditary chiefs, elders, and band council.</td>
<td>100</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Participate in sharing stumpage revenue with the provincial government.</td>
<td>50</td>
<td>50</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Participate in making decisions about the future condition of the forest.</td>
<td>50</td>
<td>20</td>
<td>10</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td>Participate in profit sharing with industries from extraction of resources within Stellat'en traditional territory.</td>
<td>40</td>
<td>20</td>
<td>0</td>
<td>40</td>
<td>0</td>
</tr>
<tr>
<td>Authority to determine who has tenure or access to resources within the traditional territory.</td>
<td>60</td>
<td>35</td>
<td>5</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: Data from interview and workshop responses 2006 and 2007. Figures show a percentage of total responses by 45 participants.

17 Inds. This acronym represents industries
18 n-FNs. This acronym represents non-First Nations
According to the matrix, the ability of the Stellaquo to govern their internal and external affairs based on their own laws received a 99% approval rating, which evidences their determination for self-governance. They intend to establish and enforce laws that are prescribed or tailor-made for Stellat'en jurisdiction. Like most Canadian First Nations and American Native communities, effective self-governance requires "the provision of laws that are binding on the operations of the government, prescribed authority, the fundamental rights of the citizen and how the rule of law is effected" (Jorgensen, 2007, pp. 55-57). A further indication of self-governance is their motivation to govern themselves with a new governance structure that incorporates such traditional institutions and authorities as: keyah, the potlatch, hereditary chiefs, elders, and the band council, which received the highest approval, denoted by a 100% endorsement by all participants. Such scholars as Glück, et. al., (2007, pp. 54-74), Spaeder and Feit, 2005, pp.148-149), Carlsson and Berkes, (2005 pp. 67-70) and Castro and Nielsen (2001, pp. 230-235) have documented First Nations’ determination to resuscitate traditional governance structures, co-governance relationships with federal and provincial government, and forging new forms of relationships with other stakeholders (such as industries, non-First Nations and neighbouring First Nations).

In Figure 3.1, the Stellaquo's proposed level of authority is illustrated as a pyramid. The pyramid features a progression in levels of participation and authority (L1 - L5), which is slightly different from Arnstein's (1969) levels of citizens' participation, and Forsythe's (2006) scale or level of Aboriginal decision making power. While these two authors' ladders and levels describe how participation and decision-making power exists between communities and the government around the time of their research, this pyramid associated with the Stellaquo (Figure 3.1) describes the levels of authority and involvement the Stellaquo community hopes to achieve with two categories of stakeholders during their proposed self-government. Thus Stellaquo's level of authority is a future proposal.

There are two categories of relationship and authority spectrum in Stellaquo's pyramid. While one relationship is with the three levels of government (as shown in L4), the other is with industry, neighbouring First Nations and Non-First Nations
living in the Fraser Lake region (designated by L1-L3). The pyramid therefore shows the hierarchy of authority and levels of involvement the Stellaquo seek in their new relationships with both sets of stakeholders.

![Diagram showing the hierarchy of authority and stakeholder relationships for the Stellaquo.]

Figure 3.2: Stellaquo proposed level of authority and stakeholder relationships

Note:
1. Tripartite/ co-governance
2. Neighbors (other First Nations, non-First Nations and industries)

It seems clear that the Stellaquo envision a co-governance or co-jurisdictional relationship for decision-making regarding forest management, designated in L4, as a sharing of responsibilities between the Stellaquo and the state (federal and provincial governments). In this new relationship, the Stellaquo hope to possess slightly greater authority in designing both a new forest tenure arrangement and a new administrative or governance structure within their traditional territory. The assumption for this change in level of authority over forest management is that the Stellaquo will be the key participants in applying traditional stewardship models of forestland and resources in their traditional territory (Natcher & Davis, 2007; McDonald & Ellingson, 2005, pp. 1-52; NAFA, 2003). They believe that having this level of authority will help them address the substantive concerns they have about forest management, in the form of the protection of cultural sites and ecosystems,
establishing prudent regulations for the extraction of resources, and the preservation of resources for future generations.

The Stellaquo have expressed their intention to fully participate with all stakeholders at all levels, and take their place at the forefront of controlling the direction of forestland and resources activities on their traditional lands. Similar determination amongst other First Nations has been documented; instead of being informed by outsiders on how to act, they aspire to provide the information and leadership required for participating in the processes that shape the very structure of forestland and resource management in their traditional territory (Natcher & Davies, 2007; Glück, et. al., 2007; NAFA, 2007; Sherry, et. al., 2005, pp.1-3; Curran & M’Gonigle, 1999; Wilson & Graham, 2005; Anonymous, 2004; NAFA, 2003; Hopwood, 2002; Ross & Smith, 2002; Berks, 1999; Pinkerton, 1998). L2 and L3 describe the relationships they intend to create with their neighbors (industries, other First Nations, and non-First Nations living in the Stellat’en/Fraser Lake area) in forest management through their self-government.

The Stellaquo have also expressed a genuine need to integrate and build on their relationships with non-First Nations people who are expected to continue living in their territory. This is demonstrated by their desire to jointly “make and implement forest management decisions” and to “make decisions about the future condition of the forest” (Table 3.7). It echoes the opening statement of Justice Larmar’s verdict on the Northern Quebec treaty, which reads, “We are all here to stay” (Scott, 2002). This is not antithetical, either to cross-cultural integration or the assimilation processes used by colonial governments. The Stellaquo’s intention of joint decision-making with their neighbors demonstrates a process of dissociating from the exclusionary approach Europeans used in their assimilation of First Nations into forestry practices and participation in the political discourse of Canada’s confederation and federation eras (Orlowsk & Menzies, 2004; Hurley, 2002).

As shown in L4, intergovernmental or tripartite functions include enacting legislation for the management of forestland and resources, stumpage revenue sharing, and, perhaps more importantly, determining who has tenure and access to resources within traditional territory. Naturally, the Stellaquo need to work with the
governments as equal counterparts, with rights to the economic benefits from the extraction of resources in their territory.

Activities such as determining the operations of forestry/logging industries in traditional territory, designing a new administrative/governance structure for forests in traditional territory, profit sharing with industries from extraction of resources, making decisions about the future condition of the forest, and designing a new forest tenure agreement, can all be considered management roles, which the Stellaquo wish to step into in their relationships with multiple stakeholders, such as the three levels of government and neighbouring First Nations.

In L5, Stellaquo clearly state the exclusive leadership role they would exercise in certain functions. Having jurisdictional rights and power over issues like 'choosing appropriate economic policies and projects for Stellat'ën First Nations' and 'managing forestland and resources through such traditional institutions as the keyah and the potlatch and traditional authorities, such as hereditary chiefs, elders, and the band councilors', are in accordance with exercising their sovereignty as a nation. The Stellaquo consider making these duties their sole responsibility, which describes this new devolved status, including the power of veto, and their relationship with governments and other stakeholders in the governance of forestland and resources. Both participants in the workshop and interview respondents remarked on the need for Stellaquo and other First Nations governments to possess veto power in determining:

i. who has access to their land?
ii. what resources are extracted, protected, and/or conserved?
iii. zoning rights for resources through the Stellaquo legislation that is written and ratified by their new government?

To effect this change will require a significant paradigm shift in the governance of forestland and resources, a change in the status quo through which provincial and federal governments have dictated the management of resources in Stellaquo territories for centuries.
3.3.1.2 Liaison personnel between First Nations communities, The Ministry of Forests and Range, and Industries.

One problem identified by the Stellaquo is the 'lack of Ministry of Forests and Range (MFR) liaison officers' (see table 3.4. point 4.6), which is indicative of the current gap affecting the relationship between the Stellaquo and the Ministry. The Stellaquo and Ministry of Forests and Range personnel interviewed pointed to the lack of sufficient liaison officers in the forest sector to cover First Nations communities. In British Columbia, according to the Ministry, the estimated ratio of liaison officers to First Nations communities is 1:29 (that is one liaison offer covering twenty-nine First Nations communities). This places enormous difficulties in the way of these personnel in their efforts to perform their tasks adequately, considering the large number of communities they must cover. Both the Ministry and the Stellaquo confirmed that before the Liberal government's\(^{19}\) cuts in the nineties that led to the disproportionate liaison representation, the ratio was at 1:4 (that is, one liaison officer to four First Nations communities). Both set of interviewees said this was adequate, as it provided better interaction between the communities and the Ministry, as well as helped close the gaps that have long existed between the two. The Stellaquo and other First Nations communities have also indicated that, before the funding cuts, liaison officers consulted them more often and provided feedback and information about their concerns to and from the ministry. In some instances, they even administered joint demonstrational training exercises, as skills transfer operations.

Interviewees from the Ministry and the Stellaquo, in responding to a question of 'how to bridge the gap between the Stellaquo and the Ministry of Forests and Range?', specify the need to increase the number of liaison personnel to an appreciable number to significantly cut down the current large proportion. The Stellaquo and RPFs interviewed suggested the need to diversify liaison officers' operations to include the following:

\(^{19}\) The BC Liberal government, [who in defending this policy change] might argue that First Nations are getting an equitable share of staff time, but staff time overall has been drastically reduced.
i. Conduct training of local officials or community representatives in areas such as forest management planning, forest inventory, geographic information systems, geographic positioning systems, and other skills relevant to the community.

ii. Carrying out regular workshops and other means of information dissemination.

iii. The use of participatory approaches, in which liaison officers adopt a facilitating or catalytic role, rather than becoming the main actors. They should be seen to accommodate local knowledge and skills, and focus on facilitating changes that First Nations people regard as appropriate.

iv. Carry out joint research projects with communities and other ministry personnel (for example, of the Environment, or Fishery and Oceans) to develop indicators for a system of participatory monitoring and evaluation of ecosystems that will be relevant to the community and the ministries represented.

3.3.2 Changes needed in Theme 2: Compromised sustainable practices associated with BC's industrial forest tenure management approaches

The Stellaquo and other First Nations communities are pursuing forestry that explicitly incorporates traditional values, as well as other social, economic and ecological values (Parsons & Prest, 2003). Traditional values encompass the skills and knowledge acquired by Aboriginal People, which are embedded in First Nations' worldviews and connected with the cultural, spiritual, ecological, and sustenance components of their daily lives (Turner, M. Ignace, & R. Ignace, 2000, pp.1278-1287; Smith, et. al., 1995).

To ensure that sustainable forest management principles are upheld, the Stellaquo have proposed the following:

i. Joint management operations of a forest inventory in the form of land use planning with the Ministry of Forests and Range, with Stellaquo's involvement in all phases. This is needed to identify the land and resource features in order to help the Stellaquo, and other actors, to make informed decisions about the amount of forest resources which can be harvested or developed, while providing a way of monitoring changes in the resources. The Stellaquo are currently undertaking feasibility studies for land use planning and a land use vision process. These two approaches are fundamental for determining forestland and resource management in their traditional territory.

ii. Environmentally sound decisions regarding sensitive areas that will require special consideration because of the damaging impact of human activities on for example, wetlands, water source areas, shorelines of lakes and streams, will need adequate zoning and mapping before forests are logged.
iii. Effective reforestation and silviculture programs will be required to ensure that extraction activities are remediated in keeping with the traditional concept of “giving back to the land”.

iv. Protection of fishing, trapping, and berry picking sites, as these are sources of livelihood.

v. Access planning for logging, hydro-electricity, road construction, and mining activities should minimize damage to valuable and sensitive culturally-managed sites, such as sacred burial sites, archeological sites and artifacts, areas of scenic value, and land from which ceremonial or medicinal materials, such as bark or sage, are gathered.

vi. Selective harvesting or logging to avoid the removal of all the trees and vegetation.

vii. Effective evaluations of the use of chemicals or biological sprays based on their potential harmful effects on human, fish, and wildlife health, and use only those that have been endorsed by the community.

In order to ensure effective and meaningful participation of Aboriginal people in forestland and resource management, more and more experts are increasingly recognizing the importance of incorporating traditional values into Aboriginal forestry (NAFA, 2007, 2003; Sherry, 2005, p.1; CCFM, 2003; NFSC, 2003; Ross & Smith, 2002; Turner et. al., 2000). The Stellaquo treasure their current traditional stewardship activities and values, because they have shaped their existence, typically originating in pre-contact historic periods (Berkes, 1999; Sherry & Myers, 2002). Incorporating traditional ecosystem-based management values into forest management may be attributed to the Stellaquo, who have a long collective history to draw on and close connections to the particular ecosystems in which they are living (Brown, 2002; Turner et. al., 2000).

However, the Stellaquo and other First Nations communities face great difficulties in trying to uphold sustainable ecosystem-based management practices. Incorporating traditional values into forestland and resources management in traditional territory has far-reaching consequences, considering the pressures of modern forestry policy and the economic demands created by the province and industry. Consequently, incorporating traditional values has to take note of the extensive devastation caused by mountain pine beetle, with the added pressure of making a decision of what to do with the infested forests. While it is evident from the
interview and workshop responses that there is a mixed response of what to do with
the infested forests, some respondents are yielding to the need for harvesting the
infested logs before they become entirely infested. Others opined that while it is
necessary to harvest the infested trees, consideration must be made to protect
animal habitats, and logging activities along fish habitats must be regulated.

3.3.3 Changes needed in Theme 3: Appropriation of Aboriginal rights associated
with BC’s industrial forest tenure management approaches

Aboriginal rights to forestland and resources are explicitly prescribed in
Section 35 of the Constitution Act 1982 (Department of Justice, n.d.). However, the
Stellaquo have noted, with frustration, that the province has systematically devalued
the content of these rights, particularly in their access to tenures which are
uneconomically viable. In addressing the problems stated in Table 3.4, the Stellaquo
proposed the following remedies:

i. The Stellat'en First Nation is proposing a co-government or tripartite government
relationship with BC and the federal Crown. The content of this relationship is
discussed in the paper titled, “Designing a new governance structure: An
analysis of a process for implementing devolution of forest management in British
Columbia”. The aim is to ensure the Stellaquo are recognized as key members,
with a high level of authority in strategic forestry planning operations, by way of
the creation and approval of plans and the establishment of forest management
policy objectives.

ii. The Stellaquo have the authority to decide who extracts resources from their
community through a consultative process and enforcement of forest
management standards, in compliance with the Forest Practices Act of BC. The
Stellaquo desire a high level of authority in allocating tenure harvesting rights,
determining harvest levels, and extraction of other resources in their traditional
territory (See Tables 6, 7 and Figure 1).

iii. Recognition and incorporation of Stellat'en stewardship values and interests in
resource decisions.

iv. The Stellat'en First Nation occupy a leadership role in determining standards for
forestland management in traditional territory. There is the need for Stellat'en to
possess veto authority to determine what to protect in different areas/zones of
the traditional territory.

v. Recognition of Stellat'en jurisdiction and sovereignty that will help in determining
their own internal forestland and resources governance structure. With a
structured government institution designed by the Stellaquo, they assume their
rights and title will be reflected in the laws, policies, agreements and decisions
they collectively undertake as a nation, relevant to the management of forestland and resources in their traditional territory.

vi. The Stellaquo require a larger land base, as the reserve lands are insufficient to their needs. Treaty settlement lands should exceed the 5% formula used by the province to allocate lands to First Nations. They say they need at least 18-20% of the land base they have claimed.

vii. The Stellaquo people need skills training and capacity development in order to adequately participate in the forest and natural resources sectors of BC. There is a need, currently, for both apprenticeship and professional skills (See “Designing new governance structure: An analysis of a process of implementing devolution of forest management in British Columbia”).

Viii. The Stellaquo have a leadership role in engaging in environmental impact assessment activities as a way of ensuring ecosystem health and compliance in their traditional territory.

3.3.4 Changes needed in Theme 4: Economic barriers associated with BC’s industrial forest tenure management approaches

In her 2004 report, titled “Economic Development of First Nations Communities: Institutional Arrangements”, The Auditor General of Canada, Sheila Fraser, observed: ‘First Nations need economic development to close the gaps in employment and income between Aboriginal and non-Aboriginal people in Canada’. The report also uncovers “substantial gaps in key economic indicators such as employment and income between Aboriginal and non-Aboriginal people in Canada and indicated that closing this gap would reduce poverty among Aboriginal people, resulting in lower social and financial costs” (Fraser, 2004).

Like Fraser’s report, the Stellaquo’s findings in table 3.5 identified some barriers to economic development relating to the forest sector of BC. Some of these include: accessing natural resources and capital, accessing funds for training, lack of jobs (5.8, and 5.9) and low cash flow from the BC government’s FRA’s tenures and institutional development programs. These barriers impede the economic development of this community and thereby consistently keep them below Canada’s economic and social strata (UN, 2006)\textsuperscript{20}. Myers (2006, pp. 6-10) describes poverty

\textsuperscript{20} The United Nations universal human rights index 2006 report indicates that despite Canada’s economic prosperity and reduction of number of people living below Low-Income Cut-Off, 11.2 per cent of the
as a "lack of money and jobs, assets, services, civil and political rights, voice and the
rule of law". He illustrates poverty by identifying eight characteristics of poverty which
include:

1. Inadequate and often unstable income (including the inability to buy adequate
food, safe drinking water, and medicines).

2. Inadequate, unstable or risky asset base (including a lack of material assets,
such as ownership of—or the right to use—land and trees; savings and stores;
and non-material assets, including literacy, educational attainment, and good
relationships within and outside families).

3. Poor housing (including low quality and high insecurity, hazardous,
over-crowded and moldy).

4. Inadequate provision of 'public' infrastructure (e.g. piped water, sanitation,
drainage, roads).

5. Inadequate provision of basic services (e.g. daycare, schools, vocational
training, healthcare, emergency services, public transport, communications,
and law enforcement).

6. Limited or no safety net to mitigate risks (notably, to ensure that basic
consumption can be maintained when income falls or crops [and other sources
on livelihood] fail).

7. Inadequate protection of rights through the operation of the law (including land
and natural resource rights, civil and political rights, occupational health and
safety, protection from discrimination and exploitation).

8. Poorer groups' lack of a voice (including powerlessness within political
systems, economic institutions and bureaucratic structures).

As a researcher from Africa, with its own renowned poverty, I find the similar plight of
the Stelalalo and other First Nations greatly ironic: 'Aboriginal peoples of Canada
living a third world standard of life (common to least developed countries (LCDs),

population display poverty rates that remain very high among disadvantaged and marginalized individuals
and groups such as Aboriginal peoples, African Canadians, immigrants, persons with disabilities, youth,
low-income women and single mothers. Significant disparities still remains between Aboriginal people and
the remainder population in areas of employment, access to water, health, housing and education.
in a first world environment (lifestyle common in developed or G8 nations), is indeed the plight of the oppressed.

In suggesting reforms that would alleviate their low economic status and generate a regular stream of income, the Stellaquo submitted the following proposals:

i. Stellaquo would need a larger land base, one greater in size than the reserve, beyond the 5% formula the federal and provincial governments are using in previous treaty negotiations. They are asking for at least 20% of the land from their present claims in the treaty negotiation, in order to provide a land-base substantial enough to provide them with the opportunity to access their resources and cater to future population growth.

ii. Stellaquo would need to enter joint profit-sharing ventures with existing industries or potential investors, with the goal of acquiring entrepreneurial skills that will position them to take full ownership and control, by buying out the company over a period of time. The Stellaquo are aware of the need for skills development, which they could get through partnership with non-First Nations and governments in large-scale economic development programs that will assure them a profitable outcome and long term sustainable economic success.

iii. Stellaquo would need to secure funds to address the unemployment and unskilled labour problem in their community, through individual capacity development and skills training. Four main categories have been identified: apprenticeship training, professional development, business and entrepreneurial skills development; and monitoring of the ecosystem in their territory.

iv. Stellaquo would need a revenue sharing agreement for resources extracted in their territory. The Stellaquo are proposing that the federal and provincial governments should share revenue from stumpages they collect from industries extracting logs from their traditional territory. They said that the percentage of share was something that could be worked out in a negotiation between the three parties.

v. Stellaquo would need to receive payment of royalties from industries like logging, mining and fishing operating in their territory.

They believe that both revenue sharing and royalty payments will provide a regular stream of revenue that will make them economically viable. Their claim to these sources of income is premised on their ownership of, and jurisdictional rights to, the land and resources within their traditional territory.

vi. Stellaquo would need compensation for environmental impact and assessed damages caused by industrial activities. The Stellaquo have indicated that those community members who have suffered from damages caused by industrial activities on their traplines, berry patch sites, archeological sites, ceremonial
sites, and sewage deposits in lakes and rivers need some form of financial restitution. The claim is based on their traditional property rights, as addressed in the Delgamuuk decision, which requires compensation to Aboriginal communities for loss of viable sources of livelihood (Curran & M’gonigle, 1999, pp. 713-715; Trousdale, 1998).

The Stellaquo are currently seeking compensation for losses of these revenue sources. Tagging an appropriate price to the values of these losses needs to be the concern of a negotiation process. William Trousdale, president of Ecoplan International, suggests fair, pragmatic, and responsible approaches to compensation (1998, p.5-9), which the Stellaquo also expressed as key issues tabled in the negotiation for compensable losses:

A. All compensations made to Stellaquo should respect the history and experience of the Aboriginal community.

B. All compensations should recognize as compensable losses both economic and production values, as well as intangible cultural, social, and environmental values.

C. Although it is difficult to place a dollar value on traditional values, industries paying out compensations should ensure fairness, which requires that the dollar values ascribed to traditional damages are calculated with just deliberation.

vii. Like other First Nations, the Stellaquo would desire to establish their own mill, logging industry, and other resource-based projects. Achieving these goals are currently difficult because of barriers in accessing funds (Table 3.5, point 5.7). One solution to this problem the Stellaquo proposed, is for the provincial government to give them access to conventional debt financing for start-up operation costs, such as purchasing and installing machinery; initial short term payments of salaries (possibly first six months of operations); and the legal procedures and documentation necessary to undertake such investments.

3.4 LAND TENURE MANAGEMENT AND PEOPLE’S RELATIONSHIPS

Rakai (2005, p. 16-18), in citing McLaughlin (1973), Barnes (1985), Crocombe (1974) and Opadeyi (1995), broadly describes land tenure as the set of relationships that concern the acquisition, use, and transfer of land and the distribution of its product. Scholars have discovered that land tenure systems in British Columbia encompass not merely management processes, but also include institutions which lay out rules and roles that determine the exercise of rights such as access and equity that shape the levels and forms of relationships among users (Rakai, 2005, p. 16-25; Spaeder & Feit 2005; Ritchie & Haggith, 2004; Mulolwa,
2002, Pinkerton, 1999; 1989; 1995 &1993; Haley & Luckert, 1990; GTZ, 1998). These management processes (see tables 3.1 and 3.6) have formed the core principles for how the province relates to the major stakeholders in the forestland and resource institutions of the economy. West (2000) notes that land tenure systems exercise considerable, even “dominant, control over the interests to be enjoyed in land, over the ways in which labour and capital are applied to land, and over the distribution of the rewards of land use”. This view is supported by Ross and Smith (2003), who describe the tenure system in Canada as a system that “encompasses legislation, regulations, distribution agreements, permits, and government policies and guidelines that together define the rights and obligations” of land tenure. Therefore, land tenure systems are important because they structure the ways in which relationships are acted out, and thus the way in which interests in land concerning rights, responsibilities, privileges and possibilities may be acquired, used, distributed and transferred. (Rakai, 2005, 16-30)

Indigenous Peoples both in Canada and worldwide, have experienced how relationships with their respective governments have their foundation in land tenure arrangements. The importance of land tenure may be seen in the extent to which Canada’s Aboriginal Peoples and governments have created their relationships, from European contact to date (Curran & M’gonigle, 1999, p. 717). Access and rights to land have been major foci for First Nations in recent years, particularly as Aboriginal Peoples seek to have their sovereignty and jurisdictions recognized and accentuated in Canada’s constitution (SCC, 2004a, 2004b; Ross & Smith 2003; Curran & M’gonigle, 1999, pp. 713-715). For instance, the Supreme Court’s rulings in the Delgamuukw case (SCC, 1997) and Tsilhqot’in v. British Columbia (2007) both clearly state the relationship that should exist between the province and Aboriginal Peoples in matters of forestland and resource access, rights, sovereignty, and jurisdictional space. These cases have set the political stage for defining the rights of Aboriginal peoples and the fundamental relationship to land title between the province and First Nations (Curran & M’gonigle, 1999 pp. 711-720; SCC, 1997). Similar circumstances have prompted global rights-based agreements and jurisprudence initiatives. Two major examples are: the World Food Summit in Rome (FAO, 1996) and the Habitat II Conference in Istanbul (UNCHS, 1996) which called
on governments to re-define their land laws and restructure their forest management
approaches in such a manner as to integrate the collective rights, sovereignty, and
jurisdiction of indigenous peoples.

Findings in tables 3.1-3.5 reveal a major problem in finding an effective and
equitable means of incorporating Aboriginal Peoples aspirations with regard to their
claims on forestland and resources and management in British Columbia. Tables
3.2-3.5 point to the inequitable nature of the institutional structure of BC's forest
management approaches. Among the elements that show a clear disenfranchising of
BC's First Peoples are the way the present structure ignores their cultural
perspectives on ecosystems management, leaving them in an economically
unsustainable quagmire, with a political system that seems designed to deny them
their right to take an active part in decision making regarding the forest sector
(Glück, et. al., 2007; Natcher & Davis, 2007, pp. 275-277; Peeling, 2004; NAFA,
2003; Browne, 2002; Ross & Smith, 2002). This situation continues to affect the
relationship between the government and Aboriginal peoples. Both parties claim
firmly established rights to land and resources, as indicated in the federal and
province's political domain of crown land jurisdiction, in opposition to BC's Aboriginal
Peoples' claims founded on their pre-contact existence in traditional territories and
their strong affirmation that these traditional lands where never given away as they
'did not sign land cession treaties' (Woolford, 2005, pp. 3-6; Brown, 2002; Curran &
M'gonigle, 1999 pp. 717; BCT 8, 1899). The government views lands as a property
of the state and have the legal right to decide who gets it and in what quantity. First
Nations, on the other hand, consider land as their sacred right, given to them
through their ancestors, on behalf of whom they feel a duty to preserve and protect

The need to resolve this problem is becoming increasingly important for three
reasons. First, First Nations are exerting increasing pressure on governments for an
adjustment in the five percent treaty land allocation formula used by the federal and
provincial governments, to a much higher proportion in land claim settlements, one
that cedes a substantial amount of land for future economic development in order to
meet the needs of a growing First Nations population (Curran & M'gonigle, 1999, pp.
Second, BC’s approach to including Aboriginal Peoples in the forest sector is poorly developed. The conventional top-down approach to governance is not functioning appropriately and needs to be thoroughly revisited, because global trends in forestland and resources governance are now tending to adopt more equitable stakeholder participatory approaches, such as processes of devolution and decentralization, that give communities living close to forest resources more authority in the governance of their local institutions (Spaeder & Feit, 2005, 147-148; Ritchie & Haggith, 2005, pp. 10-22; Barnes, 2002). Third, there is a growing awareness of the need to incorporate traditional ecological knowledge in forest management. A great deal of research is proposing this approach as a remedy, as it advances new knowledge about resource management that will help, not only in creating a better balance in stakeholder relationships, such as between Aboriginal Peoples and states) but also in securing an ecosystem-based management approach to forestry (Hutton, 2004, pp1-23; Curran & M’gonigle, 1999).

3.5 BENEFIT OF FOREST POLICY REFORM
The changes proposed by the Stellaquo are important to their self-government. It is expected that reforms in BC’s forest management will put the Stellaquo at the centre of making decision about the management of land and resources in their territory. Another benefit of policy reforms is the repairing of relationship between Stellaquo, Ministry of forestry staff, industries and non-Aboriginal Peoples living in Fraser Lake. Correcting these relationships is very crucial to the effectiveness of Stellaquo’s proposed self-government, and Stellaquo’s social and economic sustainability.

3.6 CONCLUSION
The primary objective of this chapter was to analyze five management approaches used in the current land tenure system of British Columbia in order to be able to identify suitable land tenure reform options that stress not only greater community control and local decision-making about forest use, but also more eco-friendly forest practices. Therefore, the chapter describes problems with the structural arrangement of BC’s forest management by mirroring problems posed by the management approach with tenure reforms proposed by the Stellaquo.
Major reforms needed in the forest management structure of BC include:

i. increasing the Stellaquo and Aboriginal Peoples’ access and rights to land and resources.

ii. providing skills training and capacity development to enable the Stellaquo to function effectively in the forest sector.

iii. incorporating the Stellaquo’s traditional stewardship knowledge in improving forestland and resources management in Stellaquo traditional territory.

iv. supporting Aboriginal economic development initiatives; and finally.

v. recognizing Stellat’en cultural values, norms, goals, and aspirations with regard to forest management.

These six proposed reforms address the structural changes needed in the five management processes of the provincial government’s forest management approach, which have led to the prevailing land tenure problems.

Table 3.6 reveals that the Stellaquo people desire greater involvement in the five forest management approaches used by the province. Among the most critical of the Stellaquo’s proposals are: prior informed consent and consultation, and more joint design and endorsement of decisions. Our evaluation of the proposed reforms to the five management approaches in Table 3.6 concludes that changes in current forest management will require changes in legislation, particularly in addressing such issues as revenue sharing and compensation, which at present are not adequately addressed to meet Aboriginal needs.

Also worth noting is the Stellaquo’s determination to restructure current forestland and resource governance programs. Proposals in 3.3.1.1, Table 3.7, and Figure 3.1 describe the level of authority Stellaquo are expecting in their territory, as a nation with a self-government having a higher authority in deciding forest management of in their territory. The paper “Designing new governance structure: An analysis of a process of implementing devolution of forest management in British Columbia” discusses the forestland and resource governance model the Stellaquo have proposed.
During the interviews in February of 2007, one elder answered a question concerning the Stellaquo's willingness to enter into economic ventures with resource-based industries, as follows:

...if ideally we have a government structure with revenues shared fairly by the two levels of government, it will offer us a lot more opportunity, not just in managing forest resources. ...We would have a constant stream of revenue for social programs, education, and social development. I suppose ideally we would have a strong economy; I should say stable, as well, and you can't have a stable economy if you don't have authority.

This statement points to the strong relationship between 'authority level' and 'economic status' as conditions that support Aboriginal peoples' growth. They also support two of my thesis assumptions, that 'the more inclusively First Nations values are incorporated into forest management operations, the greater will be their level of participation in decision making'; and the second being, 'the greater the authority First Nations will posses to govern forest management in British Columbia, the stronger will be their social and economic status'. Apart from acting as an impediment to First Nations participation, the current authority structure of forest management in BC can also be seen as directly responsible for their low economic status. Genuine forest management reforms should actively take into consideration these two factors in order to generate equal opportunity for First Nations and other stakeholders.

Last, adopting the Stellaquo's proposed reforms should not be considered a threat to the current industrial model of forest management, but rather an opportunity, particularly now that many research findings are calling for similar reforms in the forest management practices of BC's corporate forest tenure system. The Stellaquo's proposals attempt to balance the values and interests of all stakeholders by ensuring equality in rights and access for all. Another value in the proposals is the system of checks and balances it presents. The Stellaquo are calling on the province to make a choice between forest management for economic reasons, and forest management for environmental and social sustainability reasons. The proposals also provide solutions for addressing poverty and developing better relationships with Aboriginal communities. Creating new partnerships with non-First Nations in Fraser Lake; developing joint ventures with
industries, government, and potential investors; and enhancing local capacity and skills development through forest participatory management activities with ministry liaison officers, have been presented as critical changes that will provide socio-economic benefits for the Stellaquo and Aboriginal People.

In addition, new trends in global forestry call for forest governance that ensures that the voices of the people closest to forests are heard. This call is supported by evidence that people living adjacent to forest ecosystems, with an administrative oversight from senior governments, are more likely to implement a holistic approach to forestry management that takes into consideration forest health, future generations, and non-timber values. Experience has also shown that, when resources have been fully exploited by non-local industries and have exhausted accessible resources, they vacate the exploited regions, leaving Aboriginal Peoples with huge environmental devastation. It is only reasonable, therefore, that the Stellaquo be given equal opportunities in the governance of the forest sector of BC, particularly in their claimed territory.
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Tsilhqot'in v British Columbia 2007 BCSC 1700.


CHAPTER 4

DESIGNING A NEW GOVERNANCE STRUCTURE:
ANALYSIS OF A PROCESS OF IMPLEMENTING FOREST
MANAGEMENT DEVOLUTION IN BRITISH COLUMBIA\(^1\).

4.0 INTRODUCTION

The Stellaquo are currently engaged in exploring ways of designing a new governance structure that combines both Aboriginal traditional styles of governance with elements of contemporary Canadian systems of governance.

A product of data collected from a year's research with the Stellaquo First Nations, this paper presents a retrospective of the Stellaquo's pre-contact forms of governance, as well as a look at their current governance structure and its relationship with the federal and provincial governments. It examines how their past relationships with the settlers dissolved their traditional governments, which negatively affected their current identity, sovereignty, and rights over forestland and resources as a nation. The Stellaquo have proposed a tripartite or co-governance status with Canada and British Columbia in all aspects relating to the management\(^2\) of forestland and resources within their territory. This has provoked the call for a devolution of authority over the management of land, including forestland and other resources to a local Aboriginal community. This model of self-governance varies from other First Nations' in that it calls for the institutionalization of internal government structures, such as a legislature, and the wielding of higher authority than is presently exercised by First Nations' governments in Canada (Natcher & Davies, 2007, pp. 271-277). This is known as a bottom-up approach, with devolved authority to First Nations that emphasizes interdependence, collaboration, and policy learning among governments and First Nations communities.

\(^1\) A version of this chapter will be submitted for submission. "Designing a new governance structure: an analysis of a process of implementing forest management devolution in British Columbia. Lee-Johnson, E. L., & Trosper, R. L. (2009)"

\(^2\) Management, as described by Gray, C., & Larson, F (2006), is how a manager decides and implements the means to effectively and efficiently utilize human and non-human resources to reach predetermined objectives.
The model of governance described by Stellaquo represents a shift from the Indian Act design, which, while it transfers some power from the state\textsuperscript{23}, which has full jurisdictional sovereignty, keeps First Nations subordinate, in that it gives them less important roles to play in the political landscape of forestland and resources. The three best approaches proposed for the implementation of devolution of forestland and resources to the Stellaquo and British Columbia’s Aboriginal Peoples are: the recognition and implementation of Aboriginal rights and sovereignty; the institutionalization of Stellat’en self-governance; and a co-governance/tripartite government-government relationship.

4.0.1 Background study

The Stellaquo describe themselves, and have been recognized by others as a nation that has always had a structured government and laws that govern their clan relationships (Brown, 2002). This socio-political structure was disrupted when they were dispossessed of their sovereignty and became subject to a new form of government.

Extensive research and reflection on the relationship between the Canadian state and Canada’s Aboriginal Peoples recounts a geo-political structure that embodies two centuries of colonial policies, in addition to current neocolonial policies. These policies have denigrated First Nations’ identities and denied their rights, which have reduced them to second class citizenship status in their own country (Menzies & Marcus, 2005; Alfred & Corntassel, 2005; Cole, 2002; Chartrand, 2002; Moss & Gardner-O’Toole, 1991). In assuming jurisdiction over forestland and resources, federal and provincial governments took possession of lands which many researchers have acknowledged belong to these first inhabitants of Canada (Alfred & Corntassel, 2005; McKee, 2000, pp. 4-10; Nietschmann, 1995; Dickason, 1992). Ever since European contact was first made, Aboriginal Peoples have been systematically denied their civil liberty and sovereignty, treated as wards of the state, alienated from their lands and resources, subjected to assimilation attempts, and stripped of their autonomy and traditional forms of governance. These processes of domination were carried out through the establishment of reserves, tenure regimes,

\textsuperscript{23} The term ‘state’ in this paper refers to the federal government.

These domination instruments are typical of European colonialism's contribution to the cultural devastation and demoralization of Indigenous People worldwide (Alfred & Comtassel, 2005). As Menzies and Marcus (2005, pp. 1-4) explain, the 'ruling classes', here the European settlers, acted as agents of reaction and deception against their working class. In Canada, a typical example is the expansion of the Hudson Bay fur and timber trade, which according to Orlowsk and Menzies (2004, pp.70-73), clearly displays the class and labour relationships between Aboriginal Peoples and settlers. While the settlers enjoyed the affluence of economic supremacy by utilizing the labour of Aboriginal Peoples, as working classes in a labour-structured economy that satisfied the settlers', and their sovereigns' insatiable desires for these raw materials, the laborers, the Aboriginal Peoples, where left disorientated in their struggle to grapple with the new changes that were creeping into their society's social structure. These changes included: the effect of "wage labour" on a culture to which this was foreign; the adverse effect on women in a division of labour economy; and the "shift from hand or horse logging to sawmill labour", all of which benefited the "dominant Eurocentric capitalist culture at the expense of Aboriginal Peoples" (Orlowsk & Menzies (2004, p.71).

Aboriginal Peoples share much in common with colonized Africans, including a suppression that subjected them to abject poverty and sub-standard living (Myers, 2006). Alfred and Comtassel (2005, pp.598-600) describe another similarity between the colonization of Canada's Aboriginal People and colonial practices in Africa:

...the acceptance of being Aboriginal (or its equivalent term in other countries such as ethnic groups) is powerful assaults on indigenous identities...all of these people confront the daily realities of having their lands, cultures, and governmental authorities simultaneously attacked, denied, and reconstructed by colonial societies and states. Colonial legacies and contemporary practices

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24 Menzies, Charles and Marcus, Anthony. Towards a Class-Struggle Anthropology. Anthropologica; 2005; 47, 1; CSCA Reference pg. 1-21 describes the class system and the political factors exerted by the majority or ruling class which, in the case of Canada, was associated with the European settlers or 'white man', while the second class or working class was associated with Aboriginal peoples.
of disconnection, dependency, and disposition have effectively confined identities to state-sanctioned legal and political definitional approaches.

Nietschmann (1995), Alfred, and Corntassel (2005) address the will of Euro-centric colonial governors, as a calculated effort to strip Aboriginal Peoples of their very "identity and spirit" and reduce them to ethnic or tribal entities; which in turn threatened their connection to their homeland and traditional forms of governance, "denying them their history that is so vital to human existence" (Alfred & Corntassel, 2005, pp.523-527).

Dominance, exploitation, and subjugation are the principal characteristics that shape the relationship between the state and Aboriginal Peoples. In lamenting the evils of colonization, Moss & Gardner-O'Toole (1991, pp.6-8,1991) state, "it is worth noting that, before Confederation, race-relations in the territories that eventually formed Canada began with slavery, primarily involving Indian slaves called Panis or Pawnees". This parallels the use of slavery as a colonial tool in seventh century Africa, where one group of people suppresses the other in a class system or relation. Though this system has changed in past centuries (1786 – 2007), in a lesser form of manipulation of Canada's Aboriginal Peoples, the legacy of domination continues today in the guise of a functional reservation system (Alfred & Corntassel, 2005; Moss & Gardner-O'Toole, 1991). Alfred and Corntassel (2005, pp.598-602) describe the contemporary colonial domination processes as systems that always seek to gain control over another people, in this case, Aboriginal Peoples, by "encroaching on their territories, dislocating them from their homes, and disempowering their ability to govern themselves". This is the legacy that the Canadian state has bestowed, leaving colonized First Nations in reserves across Canada. The situation set this process in motion by perpetually denying First Nations the right to reach equitable accommodations with the settlers, in terms of their use of aboriginal lands (Overstall, 2005, pp. 23-27; Alfred & Corntassel, 2005; Moss & Gardner-O'Toole, 1991). Overstall (2005), Alfred and Corntassel (2005, pp.599-600) point out that contemporary settlers followed the mandate provided for them by their imperial forefathers' colonial legacy, "not by attempting to eradicate the physical signs of indigenous peoples as human bodies, but rather by trying to eradicate their
existence as people through the erasure of their history, culture, governance, and, ultimately, [their] self-esteem”.

The post-colonial perpetuation of the colonial legacy is evident in Aboriginal People’s access and control of resources in comparison to the settlers. This has a direct effect on the low standard of living to which First Nations are subjected. In the Stellaquo and other reserves across the country, unemployment rates are astonishingly high, average household incomes are well below the poverty level, dependency on welfare and other transfer payments is extensive, and indicators of ill health and poverty are high (Trosper, Nelson, Hoberg et. al., 2008; Jorgensen, 2007; Tarnopolsky & Pentney, 1985, pp. 1-11; Myer, 200). The United Nations report of 2006 states that if Canada’s Human Development Index (HDI) was to be measured against other countries using First Nations welfare and human rights issues (e.g. unemployment, health services, poor housing facilities, income, access to land and resources) as indicators, Canada would rank 174th out of 194 countries in the world (UNDP, 2006). This is particularly so because the scars of slavery and colonialism are still evident in reserve communities of Canada’s Aboriginal Peoples, an effect that their colonized Indigenous counterparts in Africa, with similar low HDIs are also experiencing (UNDP, 2006).

First Nations’ low standard of living is associated with the disintegration of their traditional governance and political structures, violations of their human rights, and the distance put between them and the lands and resources which were their traditional source of livelihood (Smith, n.d, pp. 79-389; Kendall, 2001). For instance, like most other Aboriginal peoples, the Stellaquo say that, before contact, their community lived off the land, governed by a well-structured clan system which delegated management of forestland and resources to Keyah Whutduchan25. The social transfer of wealth and internal institutional governance was managed exclusively by the nation (Overstall, 2005; Alfred & Corntassel, 2005; Trosper, 1998). Chiefs had a unified system for dealing with foreign people, such as European fur traders, that ensured a remarkable degree of internal social cohesion (Overstall,

25 Keyah Wehtduhsan are tribal heads of Clans who serve as heads of government in accordance with Stellaquo traditions.
Adventurers needing resources obtained them through their interaction with established Aboriginal governments, as in the fur trade with the Hudson Bay Company. In relation to Canada’s contemporary political landscape, the Keyah Whutduchan played the same role the state presently plays in its external relations with other countries. However, dominant and racist practices under colonial rule caused this system to disintegrate (Overstall, 2005; Alfred & Corntassel, 2005, NAFA & IOG, 2000).

4.1 THE CLAIM OF TRADITIONAL GOVERNANCE BEFORE CONTACT

First Nations’ entitlement to their traditional forms of government prior to contact is acknowledged by the Royal Proclamation of 1763 and treaties negotiated before and after the Proclamation (Orlowsk & Menzies, 2004; NAFA & IOG, 2000; Moss & Gardner-O’Toole, 1991). These treaties recognize Indigenous political jurisdiction and fighting prowess as important aspects in the development of earlier relationships between colonizers and natives (Chartrand, 2002; NAFA & IOG, 2000, pp. 23-50; Nietschmann, 1995; Dickason, 1992; Moss & Gardner-O’Toole, 1991). However, in their drive to subdue the Indigenous population, the “colonial masters” subsequently described them as savages who lacked any form of governance and were incapable of managing their affairs, including forestland and resources (Alfred & Corntassel, 2005; Woolford, 2005, pp. 3-5; Orlowsk & Menzies, 2004, pp.66-79). These misconceptions have been refuted by scholars who have conducted extensive research in identifying organized systems of traditional government within First Nations communities. These systems were characterized by the leadership of politically stratified clans or families, established customary laws, and social transfer institutions, notably the potlatch, which has survived through millennia (Brown, 2002, pp. 9-22; Dickason, 1992, Mills, 1994; Moss & Gardner-O’Toole, 1991). The colonizers dismantled these traditional political structures and micro-managed

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26 The potlatch is a highly complex event or ceremony among certain Indigenous peoples in North America, including nations on the Pacific Northwest Coast of the United States and in the Canadian province of British Columbia, where it has been practiced for thousands of years. The potlatch is an ancient ritual in which such matters as governing power, economy, social status, and continuing spiritual practices are decided upon, prescribed, and sometimes transferred. Through its function as a forum for political, economic, and social exchange, it is a vital part of these Indigenous people’s culture. Boyd, Robert (1999). The Coming of the Spirit of Pestilence: Introduced Infectious Diseases and Population Decline Among Northwest Coast Indians. Seattle and Vancouver: University of Washington Press and University of British Columbia Press.
Aboriginal people’s existence by confining them in reserves and establishing the Department of Indian Affairs, which put forth the Indian Act (IA) as an instrument of control and assimilation (Alfred & Corntassel, 2005; Overstall, 2005; Brown, 2002; Nietschmann, 1995; Moss & Gardner-O’Toole, 1991). While First Nations view reserve and treaty rights as a quid pro quo for relinquishing a good part of their traditional lands, federal and provincial governments have frequently taken the view that the First Nations’ refusal to abandon their distinctive cultures, governments, and identities, is a refusal to adopt the ways of a more "advanced civilization", and accordingly (NAFA IOG, 2000, PP.22-40) a refusal to assume the "responsibilities" of full citizenship (Brown, 2002; Moss & Gardner-O’Toole, 1991).

There is full documentation of governments’ attempts to systematically suppress traditional Aboriginal governments (Moss and Gardner-o’Toole, 1991; Tennant, 1985). A typical example described by Moss and Gardner-o’Toole (1991, pp 1-25) is the 1920s Haudesausene council hall raid in which Canadian officials seized record and political symbols of the Haudesausene’s government, and subsequently arrested and jailed its leaders. This paved the way for the immediate suppression of Aboriginal governance, as the federal government advanced totalitarian rule in instituting an Indian Act council and establishing anti-potlatch laws (Moss & Gardner-O’Toole, 1991; Tennant 1984). Under the anti-potlatch laws, maintained from 1885 to 1951, arrests were made and ceremonial items and symbols of Indigenous governments were seized, many of them never returned (Moss & Gardner-O’Toole 1991; Canada House of Commons, 1983). Of great importance also, was the outlawing of hiring lawyers for land disputes in 1925, which invariably left Aboriginal Peoples vulnerable to the clutches and conquest of settlers in their plunder for Aboriginal lands. Aboriginal governance through the Keyah Wehtdhusan was dismantled and every effort to reinstate it was continually frustrated (Brown 2002, pp. 18-24; Moss & Gardner-O’Toole, 1991; Canada, House of Commons 1983). Consequently, traditional governance structures, such as the potlatch, went 'underground' and adapted to the changing context, within which its function changed (Mills, 1994).
For the Stellat’en, potlatches have been transformed to mere social functions. They are currently used for marriage ceremonies, burials and naming ceremonies, among other. They are “give-aways”. However, hereditary chiefs do not demonstrate their political panache and prowess in these ceremonies today, as they did with the forms of governmental roles that existed before contact (Brown, 2002; Moss and Gardner-O’Toole, 1991).

On a global level, First Nations activism has expanded its emphasis to a socio-political one in its demand for the reinstatement of traditional Indigenous lands, governance, and political self-sufficiency (Glück, et. al., 2007; Omlowsk & Menzies, 2004; Browne, 2002). Many First Nations are pressing for devolution of forestland and resources management that will enable them to integrate their values, interests, and practices in a form of self-governance that is internally designed, institutionalized, and managed by individual nations or a council of nations (Peeling, 2004). This new trend has provoked much debate within the field of political economy. Conservative thinkers argue that the political and economic transformations of the twenty-first century indicate a shift in First Nations’ demands for governance that mimics their traditional authority structure before contact. They contend that separate governing structures, based on cultural and traditional differences, which reflect First Nations interests and identity will radically undermine good relations with non-aboriginal peoples (Flanagan, 2000).

On the other hand, some scholars see value in the reinstatement of Aboriginal self-government and have proposed a synthesis between the traditional governmental structures and current Canadian governmental instruments (Peeling, 2004; Newhouse & Belanger, 2001; Tennant, 1985; Mills, 1994). Concurrently, they believe state governments should devolve forestland and resource authority to First Nations (Natcher and Davis, 2007). Yet another category of scholars are neutral, but advises caution, suggesting that anyone involved in power shifting should attempt to retain the ‘assumed Canadian culture’ of integration and multiculturalism. This

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27 Political self-sufficiency means, at its most basic level, the ‘ability to set goals and to act on them without seeking permission from others’ something that ‘Canada has consistently denied Aboriginal nations.

28 We assume Canadian culture does exist but is not adequately described as a common set of values or beliefs. The cultural qualities assumed are broadly thematic, such as multiculturalism, peacefulness, friendliness, which in themselves can fit any western industrialized democracy, depending
group advocates that First Nations' culture share some uniformity with the assumed Canadian culture, claiming that it must not be impervious to change, but rather should respond to new situations and challenges in a manner that allows the people to retain a connection to their past. Essentially, these new designs for governance should not pose insurmountable obstacles to parallel systems of Canadian governance.

An extensive review of the literature pertaining to calls for self-governance, devolution, and Aboriginal People's participation has revealed that the majority of writers lean toward philosophical musings about what self-governance could become, rather than developing applicable models and strategies for establishing self-government. Confronted with the problematic puzzles described by scholars and needing to have a structure that would suit their needs, the Stellaquo have proposed a user-friendly approach for implementing self-governance and the devolution of authority for forestland and resources to Aboriginal peoples. This research reports a model prescribed by the Stellat'en that examines the establishment of a governance structure which interfaces with elements of the current Indian Act Band Council government structure and the pre-contact traditional governance structure. This structure is a tripartite or co-governance regime in their interaction with federal and BC governments, which operates within a multi-stakeholder landscape. The approach, if implemented, would grant the Stellat'en considerable say in the governance of their prescribed traditional territory through their relationship with industries, other First Nations, and non-First Nations currently living in their territory. While this paper will provide a general overview of the functions of the co-government or tripartite relationship and the specific roles of the different governmental positions in the Stellat'en proposal, it must be acknowledged that the research on these subjects is limited.

Though the Stellaquo model is not a blueprint for all First Nations, lessons gleaned from this research should serve as a starting point for the implementation of self-governance and further research. We will explore the challenges involved in

the extent to which particular values are shared.
applying this Indigenous-Canadian model of devolved governance, with reference to
global Indigenous self-governance models.

4.2 METHODS

The study employed participatory social research methods. The Stellat'en First Nation demonstrated ownership of the research process, through the explicit incorporation of First Nations' values into the research design. There was an intensive collaborative engagement of the First Nations people and their representatives at each stage of the research process. Two workshops, one for youth and one for adults, were organized in August of 2006 and May 2007, in collaboration with the community members. A final workshop was also conducted in October 2007, in fulfillment of the agreement made with the research council that the researcher would provide the community with the findings from the research, and help them assess which portions of the research they consider classified and confidential, or needing to be expunged.

The format of the workshops involved facilitators asking a series of focus group questions and participants brainstorming the answers in small groups. There were plenary sessions in which the general participants could share ideas from their group discussions and provide consensus on the answers. The Stellaquo established a research council (RC) comprised of twelve members, each of whom represented a category, such as clan, gender, traditional leadership, elders, with knowledge about forestry management, Stellat'en pre-contact governance, history of their traditions, and cultural values, and age. The research council's mandate was to review and comment on the overall research, including, in conjunction, with the related research of Sarah Weber.29 Sarah and I held both workshops, and jointly conducted most of the interviews.

Sixteen interviews were conducted with people from the four categories of respondents: Stellat’en community members, Registered Professional Foresters,

29 Sarah Weber is a colleague who was studying Aboriginal tenure systems, alternate tenure systems that will incorporate the values of the Stellat’en F.N. Sarah's research and mine complemented one another's in that, while she studied alternative tenures, I researched the governance structure needed to execute these tenures in Stellat'en traditional territory and British Columbia.
Ministry of Forest and Range personnel, and non-First Nations. While this research might have benefited greatly from having representatives from the logging industry as a major category of respondents, members of the logging industries based in Stellat’en, namely Canfor and West Fraser, rejected my request to interview them. When initially contacted about the interview, they asked me to submit my questions, but when I made a follow-up appointment for the interview, both rejected my proposal without providing any reasons.

I also conducted an extensive literature review to examine scholars’ views about Aboriginal people’s relationship with the government and different stakeholders in the pre- and post-contact and current political trends. This was performed as a way of supporting the data obtained from the two workshops and interviews. Dr. Ronald Trosper, the principal researcher who supervised the entire study, also served as chair for my thesis research committee.

4.3 ASSIMILATION VERSUS ALIENATION

When considering what form of federalism or government to establish in what is now Canada, colonial governments did not consider the aspirations of the Aboriginal governments that already existed (NAFA & IOG, 2000; Brown, 2000; Moss & Gardner-O’Toole, 1991). By the late nineteenth century, the dominant groups of settlers from both France and England had forged a commercial and political alliance in developing a constitution that largely excluded the country’s Indigenous inhabitants (NAFA & IOG, 2000; Moss & Gardner-O’Toole, 1991). Thus, Canada’s first constitution, the British North America Act of 1867, includes provisions to accommodate Francophone and Anglophone collectives, but gives scant recognition to First Nations. As a result, the disparity between First Nations and Canadian traditions of government at the time of confederation was never reconciled. As described earlier, Indigenous forms of governance were instead displaced through various legislative and policy impositions that pursued the assimilation of the First Nations’ population. This assimilationist approach directly encroached on the traditional governance and identity of First Nations in a number of ways, amongst which is the Indian Act.
4.3.1 The Indian Act

The closing decades of the 19th century brought a new era of political and legal domination of white governments over Aboriginal people in Canada, which altered the autonomy and sovereignty of Aboriginal Peoples through the establishment of elected Chiefs and Band Councils (Overstall, 2005; Alfred & Corntassel, 2005 pp. 525-610; Jensen & Brooks, 1991. pp. 67-79). The Act was initially viewed as an experiment in "civilization and assimilation", but it became a lasting trend of indirect rule, which soon became the preferred policy option. In an attempt to realize its goals of ‘civilizing’ the Indians/Aboriginal Peoples, and ‘assimilating’ them into Canadian society, the Canadian government made many changes to the Indian Act over the years, including a major consolidation in 1951. With the repatriation of the Constitution Act in 1982, federal policy shifted once again, as the federal government attempted to deal with Aboriginal and treaty-rights claims and demands for self-government. While outdated and in dire need of reform, the Indian Act and its system of government was left intact. The federal government sought to change its relationship with First Nations and create new structures of First Nations governance by replacing an incremental reform of the Indian Act with self-government agreements in the late 1980’s.

The socio-political structure, economic base, and cultural stability of First Nations communities were profoundly shaken by political and domination events (Aasen, Craig, Hamilton, et. al., 2006). Elements of this consolidation of power by non-native governments are discussed in Table 1. Researchers have documented federal and provincial laws that constructively denied First Nations sovereignty and jurisdiction over their lands and resource.
Table 4.1: Several Laws Affecting Indian People from the 1800s to the 1900s

<table>
<thead>
<tr>
<th>DATE</th>
<th>SECTION</th>
<th>EVENT AND EFFECT ON ABORIGINAL PEOPLES</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Ordinance of 1865.</td>
<td>S3.</td>
<td>Prevented Indians from pre-empting land for settlement as white farmers were allowed to do.</td>
<td>Fisher, 1976: 262);</td>
</tr>
<tr>
<td>Terms of Union of 1871.</td>
<td></td>
<td>Indians in BC were made wards of the Federal Government.</td>
<td>Cumming and Mickenberg, 1981: 193, 194</td>
</tr>
<tr>
<td>The Indian Act of 1876,</td>
<td></td>
<td>Gave wide-ranging powers to the Minister of Indian Affairs over Indians and Indian reserves, including the power to superimpose Indian agents and elected Band Councils on traditional forms of community leadership.</td>
<td></td>
</tr>
<tr>
<td>The Potlatch Law of 1885</td>
<td></td>
<td>Potlatch feasts were made illegal until this law was repealed in 1951.</td>
<td>(Ridington, 1992: 15);</td>
</tr>
<tr>
<td>The exclusion of voting in</td>
<td>s.70</td>
<td>Disenfranchisement of Indians: prevented Indians from voting in provincial elections until 1949.</td>
<td>(Fisher, 1977) Ormsby, 1958: 492 (Ridington, 1992: 15);</td>
</tr>
<tr>
<td>1872 and 1875 (and in federal elections until 1960)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restriction of Indian reserves by the 1865 Land Ordinance</td>
<td></td>
<td>Limitation of 10 acres per family, while white settlers were allowed a 160 acre per family pre-emption plus the option to purchase 480 acres. Expropriation without compensation of Indian reserve lands for railway construction.</td>
<td>(Fisher, 1976: 265); (Fisher, 1977: 202);</td>
</tr>
<tr>
<td>The 1913 McKenna–McBride Commission.</td>
<td>s.70</td>
<td>Removal of 47,000 acres of valuable land from Indian reserves, replaced with 87,000 acres of poor land.</td>
<td>(Cumming and Mickenberg, 1981: 197-198);</td>
</tr>
<tr>
<td>The 1926 hearings of a special joint Senate-House committee of Parliament.</td>
<td>s.141</td>
<td>Rejection of all grievances of the Allied Tribes of BC.</td>
<td>(Cassidy, 1992: 14);</td>
</tr>
<tr>
<td>The 1927 amendment of the Indian Act.</td>
<td>s.141</td>
<td>Until 1951, this made it illegal to raise funds, provide money, or work with any Indian organization in BC.</td>
<td>(Cassidy, 1992: 14, 15).</td>
</tr>
<tr>
<td>The 1885 and 1927 prohibition of potlatch and related customary festivities.</td>
<td>s.140(1, 2, 3); s.3</td>
<td>Illegal to practice potlatch, agricultural shows.</td>
<td>Mathias and Yabsley (1991, p36)</td>
</tr>
</tbody>
</table>

Source: Adapted from the Embridge report documented by Aasen, Craig, Hamilton, et. al., May, 2006.

The consequences of these legislations in terms of the loss of economic, wellbeing, political power, racial discrimination, cultural integrity, and spiritual strength are immeasurable (Riordan, n.d). Two certainties about the debilitating
effects of these laws on Aboriginal Peoples have been documented by scholars (Alfred & Corntassel, 2005; Chartrand 2002; Tennant, 1985) as follows:

i. Such laws deprived First Nations of their material wealth by denying them access to their traditional lands and resources.

ii. Laws prohibited Indian governments from exercising any real power in the political and legal systems.

iii. The government passed extensive legislation, the sole purpose of which was to destroy Indian identity and values and pave the way for such powerful assimilation tools as residential schools and missionaries conversions.

Over the history of federal administration, with the occasional participation of provincial governments, both isolationist and assimilationist policies have significantly encroached on the fundamental rights of Aboriginal People. The result has been a significant body of laws that have impaired the ability of Aboriginal People to determine their own future, whether as distinct cultural communities or as individuals outside these communities (Aasen et al., 2006; Brown, 2000; Moss & Gardner-O’Toole, 1991). The systematic political and legal actions unleashed on Aboriginal Peoples left them restricted, confused, and incapable not only of practicing their traditional forms of governance, but also of managing land and resources and maintaining their cultural and traditional identities.

The Indian Act was used repeatedly to destroy traditional institutions of Aboriginal government and to abolish those cultural practices that defend Aboriginal identity (Brown, 2000; Moss & Gardner-O’Toole, 1991). In British Columbia, this assault focused on the potlatch and practices of the longhouse. Traditionally, the longhouse was the center of Aboriginal government and the spiritual focal point of an Aboriginal community (Miller, 1994). All things of importance took place in the longhouse: the passing of laws, the giving of names, spiritual dances, and funerals, with the potlatch still being the most fundamental ceremony to take place in the longhouse. From 1880-1951, and in 1927, Sections 3 and Section 140 of the Indian Act outlawed the potlatch in an effort to increase the power of federal officials over
the lives of Indian people. Having accomplished this, the federal government proceeded to impose the Band Council\textsuperscript{30} through the \textit{Indian Act}.

\section*{4.3.3 A new beginning}

Between the mid 1970s and the early 1990s, BC Aboriginal Peoples' demands for self governance over forestland and resources within their territories were accompanied by a series of litigations, protests, and negotiations. (SCC 2004a; SCC, 2004b; SCC, 1997). These court cases and their effects prompted provincial governments to adjust their policies, shifting toward an inclusive approach that indicates some form of recognition that accommodates Aboriginal Peoples in forestry operation (Rafoss, 2005; SCC 2004a; SCC, 2004b; SCC, 1997; Cumming & Mickenberg, 1981). These recent shifts now make interim government-to-government relationships between the province and some Aboriginal peoples a real possibility, one that would significantly increase First Nations 'self-determination'. Recent research conducted with BC's Aboriginal Peoples, including a year's research I had with the Stellat'en First Nations, indicates their determination to govern themselves. The pursuit of a sovereign status is not only a driving force, but also a practical reality that might catapult the abstract promise of sovereignty embedded in the self-determination and interim relationship policy into genuine co-existence with governments (NAFA & IOG, 2000). Such lofty goals describe a higher involvement in decision making, with a shift in governance from outside federal and provincial control, to a more internal structural design that depicts greater responsibility, higher decision making, identified jurisdiction, rights and access to resources, and an established mutual co-governance of forestland and resources. Agural and Fisher (1999) and other scholars describe this shift as devolution of resource management.

One of the research hypotheses discussed in the introduction of the thesis, namely, "The stronger the influences First Nations have to exercise their rights in

\textsuperscript{30} The Band Council is a governing or administrative body of a Band, elected according to procedures laid out in the \textit{Indian Act}. They may either be an elected or custom council under the Indian Act. The Band council is usually responsible for administering the funds allocated to the Band by INAC (Indian and Northern Affairs Canada), and can pass municipal and provincial-like by-laws. The councilors are selected by eligible band members and serve two year terms.
forestry operations in their traditional territories, the better will be their relationship with the province and industries" is imbued with the notion that Aboriginal Peoples' determination to return to their pre-contact sovereignty is imperative for solving the seemingly intractable problems of reservation poverty and their relationship with the state, as it grants them a devolved authority. This authority shift involves relinquishing the fiduciary and jurisdictional rights the federal and provincial governments have over Aboriginal peoples, to a more internal self-determined structure of Aboriginal governments that are not dictated by the Indian Act (Cornell & Kalt, 1992.).

4.4 LOCAL COMMUNITY GOVERNANCE: THE CASE FOR COMBINING PRE-CONTACT ABORIGINAL GOVERNANCE AND CONTEMPORARY WESTERN GOVERNANCE STRUCTURES

All human societies have traditions of governance (Trosper, 1998 & Tennant, 1985). These traditions provide orderly ways of making collective decisions and enforcing group decisions (Ladner, 2003). Before European contact, Stellat'en governance consisted of a complex system of sub-national or clan, national, and confederate organizations, each of which operated within its own set of responsibilities (Peeling, 2004; Brown, 2000; McKee, 2000). A paper by UNESCAP (2006) notes,

Within the parameters of Indigenous thought, governance is "the way in which a people lives best together" or the way a people has structured their society in relationship to the natural world. In other words, it is an expression of how they see themselves fitting into that world as a part of the circle of life, not as superior beings who claim dominion over other species and other humans.

The Northwest Tribal Nations describe the potlatch system of government that was common among the nations of the Northwest Coast, such as Carrier, Nisga'a, and Gitxsan, as their traditional institution of governance, similar to the Anglo-Francophone parliamentary system (Peeling, 2004; Brown, 2000; Chartrand, 2002; McKee, 2000). This political structure indicated that, although each nation had its own distinct political system, the use of the potlatch as a system of governance resulted in many similarities in structure, responsibilities, and intent across nations.
The potlatch is based upon a complex system of clan governance or houses, which serve to legitimize political rank and authority by validating the exercise of chiefly power and influence. Heirs to chieftainship were presented at potlatches, with existing chiefs reaffirming their authority at these potlatches (Chartrand, 2002; McKee, 2000). Among Northern British Columbia First Nations communities, each house existed as a basic social unit, with lineages based on common matrilineal ancestry (Peeling, 2004; Brown, 2000; McKee, 2000). The concept of property was purely 'community owned', with each house possessing demarcated lands for village sites, hunting, and food gathering (Brown, 2000, pp. 10-12; McKee, 2000, pp. 18-26). As an institution of traditional government, potlatches provided a framework for decision making, the redistribution of wealth and possessions, (a form of pre-contact welfare state), community equilibrium, law enforcement, land use, and membership/citizenship (Peeling, 2004; McKee, 2000). Neighboring Aboriginal groups were often invited to potlatches to ensure their awareness of the borders of various tribes and to discuss resource extraction and trade interests as a form of bilateral trade, common today among different governments (McKee, 2000; Thorn, 2000). In supporting his claim regarding the extensive development of Aboriginal governance prior to contact, Christopher McKee notes the use of

formal institutional structures in which secular authority over civil affairs was vested. They were highly stratified societies, based on rank, status, and hierarchy, and they had clearly defined and permanent positions of political leadership....Potlatches were vital to maintaining authority. Without them no chief could have assumed his position or maintained it over time (McKee, 2004, p.4).

Remnants of these forms of political structures and practices still exist in Aboriginal peoples' communities despite the government of Canada’s continuous efforts to topple these regimes and replace them with another 'official' government, the Indian Act Band Council (Moss & Gardner-O'Toole, 1991). These Indigenous political governments have come to be referred to as ‘traditional governance’, as more and more, European traditions of governance become rooted in First Nations communities (Alfred & Corntassel, 2005; Moss & Gardner-O'Toole, 1991). The political essence of the potlatch structure has been diluted and adapted to both a changing context and changing functions. The Stellat'en people's determination to
reintegrate this form of governance into present day political structures within their community is a call for the state to do a re-think and come to terms with the realities of the negative impact the Euro-Canadian model of governance imposed on these people (Tennant, 1985). The question most scholars pose today is: How useful is the Indian Act in present day nation-building and government-to-government reconciliation? The answer is: not very.

4.4.1 A mutual shift away from The Indian Act

Understanding the significance of this traditional governing structure to First Nations is the first step needed in the new era of reconciliation and building a healthy government-to-government relationship among nations. While the Steliaquo have indicated a strong need to uphold their traditional forms of governance, they also recognize the necessity of maintaining a balance between tradition and assimilation, by integrating new kinds of political structures to meet the changing face of politics and accommodating multi-stakeholder governance, which other Aboriginal nations have adopted in their self-governance models (Jorgensen, 2007). David Luggi stresses,

We need a tripartite relationship with respect and tolerance of each other's sovereignty and cultures. Our traditional governance institutions need to be respected and incorporated into a new model of governance that will create a balance between the old and new; the aboriginal and modern bureaucratic system of governance.

Several First Nations draw upon their own traditions to frame and/or model self-governance processes (Jorgensen, 2007; Peeling, 2004). For instance, in the development of political institutions after the successful negotiation and implementation of a recent treaty, the Nisga’a has used their traditional ideologies to design their model of a confederate government. The Inuit have also looked to their traditions to accept and ground changes associated with the ongoing development of Nunavut. They are now in the process of adapting highly valued Inuit norms of interpersonal conduct to help reshape modern bureaucracies. The Steliaquos' proposed model of self-governance did not fall short of this, as seen in figure. 4.2. This is not abnormal, as it has been noted by many scholars that these rebirths of

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31 David Luggi is the Tribal Council Chief of the Carrier Sekani.
Indigenous systems of government and political traditions, more widely, continue to serve as models and/or theoretical frameworks for many communities (Natcher & Davis, 2007; Trosper, et. al., 2007; Jorgensen, 2007; Carlsson & Berkes, 2005; Ribot & Larson, 2005; Peeling, 2004).

The new trend toward an Aboriginal model of governance requires a shift away from the old mechanisms, in which Aboriginal involvement in resources management had to bow to the greater power of government and industry. The current ‘official’ processes of referrals, negotiation, consultation, and accommodation have left First Nations as mere spectators (Charles, 2005), and need an overhauling that will give First Nations more control of land and resources management. Dismantling this structure of colonization\(^{32}\) requires a paradigm shift to a more holistic model of power sharing, in which the state recognizes that Aboriginal peoples have jurisdiction over lands and resources in Canada, and accord them those rights of sovereignty and self determination analogous to the federal and provincial governments.

How to administer the dismantling of the colonial legacy’s top-down approach is a thorny issue with First Nations in the sensitive process of relationship building, because the federal and provincial governments are resistance in dealing with First Nations who reject the imposed Indian Act system, particularly as they become more adamant about a self-governance structure (Chartrand, 2002). Unlike the native tribes in the United States, the Aboriginal Peoples of Canada have been given less autonomy regarding self-governance, as depicted in the Nisga’a and Inuit situations. The Nisga’a signed a treaty that gave them access and control to 5% of their total claimed lands, and a co-management structure with the provincial government in managing the resources within the other portions of land in their claimed territory. Many First Nations have criticized this content of the agreement, which to them does not give the Nisga’a enough control of their territory which they owned before European contact. Not only does the Nisga’a treaty lack politically independent sovereignty, but their treaty-agreed land base of 5% of their claimed territory is very

\(^{32}\) The Wikipedia online encyclopedia refers to colonization as the establishment of settler colonies, trading posts that often dominating and conquering indigenous people.
low, which makes the goal of long-term economic sustainability difficult, if not impossible to attain.

4.5 FINDINGS AND RESULTS.

3.5:1 The Stellat’en’s current government structure

3.5:2 The Stellaquo’s proposed governance structure

4.5:1 *The Stellat’en current government structure: Internal governance Structure*

The Current governance structure in Stellat’en indicates two separate units that I describe as traditional-hereditary governance (THG) and Band Council governance (BCG). These two units of governance have different forms of operation and authority relations within the community. The following are features of the current governance structure:

1. The elders, the Keyah Whutduchan hereditary Chiefs (representing THG), the Band chief and councilors (representing BCG).

2. There is a weak coordinating relationship between the two different units.

3. There is evidence of disrespect and mistrust of the BCG because it is a ‘white man’s model of governance that selects leaders without traditional names, and without a majority of the people supporting them.

4. The BCG functions more as an administrative unit than a government with legislative functions.

5. THGs are prominent members of the community, who wield respect not only because they possess traditional names and titles, but also because of their knowledge of the traditions and culture and contributions to the governance of the Stellat’en community.

6. There is a growing need to incorporate every unit of government in the new governance structure.

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33 While traditional-hereditary governance (THG) exists in Stellaquo territory, it commands very limited authority in executing governance functions. They have no governance mandate as it is prohibited by the Indian Act.

34 Band Councils are the *Indian Act*-mandated governments in First Nations communities. The Band Council is elected according to procedures laid out in the Indian Act. The councilors are elected by eligible band members and serve two year terms.
Though the BCG is considered a modern form of authority instituted by the federal government through the Indian Act, the THG is more respected by the community, which has led to a series of conflicts arising between the two sets of authorities. While BCG finds its legitimacy in the Indian Act, THG clings to its pre-contact customary laws, traditions, culture, and Aboriginal identity, which limit the influence of the elected officials of the BCG in the community. Most BCG officials do not carry traditional names, which are status symbols of authority and reverence in the community and which restrict their level of authority, particularly in dealing with community members with names or titles. The BCG officials without traditional names encounter confrontation with and criticism from named THG members, who question their legitimacy and source of authority.

The claim by Stellaquo that the BCG is an imposed Euro-Canadian governance is supported by scholars such as Newhouse and Belanger (2001) and Moss and Gardner-O'Toole (1991, pp.1-9). Thus, in both the land use vision research and land use planning consultation, it was the elders who were best able to express pertinent elements of the Stellat'en vision of land use, such as land claims, territorial boundaries, ecological management, and traditional knowledge, which are embedded in their oral history, because the community had confidence in the THG's knowledge about the old ways of governance and land management. In these researches, the THG played an important role, as they lent their expertise in describing forestland and resources management and territorial governance before contact (Stellat'en oral History report). Another contention between the BCG and THG is the issue of representation in discussions relating to conflicts about overlapping territory with neighbouring First Nations. The Stellaquo and the Nadleh are presently in disagreement about the boundaries between the two First Nations. While it is the political role of the BCG to handle such issues of inter-nation relations, their legitimacy is questioned, based on the customary laws of the Stellaquo. According to the Stellaquo's pre-contact political design, the THG are considered the legitimate authority to discuss these issues, which leaves the BCG handicapped as a government to perform its external relations roles.
4.5.1 The Stellat'en's Governance relationship with the federal and provincial governments

The Stellat'en describes the current governance relationship with Canada and BC as a sub-set relationship rather than a government-to-government regime. They indicated that they are being managed as a Nation by BC and Canada, as illustrated in Fig.4.1 following. This relationship hinders them from functioning as a nation that has distinctive values, customs and traditional forms of governance (Brown, 2000). As a nation, they consider themselves to have been subsumed into Euro-Canadian governance, which in all forms prevents them from exercising their cultural and traditional identity. They have also expressed frustration over the limited options and benefits the treaty process has provided First Nations, which only furthers the ambitions of the state to keep them governed. This claim is supported by Jensen and Brooks (1991, pp. 67-79).

![Current Government Structure Diagram]

Figure 4.1 Present governance relationships.

4.5.2 The Stellatuos' proposed governance structure

The Stellat'en First Nation's proposed model of self-governance is therefore designed on the premise that the present governance structure is not only deficient, but inappropriate (Ottmann, 2005). This is supported by workshop and interview responses, informal discussions with community members, and telling feedback from the RC, which reveal weaknesses and internal frictions not only between elected band officers and clan leaders, but also in their relationship with the state. The Stellaquo are designing a new governance structure that will resuscitate tribal
sovereignty, reclaim control of their land and community values, and move the tribe towards sustainable, successful economic development (Jorgensen, 2007; Stephen & Taylor, 2000; Rafoss, 2005, pp. 9-13). Ottmann (2005, p. 4,) supports this change stating that “More and more First Nations leaders are questioning the limitations of legislation and many are refusing to be Indian Act leaders but [instead]choosing to discover the essence and power of leading as a First Nations person in a postmodern world”.

The Stellaco's proposed change in leadership structure that shifts away from the Indian Act form of governance is devolution, which calls for the establishment of institutional governance representative of specific reforms. These include: empowering the Stellat'en to practice internal rule of law; possessing veto power, professionalizing the management of resources within traditional territory and building on their relationship with the state, non-First Nations, and other First Nations communities within the Carrier Sekani tribal council.

4.5.2.1 The new government structure

After several discussions with the community and the research council a draft of their new government structure was constructed, as shown in Figure 4.2.

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**Figure 4.2: Proposed self governance structure**
The Stellaquo proposed self-governance structure has six distinct components or arms of government as follows:

4.5.2.1:1. the community people/citizens.
4.5.2.1:2. the co-governance board.
4.5.2.1:3. the clan leadership.
4.5.2.1:4. the Chief and Band Councilors (administrators).
4.5.2.1:5. the legislature and Judicial arm.
4.5.2.1:6. the youth council.

4.5.2.1:1 The community/citizens

The Stellaquo citizens are demanding a change in the status quo whereby their participation in government affairs becomes more recognized, vibrant and inclusive. Stellaquo members wish to input their concerns in all areas of the government, particularly in the management of forestland and resources. They want and expect the administration, clan leaders and judicial arms of the government to hold consultations and report back to the community or citizenry on a regular basis. This periodic reporting is a strategy that is expected to make the government accountable and transparent, while also providing a forum in which community members could discuss and contribute views to help shape governmental operations (Siar, et. al., 2006). In the May 2007 governance workshop, participants stressed that participation, accountability, coherence, and effectiveness are necessary ingredients in any productive community governance, elements that are supported by Reyntjens and Wilson (2004). Like other First Nations in the region, the Stellaquo, view the potlatch feasts and traditional ceremonies as the platforms in which traditional leaders are made to be accountable for their activities. Another criterion for measuring accountability is the degree of responsibility demonstrated in good management of forestlands and resources, which they expect from their leaders.

4.5.2.1:2 The co-governance or tripartite board

The term co-governance represents a new approach to the roles played by stakeholders in governance. In their proposal, the Stellaquo are suggesting tripartite governance with the province and the federal government, in the formulation and
implementation of policies and management of forestland and resources in their traditional territory. Figure 4.3 shows a contrast to Figure 4.1 in the governing relationship between the province, the federal government, and First Nations (Stellaquo). Figure 4.3 represents the Stellaquo's proposal for a tripartite or co-governance relation that gives them greater authority in decision making and policy implementation, through a co-governance board where such comparable authority will be implemented, with a structure of equal authority in decision-making.

![Proposed Co-governance relationship structure](image)

**Figure 4.3: Stellaquo Proposed tripartite/co-governance relationship**

The treaty process allocates a percentage of the total lands claimed by a First Nations for the direct control, while the remained is co-managed between the province, federal the Aboriginal government. The Stellaquo is proposing a co-governance instead of co-management institutional design for the remaining portion of their territory. According to the Stellaquo, the co-governance board will serve as an entry point for development projects and programs. For example, an industry wanting to undertake resource extraction, or production in Stellat'en territory will present their proposal and have it thoroughly discussed at the co-governance Board. Together, the Stellaquo, the federal and provincial governments, and industry representatives will establish the rules, expectations of revenue sharing, and contracts through the co-governance board. And, even more importantly, since the Stellaquo will be represented on the board, they will have a stake in ensuring the federal, the province, and other stakeholders comply with rules, policies and set
agreements. The Stellaquo are re-claiming their jurisdiction and sovereign status through this governance arrangement. In simple terms, the rules are jointly set by the board, but are regulated by the Stellat'en.

The Stellaquo people have proposed some issues they are expecting the co-government or tripartite board to address:

i. A co-government or tripartite governance model should respect the rights and responsibilities of all stakeholders. As stakeholders, Stellaquo First Nations expect to have equal functional responsibility as decision makers rather than recipients of policies and laws.

ii. Rights, respect and equity should form the bases of this relationship and should reflect on their shared aspirations and determination.

iii. There should be a shift from assimilation and accommodation to a sense of co-existence and recognition of all stakeholders’ jurisdictions.

iv. Respect for the various values and cultures on which these relationships would be built.

v. The federal and the provincial governments must ensure that Stellaquo peoples are equal partners in negotiating changes in how rules are made that help to shape mutually satisfactory outcomes. Fitting this to the proposed governance structure shown in Figure 4.2, co-governance will require the invention of a modern co-jurisdictional state. In this new establishment, the federal provincial and municipal levels of government will be expected to dialogue with First Nations on resource management, while at the same time acting as facilitators in the development of the Stellaquo governance institution. The major question here is: Is the orthodox leadership prepared to relinquish this power?

vi. A co-government or tripartite governance arrangement would involve re-defining historical relationships and developing decision-making structures in which the Stellaquo would have an equal say in land management decisions. Within this context, the possibility of achieving cooperation and collaboration would also be high if new and equitable relationships were formed. The development of successful relationships among parties in a co-government or tripartite governing agreement would depend on the ability to effectively integrate goals and objectives based on cooperation, collaboration, and mutual respect.
Composition of the Co-governance board

There are two sets of membership in the composition:

a. Tripartite government: These are Permanent members that comprise:
   i. The Stellaquo First Nation who will be represented by Clan leaders, the Band Chief and Councilors, and some members of the legislation
   ii. Federal Government representatives.
   iii. Provincial government representatives.

b. Multi-stakeholders: These are non-permanent members or non-stable members, which include:
   i. Industries: Their representation hinges on the activities or interests they share regarding resources in Stellaquo territory in the form of projects with a given time frame.
   ii. Other First Nations in the Carrier Sekani tribal council, particularly those adjacent to Stellat‘en territory, with whom they share overlapping territorial interests.
   iii. Non-First Nations, including those living in Fraser Lake, who are expected to be within Stellaquo jurisdiction after their land claim is settled.

Functions of the Co-governance board

i. Joint forestland and resource management in which the Stellaquo demonstrate veto power over all extraction and zoning of forestland and resources within their traditional territory.

ii. Negotiate with governments in new ways appropriate to re-define the relationships and developing decision-making structures in which the Stellaquo have an equal say and or vote in land management decisions.

iii. Evaluate projects or programs submitted by industries and potential investors regarding resources within their territory.

iv. Acknowledgment of the board to carry out shared authority and to be open to reconciliation of differences over previous land agreements, including proper consultation before changing current legislation that affects Stellaquo sovereignty and jointly implement equitable sharing of revenue from resources extraction, income and sales taxes.

v. Facilitate an institutional and individual capacity building program in the community.
The proposal put forward by the Stellaquo for a tripartite or co-government regime, illustrated in Figs. 4.2 and 4.3, is expected to improve the societal participation of the state, industries, and other stakeholders, which is one of the most effective ways to improve accountability and governance. This is a case for interactive governance, a "state-society synergy" that will not only strengthen government accountability, at both the federal and provincial levels, but also improve Stellat’en relationships in forestland and resources management, a shift from the pseudo co-management regimes and empty consultation processes industry and government presently engage in with Aboriginal Peoples in the governance of forestland and resources within their traditional territories.

A co-governance board in the proposed self-governance structure is an opportunity for the Stellat’en to ensure full control of forestland and resources, and other internal governmental operations, while at the same time work closely with other stakeholders. The Stellaquo recognize that capital, skilled personnel, and tangible material wealth are needed to foster development and self sufficiency. Therefore, they are fully aware of the need to work closely with government and other stakeholders in a favorable co-governance structure. Thus, instead of trying to influence policy concerning forestland and resources from the outside, or only at the local community level, through the co-governance board, the Stellaquo will fully participate in operations, establish legislation that is recognized by the state, and fully participate in the management and extraction of resources within their territory undertaken by governments, industries, and other stakeholders.

The implementation of these suggestions will require a genuine and decisive change in the legislation and functions of the state. In and of itself, 'decisiveness' is not enough. What is needed is legal action that will trigger a sustainable shift from the post-colonial governance regime to a new and previously unimagined relationship between the state and Aboriginal Peoples. Thus the decisive change in legislation about state and Aboriginal Peoples' relationships has to be adequate, efficient, accountable, predictable, fair, balanced, inclusive, and workable; and it must avoid the emergence of present post-colonial features (Peeling, 2004; McKee, 2000; NAFA & IOG, 2000). What is needed is a constructive co-existence among the
different stakeholders and the development of new and innovative models of "Co-Governance". The insignificant entities, persona non grata, or abandoned nations in the Euro-colonialists' formation of the federal constitution of Canada need to be grafted into the contemporary structure of Canada's governance (Gluck, et. al., 2007;pp. 55-62; NAFA & IOG, 2000).

4.5.2.1:3. Clan Leadership

Clan leaders, pivotal in this government design, emerge as the head of the political structure of the government. As head of the government, they are responsible for planning, endorsing decisions, and serving as primary advisors, in addition to providing direct input to the functioning of the government. Clan leaders represent the Stellaquo government in the tripartite relationship with the federal and provincial governments, forming a part of the co-governance board that makes decisions and policies relating to Stellaquo forestland and resources (see fig. 2). Stellaquo is proposing that Clan leaders engage in the governance of the nation in a number of interrelated ways that combine their traditional obligations with the current socio-political relations between First Nations and the Canadian state. Clan leaders must be sensitive to their relations with other First Nations and be able to lead the Stellaquo into new relationships in the co-governance board, through negotiations with multiple stakeholders, namely, industry and all levels of governance: municipal, regional, provincial and federal.

Functions of Clan Leaders

i. Represent Stellaquo in the tripartite relationship with the federal and provincial governments.

ii. Pursue legislative and policy changes that devolve fiduciary and jurisdictional rights from the state to First Nations.

iii. Identify capacity building initiatives that support self-sufficiency and promote a productive labour force.

Selection Process of Clan leaders

Membership in this arm of the government is by appointment by elders of the community, with the main criterion based on matrilineal heritage (Peeling, 2004;
McKee, 2000). This practice is common with Aboriginal governments of the BC interior before contact (Peeling, 2004; Brown, 2000). Each Clan leader succeeds to an office within his or her matrilineal clan by taking a hereditary name that carries with it specific obligations and authorities (Peeling, 2004; McKee, 2000; Mills, 1994). Hereditary chiefs succeed to office through the authority of the elders, starting with nominations and rigorous clan selection processes. Brown (2000, pp. 21-67) and Aasen et. al., (2006, pp. 6-22) describe this system of appointing leadership as hereditary and democratic, as each clan is fully represented, and clan selections are undertaken through rigorous procedures, including dialogue, negotiations, and consensus. Individuals with traditional names who have demonstrated exemplary social and leadership qualities are observed over a period of time by elders, who, through lengthy and rigorous scrutiny, identify successors. It is worth noting that having a traditional name is earned by behaviour as well as birth. Other requirements for appointment include:

i. One's place of birth. Clan appointment is strictly adhered to for individuals with matrilineal links that originated within Stellaquo. It is recognized by community members that within the Stellaquo community there are some Keyah Whutduchan members who moved to Stellaquo, and are now part of the nation either due to marriage or for other social reasons. Thus, they are firm about who qualifies for this position. Stellaquo does not consider marriage or other social reasons as requirements for these positions. However, there was a strong debate among the participants in the governance workshop as to the possibility of including individuals coming from other First Nations communities with traditional names, who have been officially adopted by a Stellat'en clan.

ii Appointment is also based on solid social qualities such as the level of respect and integrity one commands in the community. Integrity is a high standard for Clan leaders, who are expected to be mentors of the community. As a result, Clan leaders should be mindful of their actions and words and be very temperate.

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35 Participants in the governance workshop held in May 2007 indicated that some of their members coming from other communities/First Nation bands have joined their community as a result of marriage, or other social reasons, and most have also been officially adopted as members of Stellat'en clans.

36 Integrity implies that Clan leaders must not have been convicted for financial misappropriation, non-alcoholic and command authority.
in their personality. A Clan leader who fails to meet this condition can be deposed if his character is considered non-conforming to the cultural and traditional expectations of the Stellaquo. One elder stressed the importance of integrity, as named members or clan leaders are expected to “Walk the walk and talk the talk”. Overall, they are expected to be honest, live a balanced healthy life, sharing, caring, and to command authority within the community.

iii. 'Visionary' is a major quality proposed for members of this arm of government. Workshop participants stressed the need to have Clan leaders who are determined to bring in initiatives that will advance the cause of the community and improve the general welfare of the Stellat'en people. Whether they have an empirical measurement or criteria and indicators to measure this quality is an area that requires further research.

iv. Clan leaders are expected to be role models to the community. Attributes in i-iii are combined features that contribute to their role as role models.

Duration or term of Clan Leaders

A Clan leader’s lifespan as functioning government official can go on indefinitely, if s/he is not deposed. He or she is succeeded only when deceased. The Stellaquo’s proposal for self-governance indicates that a leader who does not meet the social expectations discussed earlier is liable to be replaced by the elders of the community. During their tenure of office, Clan leaders are expected to mentor youth who will assume their roles when deceased. This approach is used to ensure the survival and continuity of the government.

The integration of the two systems of government, traditional and contemporary, in the Stellaquo proposal will require Clan leaders to ensure a “strong political commitment” to reforming, building, and sustaining effective coordination among the different institutional structures, which will promote good governance (Siar, et. al., 2006, pp. 60-70).
4.5.2.1:4 Chief and Band Councilors

The Chief and Band Councilors comprise the technical or administrative arm of the government. Unlike the present Indian Act model, the Stellaquo model of governance would relinquish them from most political functions and position them as managers of programs and staff members within each program (see Figure 4.2). Thus, they would be free from making and enforcing laws, a responsibility now bestowed on the Clan leaders and the legislative and judicial arms of the new government. Similar to public servants, for example deputy ministers, their role would now be more technical in nature and limited to managing programs that promote the welfare of the community.

Duration or term of a Band Council Chief

Currently, the Band Council Chief and Councilors positions have a two-year term. Workshop participants and the RC have indicated the need to reduce the term to one and two years respectively, with an opportunity for re-election. The rationale for the reduction is as a result of the community’s experience with an elected chief who deserted his position, because the three-year term was too long. Stellaquo’s observation that many of their Councilors are currently serving reluctantly, with most looking forward to the end of their terms, is another indicator that the three-year term is too long. With a shorter term, they anticipate that officers will offer a more arduous or energetic service, which would prepare the way for re-election.

Participants in the governance workshop presented the following as Chief and Band Council functions:

i. *Fulfill the need for grants.* They are expected to mobilize financial resources to meet the needs of the community.

ii. *Implement programs.* All programs shall be implemented by the administrative arm of this government. Members of each of the individual offices or departments would have the responsibility of creating programs specific to the community’s needs and the staff’s skills and expertise. Workshop participants indicated that
the full responsibility for the implementation of social programs be transferred from Indian Affairs to the Band Council.

iii. *Negotiate agreements in consultation with Clan leaders.* This role positions Chief and Band Councilors as major participants in dealing with other stakeholders, such as the government, industries, other First Nations, and non-First Nations on the co-governance board.

iv. *Hire and Layoff staff members.* Staffing in each department shall be the duty of the Band Council in consultation with the Clan leadership and the legislature. This paves the way for equal opportunity in the selection of staff and fosters collaboration and inter-connections among these three arms of government.

These duties require the Chief and Band Councilors to possess strong levels of expertise and training, which the new government will have to carefully consider. Presently, there is an acute shortage of qualified and educated Stellaco members to fill positions in the different departments of the proposed administration.

Another critical issue is the one year duration for Chief and Councilor terms. The Stellaco's proposal is quite different from findings put forward by scholars about the duration of the Chief and Band Council terms in other First Nations communities (Jorgensen, 2007; Brown, 2002; McKee, 2000), who say the terms for these offices should be at least two years and possibly four, a view with which I strongly agree, as this duration will allow enough time for elected officers to adequately implement their plans, which should lead to measurable outcomes for evaluation. A one year term of office would be too short, as it would leave elected councilors with too little time in which to create results that could be adequate for evaluation (Jorgensen, 2007).

4.5.2.1:5. Legislature and Judicial arm

The Stellaco are seeking to institute a legislature that will facilitate the establishment of a constitution tailored for them. This division of the government will play a pivotal role in prescribing the tripartite and co-governance relationship Stellat'en will have with the state and other stakeholders. They are also seeking a
judicial unit and the formation of a court system that will uniquely integrate Stellat'en and Canadian laws to enable it to function on a daily basis. The main function of the proposed judicial system is the maintenance of law and order through an innovative legal system that is independent, fair, responsive, and consistent with the First Nation's culture and traditional value systems (Quinn, 2006).

The Stellaquo emphasize that the purpose of the call to integrate their customary laws into the legislative and judicial arms of their new government is not to have these arms function in a parallel or antithetical way to the Canadian judicial system, but rather operate in conjunction with the Western legal systems. The Stellat'en aim is to formalize these two legal mechanisms through the unique representation of their own members of the bar. Proceedings would be regularized and carried out according to pre-arranged, codified rules that combine Stellaquo laws and Canadian laws (Quinn, 2006). Their legal system is expected to have checks and balances and, in cases in which no Stellaquo law (integrated law) exists for a particular crime, the court may apply federal and provincial laws. The courts would be conducted in both the English and Stellaquo languages and interpreters will be used when necessary.

**Functions of the Legislative and Judicial arms**

The legislative and judicial arms shall:

i. facilitate the establishment of a constitution tailored to Stellaquo traditional values.

ii. play a pivotal role in prescribing the tripartite and co-governance relationship Stellat'en will have with the state and other stakeholders.

iii. establish a court system that uniquely integrates Stellat'en and Canadian laws to enable it to meet the needs of both the Stellaquo and Non-First Nations who shall make up the citizenry of the jurisdiction of the government.

iv. effectively maintain law and order through an innovative legal system that is independent, fair, responsive, and consistent with the Nation's culture.

vi. decide the requirements and processes of Stellaquo band membership (status).

vii. establish an accountability code, which will govern the accountability of Stellat'en
employees (including the Band Chief and Councilors).

viii. consult with Clan leaders.

ix. approve periodic budgets that will be presented by the Chief and Band Councilors, which is the administrative arm of the government.

Composition and requirements for appointment of the Legislature and Judiciary

According to Stellat’en standards, bar membership will require formal training in both Stellaquo traditional law and Canadian common law, as a condition to practice in the courts. Thus, they are proposing formally educated lawyers versed in western or Canadian laws and Stellaquo customary laws, who would work alongside a few, well-chosen traditional leaders, who are experts in traditional knowledge to participate in the legislature and court system. The traditional leaders would be there to ensure that practices are in conformity with customary Stellaquo values and systems of law.

4.5.2.1:6. The Youth Council

The decision to create a Youth Council as part of the new government structure was instituted by the youth in their group discussion during the governance workshop in May 2006. In a plenary session comprising youth and adults, the young participants proposed specific functions for the Youth Council, which they felt should be comparable to those of the Band Council and similarly strategically positioned. An age limit should be set for these representatives, who would be nominated by the youth and voted on by the general Stellaquo population. Nominations would be forwarded to the Clan and Legislative Council for thorough background scrutiny. However, during a debate at the plenary session, some adult participants overturned the position of the Youth Council, giving it less authority than what the youth had proposed. The researcher had to move the position of Youth Council closer to the Stellat’en community, from its original position in the administrative arm. This was done to reduce friction between the youth and the adults (see Figure 4.2). This topic

37 Participants in the May 2007 governance workshop suggested this function as a measure of the government’s accountability to its people.
was also raised in the final presentation workshop in October 2007 but, in order to facilitate consensus between the two views of the community, this issue will require further discussion.

Eighty percent of the adult participants were strongly opposed to the Youth Council, because it contradicted Stellaquo tradition. In Stellaquo culture, youth are expected to be silent, passive, and receive instructions from elders through apprenticeship for future roles (Thom, 2001, pp.1-7). Stellaquo elders asserted that, traditionally, they developed youth leadership roles through mentorship, which consisted of the elders sharing their knowledge and watching for leadership qualities in aspiring youths. When an elder found a candidate with the right combination of qualities, she then would train and mentor him, in preparation for the leadership role the young person would one day take over from. The elders also insisted that provisions will be made in the self-government structure to train the youth in the Stellaquo leadership model, and not a borrowed cultural design, which the youth were proposing.

Twenty percent of adults and youth approached the discussion armed with the theories of collective rights, access, and equality. To these participants, youth involvement is a fundamental human right expressed in both Euro-Canadian and world constitutions and this rights-based approach is essential because it guarantees full community participation by all segments of the community. They affirmed that the Youth Council should have analogous authority to that of the Band Council, with an effective operational mandate that should be decided by the Clan leaders. Table 4.2 describes the different views of the two categories of participants, those for and those against the motion for a youth council that would perform roles equivalent to those of the Band Councilors.
Table 4.2: For and against motions; Youth Council with functions on par with Band Councilors

<table>
<thead>
<tr>
<th>NO.</th>
<th>80% of participants against</th>
<th>20% of participants in favour</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Youth Council with powers identical to the Band Council would create enormous financial strains on the government. Salaries for youth council representatives would further stretch the Band's already thin budget.</td>
<td>The youth Council representatives should be paid since they will carry similar administrative functions as the Band Councilors.</td>
</tr>
<tr>
<td>2.</td>
<td>Youth would become uncontrollable and disrespectful to their elders.</td>
<td>Youth are the future generations of Stellaquo who will assume political positions presently proposed by Stellaquo. They should be active participants in the proposed new government right from the beginning.</td>
</tr>
<tr>
<td>3.</td>
<td>There is already a youth representative in the community, which is sufficient.</td>
<td>The current youth representative is dysfunctional and does not fully represent the wishes of youth. A youth Council will be able to identify programs that would particularly suit the needs of Stellaquo youth.</td>
</tr>
<tr>
<td>4.</td>
<td>The Canadian Charter of Rights does not make allowance for youth representation in the Provincial and Federal governments; why should it be the case for the Stellaquo First Nations government?</td>
<td>Youth Council will help facilitate a more constructive youth voice, which will advance a productive participation in the new government.</td>
</tr>
<tr>
<td>5.</td>
<td>The Youth Council should not possess authority analogous to that of Band Councilors because it contradicts Stellaquo tradition. According to Stellaquo tradition, youth are expected to be silent and take instructions from elders: “children shouldn’t have jurisdiction over parents in Stellat’en law.”</td>
<td>The effective participation of representatives of the proposed Youth Council can increase young people’s levels of interest in local government. It would also increase young people’s confidence and self-esteem and perceptions of their own capabilities. “In the olden days the elders and youth were one. To leave out the youth will be to ignore the future.”</td>
</tr>
</tbody>
</table>

Source: Stellaquo governance workshop May 2007

The discussion referenced in Table 4.2 reveals that young people generally feel powerless and excluded from Aboriginal traditional political process. Points 1-5 on table 4.2 are evidence that provide clear messages as to why young people feel frightened and do not participate in local government. These two categories of views represent two fractions of the workshop participants, with 20% demanding a change and 80% resistant to change. The former are revolutionary in their thinking and prepared to accommodate changes, while the latter are reactionary and resistant to changes that, according to them, threaten the fabric of their culture.

The adult participants were worried that the youth today are inadequate, that they are straying, and not properly trained or trainable to occupy such a vital role in the new government. Fairbairn (2003, pp.6-18) views the adult interpretations of youth as inadequately informed “negative impressions”. He further fears that the
adults’ claim, if justifiable, may mean we have reached a state in which the ‘world [has] regressed by a couple of centuries’. He takes the opposing view, that youth are well positioned to “amass knowledge from many sources including television, computers, and other paraphernalia” (2003, pp.6-9). During the interview, one Stellaquo adult referred to these same sources of knowledge for youth, but stressed their negative influence on youth. Stellaquo youth, she stated, “are gifted in the use of computers but spend valuable time playing games.” Both Brett Fairbairn and this adult recognize that much of youth’s learning takes place in popular spheres that shape their identities through forms of knowledge and desire that appear absent from what is taught in formal school pedagogy, for example doing house chores like cleaning, and informal societal pedagogy which teaches berry picking, identification of medicinal plants and other cultural activities. The Stellaquo elders are therefore faced with the daunting task of finding ways through which traditional and cultural pedagogy can be transmitted to youth. This will require finding effective ways of utilizing similar channels, like technological paraphernalia and media in the forms of computer, which youth are familiar with, or come up with alternative learning processes to ensure the continuity of their cultural and traditional knowledge.

4.5.2.1:7. Addendum on the governance model

During an informal discussion at the end of the final presentation workshop with the research Council, on October 19, 2007, Zaa Louis, an elder of the community suggested some changes in the governance model. He stated that Stellaquo would need to re-arrange the positions of the different offices on the current governance model. This re-arrangements of the model, says Zaa, “will clearly show the hierarchy of the government arms of government and their personnel, which the current design lack.”

Since this is an individual’s suggestion, and was submitted after the workshop feedback, his proposed changes were not included on the discussions of this paper but are rather noted in Appendix 2.
4.6 DISCUSSION: Steps for implementing devolution of forestland and resources - Building blocks for co-governance or tripartite relationship mending.

The Stellaquo are calling for a change in the relationship between Canada's Aboriginal People and the state, particularly in the governance of forestland and resources within their pre-contact geographically identified territory. This amendment, however, requires a clear analysis of the methodical approaches that should be undertaken.

In achieving this change, I have proposed the following three strategic approaches, as listed below and shown in Figure 4.4, which, when implemented, will help in effecting an indisputable devolution of governance of forestland and resources to the Stellaquo, and serve as a model for other BC's Aboriginal Peoples. It must be noted that the steps are not methodical and therefore can be interchanged to suit the implementation process.

4.6.1 Step A. Recognizing and implementing Aboriginal rights, sovereignty and Jurisdiction.

4.6.2 Step B. Institutionalization of Stellat’en self-governance.


Figure 4.4: Steps for implementing devolution of forestland and resources – Building blocks for a co-governance or tripartite relationship.
The presentation of these steps or stages of implementation in Figure 4.4 does not suggest a methodical approach that should be adhered to in this format. All three could be pursued concurrently with a shared degree of weight and balance in their implementation, or a decision could be reached among the Stellaquo, the federal government, and the provincial government as to which stage(s) should be given preference over others. The three steps are discussed as follows:

4.6.1 Step A. Recognizing and implementing Aboriginal rights and sovereignty

The central issue of jurisdiction involves the meaning of ‘Indianness’, as referenced in section 91 (24) of the Constitution Act of 1876, which grants exclusive legislative power to the federal parliament with respect to Aboriginal Peoples and lands reserved for them. As the settlers considered ‘recognition’ a legal concept in signing treaties, it is an equally fundamental first step in mending the relationship between the state and the distinct political units of Aboriginal Peoples, called ‘nations’ (Hurley, 2002, pp.1-3).

Scholars have proposed that a genuine relinquishing of power, to determine which forms of governments Aboriginal peoples must re-construct should consider power to determine who has access to forestland and resources within their territories (Ross, & Smith, 2002; Spaeder & Feit, 2005; McDonald & Ellingson, 2005).

While the Stellaquo have drawn on the examples of other First Nations’ self-governance structures, particularly that of the Sechelt Indian Band, they are opposed to the municipal style government undertaken by the Sechelt Band. To the Stellaquo, Sechelt’s slightly modified re-structuring of the dominant culture’s municipal model amounts to little more than a continuum of post-colonial systems. The Stellaquo assume that the level of authority the Sechelt Indian Band exercises in their Self-Government model is limited, as they are still being micro-governed by the federal and provincial governments. Their rejection of the Sechelt model and adoption of elements from self-government models like those of the Confederated Salish and Kootenai of the Flathead Indian Reservation in Montana, the Navaho Indian
Government and Menominee Indians of the United States have led to the identification of the following idea, as a critical path to recognizing Aboriginal people's rights, sovereignty and jurisdiction.

i. Balanced Jurisdiction

Determining the varied exigencies needed for First Nations self-governance is crucial for the survival of the Stellaquo's proposed governance design. Among these is the creation and recognition of Aboriginal peoples' jurisdictional rights, a right that gives them sovereignty over their lands they lived on before contact. This paradigm shift conjures a constitutional and policy overhaul that will revolutionize the political landscape in a country like Canada that has experienced a continuum of colonization for centuries. Characterized by the oppression of Aboriginal Peoples, the Canadian political landscape has taken different forms over the decades: from systematic subjugation, as in the conquest of the First Nations in 1776; Subordination, in the 1786 treaties; recognition, as in Section 35 of the 1982 constitution; and accommodation and assimilation, in recent forest tenure arrangements - FROs, FRAs. The new trend, as prescribed by the Stellaquo, is a shift from the Indian Act model of governance for a more defined model of governance grounded on a proposal for self-governance, devolution and co-governance. Aboriginal People have increasingly argued for both the distinct self-determination of their identities and a better-defined picture of jurisdiction over their forestland and resources. The achievement of these goals is expected to promote not only sustainable self-government over their forestlands and resources, but also cultural survival and a new political relationship with Canada based on Aboriginal political ideas (Jorgensen, 2007).

A constitutionally prescribed jurisdiction is a pre-requisite for First Nations' self-governments to take root and flourish. In order for the Stellaquo to possess a political jurisdiction, the federal and provincial governments would have to relinquish their respective fiduciary and jurisdictional rights over the Stellaquo Nation and their territories. Relinquishment of these rights should be constitutionally defined, documented, and implemented (Gluck, et. al., 2007 55-60; Jorgensen, 2007; Peeling, 2004). This condition is important because constitutional transfer of
jurisdiction guarantees more secured, genuine and sustainable relationships. It also holds a greater independence from governmental influences and simultaneously indicates the state’s commitment to devolving authority (Glück, et. al., 2007, 65-69; Cornell & Jorgensen, 2007; Peeling, 2004). Canada and BC’s reactionary approaches to policies relating to First Nations’ forestland and resources governance needs rejuvenation by moving from prolonged infringements of their rights and titles, and domination approaches with the aim of creating an environment in which Aboriginal Peoples are recognized and respected as a distinct national jurisdiction with rights and titles. With Aboriginal peoples being part of a co-governance or tripartite government, policy formation must be an inclusive process in which the views and aspirations of Aboriginal Peoples are considered through effective consultation, dialogue, and, where necessary, negotiation to arrive at a workable solution, appreciated by all parties.

Though much of this has been realized through treaties already signed, the Stellaquo have expressed that much more is needed in the relinquishing of governments’ authority, which will only come about through a new, well defined and implemented constitutional amendment, other than the treaty platform. Their self governance and distinct jurisdiction is “an inherent right, a pre-existing right rooted in their long occupancy and governance of their land”, they say (Browne, 2000 & Thom, 2001). This being the case, they are not seeking to be granted their jurisdiction by the federal and provincial governments, but rather to have these governments recognize their long occupation of the land and to establish the conditions that would permit the revival of Aboriginal peoples’ geo-political space. This should not wait until the signing of treaties, which have been protracted for over a century with only 15 out of the 60 applicants being granted the right to self governance (Peeling, 2004). In addition, there are many pertinent reasons for the rejection of the treaty process, chief among them being that the province and the federal government both place limits on what can be negotiated, which subjects First Nations to a ‘lose-win’ solution with the state.
ii. Law-making rights: Establishment of laws/Constitution

As Aboriginal Peoples’ history and identities begin to evolve through a renaissance of self-governments, they are asserting their ambitions towards seeking a devolution of governments’ control over the lands and resources within their traditional territory\(^{38}\) (Tslihqot'in Nation v. BC 2007; SCC, 2004) Several First Nations are engaged in the development of constitutions that contain a comprehensive interrelated sets of governance structures, procedures, codes, and laws (Brubacher, Gladu & Bombay, 2002; NAFA & IOG, 2000; Peeling 2004). Examples include: the West Moberly First Nation, the Key First Nation, the Mistawasis First Nation, the Skidegate First Nation, the Stoney Nakoda Tribe, the Taku River Tlingit First Nation, and the Long Plain First Nation (Wherrett, 1999). The Stellat’en’s proposed governance structure has delegated the responsibility of designing a constitution to the legislative arm. They are aware of the need for this instrument as it empowers the new state to define how they will make community decisions, choose their leaders and manage their resources. They are determined to ensure an organized system of governance that makes laws, delivers programs, administers justice, and networks with other governments.

Justification and Compatibility for integrating Stellaquo traditional laws and Canadian laws

Quinn (2006) reminds us that the integration of customary laws and western legal systems proposed by the Stellaquo is not a new practice, since current legal systems are an integration of western and traditional customary laws. Quinn stresses the fact that current legal systems are simply “neo-traditional” institutions modeled on ideologies of old customary institutions, with changes made to make them relevant to contemporary circumstances (2006, pp. 2-9). Aboriginal peoples around the world, including native communities in North America and across Africa, and many other continents as well, have developed and used a variety of instruments to resolve problems and conflicts (Quinn, 2006). Though communities use different forms of customary mechanisms to deal with conflict, Quinn (2006, 38) Traditional territories described by Brian Thom (2000) are portions of land First Nations have lived on before contact with European settlers. These boundaries are represented in maps, which are used in land claims during treaty negotiation with the states.
pp.1-19) cited that they have commonalities because they "draw upon traditional customs and ideas in the administration of justice in modern times". While in some instances, especially in Canada, these kinds of traditions have disappeared or been subsumed by the Western model of retributive justice, in other places they are still an active part of community life. An example is the Navajo, whose traditional courts adjudicate over disputes for First Nations as well as non-First Nations living in their jurisdiction (Jorgensen, 2007; Cornell & Katt, 1992).

The Stellat'en’s aim is to formalize these two legal mechanisms (i.e. Stellaquo customary and Canadian contemporary law) through the unique representation of Stellaquo members of the bar. They intend their proceedings to be regularized and carried out according to pre-arranged and codified rules that combine Stellaquo laws and western Canadian laws (Quinn, 2006). In ensuring the credibility of the courts, Stellaquo have indicated the need to include other First Nations within the CSTC in the codification of laws for the management of resources, particularly neighbouring First Nations, with whom they share vested interests in territorial boundary overlaps.

**Challenges for the integration of Stellaquo traditional laws and Canadian laws**

One major challenge for this proposed new system of justice is its workability and integration into the current Canadian legal and judicial landscape. Both Aboriginal and Canadian laws are different in their processes of litigation and dispensation. The Aboriginal concept of law is based on healing, attribution, and reconciliation, while the Canadian system is structured on the principles of an eye-for-an-eye or retributive justice, centered on an adversarial system that incorporates incarceration and other forms of punishment.

Also, former proposals that recommended similar changes in the Canadian legal system were given little attention by the government (RCAP, 1997; Parliament of Canada -Pender Report, n.d). After fifteen years of such proposals, the Canadian legal situation remains unchanged. The question therefore is: 'how prepared is Canada's legal system to recognize and integrate the Stellaquo's model of legal jurisprudence?’ One scholar supports the resistance of the Canadian legal system to accommodate changes proposed by past commissions. He argues that allowing
First Nations to create separate forms of justice would be identical to apartheid, profoundly dividing Canadian society (Rafoss, 2005). His argument is based on the effect such legal systems will have on non-First Nations within territories claimed by First Nations. He indicates that it will forcefully subject non-First Nations to laws and customs that are not familiar. On the contrary, the Stellat’en claims that an internal legal and judicial system will not demand separation from the Canadian legal system. Their insistence on the recognition and integration of their cultural, historical, and traditional values into the judicial and legislative organ of their governance is based on the universal desire to be governed by one’s own laws, established by one’s own culture, that hold true for all distinctive legal traditions. This claim is supported by many scholars (Jorgensen, 2007; Gluck, et. al., 2007, pp. 55-60; Siar, et. al., 2006; Ribot & Larson, 2005; Kaufman, Roberge, Fulton et. al., 2003; Gladu & Bombay, 2002).

During the interview period, I was curious to understand the relationship the Stellaquo intended to assume with non-First Nations during the implementation of their new governance. Many responses pointed to a relationship based on mutual respect for one another’s culture and value systems. By ensuring this duality in cultural space, they summon an integration of the two legal systems. However, new forms of adjudication and jurisprudence present possible difficulties in any attempt to integrate the Euro-Canadian cultural worldview into that of the Stellaquo. One reason is because both cultures share different value systems that will require each to be diligent throughout the adaptation and integration phases, particularly during the initial periods of the new government. Each entity needs to be diligent in making sure their intentions to accommodate one another are genuine, and in the interest of effective and sustainable community integration. Consequently, the effectiveness and success of the judiciary will depend on their impartiality, rigidity, and non-partisan approach, as they dispense justice to both First Nations and non-First Nations offenders.

It is worth noting also that the adjustments the Stellaquo will need to make ensure the laws represent contemporary legalities rather than focusing it entirely on old codes of conduct. Finding a fine line between punishment and reconciliation will
be necessary. Thus, it will require the utmost careful attention to maintain a balance between how judicial functions worked in the traditional system and how they will operate in the new government.

Another issue of concern is the enforcement mechanism of these sets of laws. While Stellaqua's legislative and judiciary arms are expected to make and adjudicate laws, the enforcement of these laws that arise from verdicts or decisions in the Stellaqua's "brave new world" will demand a separate arm of government, which at present has not been mentioned in the proposed governance structure. Questions such as: will Stellaqua require the services of the Royal Canadian Mounted Police (RCMP)?, or are they going to establish a separate enforcing unit in the manner of Navajo peacekeepers in the United States? are critical, not only for the survival of the new legislative and judicial systems, but for the sustainability of the government as a whole.

As the Stellaqua seek to establish their own rules of operations in their constitutions, they need to be aware that making rules is not enough to ensure the effectiveness of a government. It will be necessary to implement these rules in a consistent and effective manner if the government is to survive the challenges of intruders, who will invariably attempt to disintegrate their hard won sovereignty (Kaufman et. al., 2003; Brubaccher, et. al., 2002).

iii. Mutual respect, trust and power relations

Granting sovereignty and rights to a subordinated group of people requires trust, fairness, and a potential alliance between the state and the Stellaqua, if their co-governance or tripartite governance model is to succeed. For centuries, these two parties have lived with mistrust and a lack of confidence in one another. Many agreements have been broken; isolationist approaches undertaken, litigations and protests mounted, and the respect for one another's value systems discredited. In the effort to build new relationships among the Stellaqua and the federal and provincial governments, both parties should consider such parameters as effective communication, collaborative economic development, and shared benefits from resource extraction and revenues. They should consider the following:
i. The need to invest in understanding and respecting differences in ethnological perceptions, such as histories, cultural diversity, and complex differences in philosophical views and value systems. Such intentions by the state to understand First Nations ethnologies should encourage a revision of school curriculums, both at the grade school and secondary levels, as well as in the general pedagogy. Many scholars believe that the courses teaching the histories and cultures of First Nations are biased, portraying First Nations as savages, rather than a people with structured social systems.

Courses and pedagogy in Social Studies, and related courses such as Geography and History, in schools have some elements of bias in their portrayal of First Nations (Orlowski & Menzies 2005, pp. 65-70). Most Stellat'en school-going youth supported this claim, stressing that they feel a low self-esteem portrayed by the contents of these courses especially when topics that portray their identities as savages and barbaric are taught. In describing the biases these curricula bear, Orlowski and Menzies (2005, pp. 66-76) state,

...Social Studies and History text books read by British Columbia students remain locked in a colonialist discourse of European arrival... the representation of First Nations people in social studies curricula has served to maintain the notions of white supremacy and racial hierarchies... Indigenous peoples are rarely presented as actors in their own right... The first social studies curriculum in BC, published in 1941, used omission as a hegemonic device....The subsequent curriculum, published in 1949, was an even stronger indicator that the old racial hierarchies were still influential in the social studies classrooms of BC. .. The most recent high school social studies curricula (1997), called Integrated Resource Packages in BC (IRPs), is a vast improvement over earlier versions... Despite the improved representation in the 1997 IRPs, almost all of the Prescribed Learning Outcomes (PLOs) continue to treat Indigenous peoples ...as part of the distant past rather than as contributors to the Canadian nation-building project... [the image of the]"noble savage" portrayed in some of the PLOs gives way to the subsequent image of "Native as victim" in other PLOs. As educators and researchers we feel confident in asserting that this second image is at least as damaging to the self-esteem of the youth of First Nations ancestry as the first.

Judging from these scholars' research, it seems eminently clear that the values of trust, genuine mutual respect, and power relations between the state and Aboriginal peoples needs to expand beyond the political and economic spectrum, to a knowledge-based domain at the national level, through curricular and pedagogical reviews. Another practical approach to understanding one another's ethnological perspectives would be through information and training workshops.
Doubt and mistrust between the Stellaquo and the governments were evident in my research. In both workshops and interviews, the Stellaquo expressed their concerns about trusting the federal and provincial governments to uphold to its constitutional obligations in matters of rights as delineated in section 35 of the 1982 Constitution. On the other hand, some of the government officials interviewed indicated doubts about the Stellaquo and other Aboriginal Peoples’ abilities to effectively manage forestland and resources through a devolved governance approach. They stress that the Stellaquo lack the capacity and required governance institutions, which are major hindrances in affecting a complete devolution and jurisdiction of forestland and resources to Aboriginal Peoples. Handing over all the resources within their territories is questionable, and where feasible, would require a long time. Though they did not give clear reasons, it is understandable however, that white colonists who now occupy what was once all Aboriginal Territory, are understandably reluctant to give up much of the land base they feel they won by conquering – and that ‘one can’t turn the clock back or reverse the past; or rewrite history, which, of course, isn’t entirely true.’ This suggests therefore that a staged process is needed, for both sides to build the trust that is needed. Both trust and capacity building, on all sides, will take time and planning to accomplish.

4.6.2 Step B. Institutionalization of Stellat’en self-governance

Building better and more sustainable self-government institutions, administrative structures, and other organizations for Aboriginal Peoples, depends entirely on strategic capacity building. Capacity building will foster productive economic development initiatives that are culturally oriented toward First Nations (Newhouse & Belanger, 2001; Tennant, 1984). Strategic capacity building involves a long term skills transfer process, in which the new Stellaquo government (the Chief and Council, their staff, Clan leaders, and legislative members, for example), as well as members of the community, improve in the performance of their designated

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39 The United Nations defines capacity building as "the process by which individuals, organizations, institutions and societies develop abilities (individually and collectively) to perform functions, solve problems, and set and achieve objectives" (http://www.capacity.undp.org/). It is an approach that builds independence by increasing competencies.
functions, in a sustainable way. Devolving the governance of forestland and resources to the Stellaquo should be attended with adequate programs for institutional and individual skills development.

Devolution must be seen as involving more than a simple transfer of power; it should involve capacity development on both the institutional and individual levels needed for the new Stellaquo government to effectively meet domestic, regional, and also international competition in the global economy. Glück et. al., (2007) and United Nations Development Program (UNDP, 2006) surmised the benefits of institutional development through capacity building and training as follows:

i. capacity building and development decolonize state regimes worldwide by restoring Aboriginal people’s dignity and sovereignty, which combats the poverty that is prevalent on reservations.

ii. it pledges to increase the volume of control exercised by Aboriginal Peoples’ governance over their territories and resources as it seeks to improve their ability to negotiate with the state and other stakeholders.

iii. equips First Nations new governments to manage internal operations, oversee and effectively utilize revenue and other funds for human development.

Emerging Aboriginal governance institutions have placed value for the needs for capacity development that indicates their urgency to foster independence, balanced and sustainable growth. It must be emphasized that the institutional capacity development of a new government fosters a competitive advantage (UNDP, 2006). Having a competitive advantage in its quality of human resources, upholding of human rights and the rule of law, production of goods and services, supply chain distribution, and research and development are all substantial elements that are needed for sustaining Aboriginal Peoples’ economy as well as keeping the organs of new governments functioning. The development of Aboriginal governments’ capacities should also be considered an ongoing endogenous rather than spontaneous process, structured to strengthen, adapt, and maintain capacity over time, in response to emerging opportunities and challenges. Particular attention should be paid to the development of skills for the different arms of the government: incentive systems, education and learning opportunities, leadership and
management measures, and investments that work in harmony with Aboriginal Peoples' need to deliver a progressive development agenda over the long term. Table 3 shows the particular areas of capacity building the Stellaquo are interested in for the development of their government and community.
### Table 4.3: Capacity development needs for Stellaquo proposed self-government.

<table>
<thead>
<tr>
<th>COMPONENTS</th>
<th>SKILLS NEEDED</th>
<th>OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Apprenticeship</strong></td>
<td>• Machinists, • Electricians, • Plumbers, • Silviculturists</td>
<td>• Meeting qualified middle level workforce</td>
</tr>
</tbody>
</table>
| **Professional Development**       | • Biologists, • Foresters, • Environmental officers, • Business professionals, • Registered Forestry Professionals(RPFs), • Lawyers | • Providing specialized experts needed for the management of forestland and resources.  
• Increasing the leadership skills of departmental staff.  
• Reducing the number of non-First Nations currently contracted to carry out these specializes skills. |
| **Administration**                 | • Staff recruitment, • Management/entrepreneurial and Leadership skills.     | Human resource development:                                               |
| **Economic Development**           | • Large land base (more than the 5% treaty size), • Establishing Stellaquo home-based industries, privately owned or jointly managed, • Creating a marketing structure for product sales, • Accounting and budgeting skills development, • Business plan development. | Constant revenue flow from different sources identified by Stellaquo, such as:  
Tree nursery; Farming/ranching; Tourism; Logging; Hydro-energy; Milling; Fishery; Hunting guide; Trap lines; Botanical harvest; Carbon credits; Ecosystem services; Sub-surface mining. |
| **Ecosystem Monitoring and Evaluation** | • Geographic Positioning System, • Community Geographic Information Systems need assessments and management; • Development and management of cultural and traditional data, • Community-based bioregional mapping, • Ecosystem management and land zoning. | Integrating traditional knowledge and Scientific studies through research and development.  
Helping to develop appropriate skills and attitudes, as well as methodologies, to support dialogue processes among stakeholder groups.  
Equipping Stellaquo to effectively engage in multi-stakeholder dialogue:  
i. To build and manage partnerships  
ii. To foster an enabling environment for civil society and the private sector  
Formulate Policy and Strategy:  
i. To set objectives and appropriate policies for resource management  
iii. To develop strategies and generate action plans  
Analyze Situation and Create a Vision:  
i. To gather information and conduct diagnostic analyses |

Source: Interview and workshop responses 2006 and 2007
4.6.2.1 Structures needed to address Stellaquo's capacity development needs in Table 4.3.

The Stellaquo has identified elaborate capacity development needs that require resources such as an extensive time frame; availability or access to adequate infrastructure, material and equipment; specialized human personnel and financial commitment. For a small nation with 400 members, a current small resource base and absence of skilled personnel, achieving this ambitious goal would be fictitious if the required support is not provided. However, one should commend them for clearly articulating their intentions.

One important first step the Stellaquo has taken involves not only identify the need for institutional development and skills training areas, but also the expected outcomes for each category of skills (See table 4.3). This demonstrates a visionary approach to planning. The next step will require working towards acquiring the skills needed for the different capacity development areas identified.

For the Stellaquo to achieve these capacity development goals, a systematic process is needed, as illustrated in Fig. 4.5. It will require them to obtain external support from the state (federal provincial and municipal governments) and other sources, such as universities and non-governmental organizations, to orchestrate the required skill transfer mechanisms. In analyzing the status of Native communities' governments in the United States, Jorgensen (2007) indicates that most communities lack the required expertise to handle complex service delivery operations, such as planning and budgeting, policy development, human resources management, and the ability to effectively manage the businesses they own. This situation has led to many spending huge sums of money to contract non-natives to fill the gaps. While some native governments, such as the Navajo Indian Government and the Confederated Salish and Kootenai of the Flathead Indian Reservation in Montana, have advanced their institutional development by establishing schools and universities to provide graduates and skilled professionals, others are still struggling to meet this challenge. For the Stellaquo, following this approach will be a long term goal. However, the Stellaquo in demonstrating their willingness to meet the capacity development needs of their community, are
currently partnering with Caledonia College. In this partnership, the college currently provides training in Resident Health Care skills to 20 students. Classes are conducted every Friday in the reserve. This demonstrates the right direction that should be expended to other fields of study, as the Stellaquo partners with the state, universities, non-profit organizations and other entities.

Partnering or twinning with new governments for institutional capacity development is not new to the Canadian federal and provincial governments (Sutherland, 1999, pp.15-40). In 1998, a group of experts were contracted by the federal government through international developmental organizations such as the Canadian International Development Agency (CIDA) and International Development Research Centre (IDRC) to help the new South African government of Nelson Mandela in effecting the transition to democracy by establishing democratic institutions of government. The mission, which had a budget of two million dollars, was named “The South Africa–Canada Program on Governance” (PoG). Through the PoG, Canadian civil-service practitioners from different provinces, such as British Columbia, Alberta, Saskatchewan, New Brunswick, and Ontario, imparted practical management assistance to their counterparts in the South African civil service. This twinning approach could be pursued by the Stellaquo, other Aboriginal communities, and the state as one means of enhancing the institutional capacity development of new First Nations’ governments.

As was the case in South Africa, the Stellaquo should take a process approach, in which all stakeholders across diverse sectors identify valid and effective solutions to the problem of capacity void, so as to promote an integrated development (Sutherland, 1999, pp.22-40). The bottom-up ‘government knows it all’ approach, normally characterized by state domination should be avoided. Through its twining agencies by either experts from different Ministries, Universities, Colleges, IDRC, CIDA or other organizations, the state should be cognizant that no one understands the problems better and therefore has the best chance of finding the solutions, than the Stellaquo people, whose identification of the skill sets and goals for each category (as shown in Table 4.3), has allowed them to see the direction to be taken. Assisting them in this end requires twinning partners to identify and build
on Stellaquo’s current skills. As facilitators, Ministries, Universities, Colleges, or non-governmental organizations, partners are expected not to dictate or impose, but rather create an environment in which the Stellaquo Nation, as a client and partner, manages the process of change at all stages of the implementation process, as demonstrated in Figure 4.4. Twinning programs can take the form of:

i. **Formal university training** to develop the skills to go into professions, such as Biologists, Foresters, Environmental officers, Business professionals and Registered Forestry Professionals. Current low high school graduation and high rate of school drop-out are impediment to meeting this goal. Stellaquo would therefore need to promote high school graduation that will ensure that graduates are accepted in universities to pursue courses that prepare them for these professions.

ii. **Workshops and demonstrations of hands-on-tools** for geographic positioning systems, geographic information systems, needs assessments and development and management of cultural and traditional-use data; community-based bio-regional mapping; ecosystem management and land zoning. Organizations such as EcoCanada, Duck international and World Life Fund have a long history of working with Indigenous communities by providing them the required skills, training and equipment to carry out these tasks. The Stellaquo should pursue this collaboration.

iii). **On-the-job training or short training programs** for apprenticeship in such skills as plumbing, mechanics, and silviculture. Training may also take the form of Ministry staff conducting networking and exchange visits, and the development of resource materials.
Figure 4.4. Steps to implementing Steilaquo's Institutional and individual Capacity development needs. Source: Adopted from UNDP Bureau for Development Policy. www.capacity.undp.org.
The following six steps briefly explain the capacity development implementation process shown in Figure 4.4 above.

Table 4.4. Brief implementation outline: Stellaquo's institutional capacity development initiative.

<table>
<thead>
<tr>
<th>Step 1: Engaging Partners, Building a Consensus and Mapping</th>
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<tbody>
<tr>
<td>• Identify all relevant stakeholders and engage them in the capacity development process.</td>
</tr>
<tr>
<td>• Support local dialogue processes that focus on the agreed CD framework.</td>
</tr>
<tr>
<td>• Build consensus through negotiation and dialogue; stress the how, the what, and who does what.</td>
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<tr>
<td>• Identify learning institutions both inside and outside of the municipality for professional development training.</td>
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<tr>
<th>Step 2: Assess Capacity Assets and Needs</th>
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<tbody>
<tr>
<td>• Identify the available skills, including those of professionals or experts within the Stellaquo community and note which skills are missing.</td>
</tr>
<tr>
<td>• Budgeting for the capacity assessment exercise (based on team composition, duration, needs, and resources).</td>
</tr>
<tr>
<td>• Conduct capacity assessment by defining desired capacities and capacity levels, articulate questions to understand existing capacity assets and assess each capacity level.</td>
</tr>
<tr>
<td>• Summarize and interpret capacity assessment results.</td>
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<thead>
<tr>
<th>Step 3: Define Capacity Development Strategies</th>
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<tbody>
<tr>
<td>• Define capacity development strategies and find the required data and analysis that supports them.</td>
</tr>
<tr>
<td>• Define progress indicators for capacity development strategies and capacity Development.</td>
</tr>
<tr>
<td>• Cost capacity development strategies and capacity development.</td>
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<table>
<thead>
<tr>
<th>Step 4: Implement Capacity Development Strategies</th>
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<tbody>
<tr>
<td>• Set up national and local programs and advisory teams that will guide and manage application of strategies.</td>
</tr>
<tr>
<td>• Take the lead in building institutions and networks of service delivery agents to perform their functions.</td>
</tr>
<tr>
<td>• Introduce techniques for efficient financial project management, as well as leadership and change management.</td>
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<tr>
<th>Step 5: Monitor &amp; Evaluate Capacity Development Strategies</th>
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<tbody>
<tr>
<td>• Conduct short-term monitoring based on the agreed CD progress indicators.</td>
</tr>
<tr>
<td>• Ensure results feed into results-based management systems.</td>
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<tr>
<td>• Conduct impact evaluations of the capacity development program.</td>
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<tr>
<th>Step 6: Closure and Certification</th>
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<tbody>
<tr>
<td>• Formal phasing out of any skill set acquisition program.</td>
</tr>
<tr>
<td>• Presentation of awards and certificate to graduates for in-service apprenticeship skills Training.</td>
</tr>
<tr>
<td>• Report writing and documentation.</td>
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</tbody>
</table>

Source: Adopted from UNDP Bureau for Development Policy. www.capacity.undp.org
4.6.2 Step C. Co-governance! tripartite Government-to-government and Multi-stakeholder relationship

The Stellaquo's demand for co-governance or tripartite government with the state and other stakeholders reflects their genuine commitment to relationship building for the governance of forestland and resources within their traditional territory. The Stellaquo are mainly concerned with how governments and other social organizations interact, how they relate to citizens, and how decisions are taken in an increasingly complex world. Cognizant that networking with the state and stakeholders is crucial for the survival of their proposed government and co-governance relationships, I decided to expand on the following factors that were identified in the workshops and interviews, as suggestions for how co-governance with the state could play a role in the implementation of the devolution of forestland and resources governance to the Stellaquo and other First Nations in B.C.

i. Overlapping interests and relationships

In the proposed Stellaquo governance model, the federal and provincial governments comprise units of the tripartite government, while neighboring First Nations communities, industry, and non-First Nations become partners in a multi-stakeholder or neighborhood relationship. All of these parties possess varied interests in the forestland and resources in the Stellaquo's traditional territory. There is currently an overlap in the way these parties are involved, corresponding to their interest in extracting resources in the territory. Through jurisdictional rights, the state considers itself sole custodian of the lands and resources in the traditional territory, while the Stellaquo claim ownership through their pre-contact existence. Other First Nations, such as the Nadleh Whut'en and Burns Lake First Nations, have identified land and resources overlaps in the three communities' territories identified for land claims (Brown 2002; Thom, 2001; Cassidy, 1992). One therefore assumes that this is why, in defining their level of authority (as shown in Table 3.6 of the paper, "Empirical analysis of forest management in British Columbia: the Stellat'en First Nations' proposal for policy reforms"), the Stellaquo have indicated their willingness to consult with other First Nations regarding making and implementing forest management decisions, designing a new administrative/governance structure for forests in the traditional territory, designing new forest tenure, making decisions
about the future condition of the forest, determining who has tenure or access to resources within the traditional territory, and devising and enforcing forest management laws.

For this relationship to be effective, the Stellaquo and neighboring First Nations would need to codify laws or principles of operation that would identify the joint supervision and governance of resources in the overlapping areas within the three territories. There are currently plans underway for the Nadleh Whut'en and the Stellaquo to handle their disputed overlapped territories. Coupled with the indefatigable efforts of elders, the three communities would have to employ various conflict resolution and negotiation processes and, with the help of the current governing authorities, identify those areas that need joint management and supervision. Any joint governance of these resources would require putting together a code of operations and a steering or governing committee.

Concerning their relationship with industries, the analyses based on 4.5.2.1 show that the Stellaquo desire a higher level of authority in the governance of forestland and resources in their traditional territory. In addition to demanding profit sharing with industries from extraction of resources, they intend to regulate the operations of industries within Stellat'en traditional territory. Whether this will involve a business partnership in the form of joint ventures is something that requires further study.

Non-First Nations residing in the claimed territory possess their own interests, too. Most have lived in this territory for decades and have acquired properties and established businesses that need to be protected. Devolution of authority to the Stellaquo should not be seen as a threat to non-Aboriginal Peoples. On the contrary, an effective way of integrating non-Aboriginal Peoples into the new Stellaquo governance system is to delegate some civic responsibilities to them in the form of getting them involved in management committees, and allowing them to participate in community and public forums where decision making takes place.

Under the Stellaquo proposed governance model, these units of relationships: federal and provincial governments; Neighboring First Nations;
industries; non-First Nations; and the Stellaquo, need to co-exist with one another as they explore the processes of how to shape their interests and relationships in their mutual aspiration for the available resources within the Stellaquo territory.

ii. Management of resources.

The Stellaquo are expecting a co-jurisdictional management of forestland and resources with the three levels of government in a co-governance or tripartite regime. In effecting this, they have proposed a co-governance board to serve as a platform for discussing management proposals through effective participatory processes, such as consultation, negotiation, and accommodation, with the state as well as stakeholders (non-First Nations, industries, and neighboring First Nations). Scholars such as Carlson and Berkes (2005), Edmunds and Wollenberg (2004) and Trosper, (2002; 1998) have also identified how similar participatory processes have shaped multiple stakeholder relationships in resource management. As a nation with sovereign rights over their traditional jurisdiction/lands, they plan to regulate the operations and interests of the different parties interested in extracting resources in their claimed territory (NAFA & IOG, 2002). Therefore, parties expecting to start any resource extraction are expected to present a proposal, as a statement of intent, requesting consent from the community through the co-governance board.

Meaningful community engagement is central to any discussion of how business contributes to poverty reduction and sustainable development. Proponents of corporate social responsibility⁴⁰ claim that businesses can most effectively contribute to socio-economic development by seeking input and gaining the consent of the project-impacted communities (Wright & Lehr, 2006; Zadek & Radovich, 2006). The practice of free, prior and informed consent provides a standard of engagement that respects human rights, and which is therefore most likely to result in satisfactory agreements between businesses and impacted communities. As each

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⁴⁰ Corporate Social Responsibility (CSR) is a concept which encourages organizations to consider the interests of society by taking responsibility for the impact of the organization’s activities on customers, employees, shareholders, communities, and the environment in all aspects of its operations. This obligation is seen to extend beyond the statutory obligation to comply with legislation and sees organizations voluntarily taking further steps to improve the quality of life for employees and their families, as well as for the local community and society at large (wikipedia online encyclopedia. www.en.wikipedia.org/wiki/Corporate)
proposal will be fully discussed, in consultation with the Clan leaders, Chief and Band councilors, the Stellaquo's citizenry's participation is expected to increase. Suggestions or decisions obtained in these community consultations are expected to be presented to the legislature and judiciary to prepare a contract or memorandum of understanding. These binding documents are further discussed at the co-governance board in order to arrive at a conclusive framework of agreement before any activity commences.

In this case, the state, according to Stellaquo's proposed governance structure, become supervisors, entrusting or devolving authority to the Stellaquo to govern resource extraction through a constructive program planning and implementation approach, that has no governmental infringements (Natcher & Davis, 2007; Ribot & Larson, 2005; Spaeder & Feit, 2005; Edmunds & Wollenberg, 2004). To be effective, the state, as a facet of the tripartite government, should undertake a supervisory and technical responsibility in its relationship with the Stellaquo. Technically, the state is obligated to work with the Stellaquo to design a forest management code of practice that will be consistent with Stellaquo values and the Forest Practices Act. This will assist the Stellaquo in designing policies and program agreements with intended partners that contain consistent ecosystem-based management, monitoring for sustainable forest management practices, and the protection of forestland and resources for future generations (Lee-Johnson, 2006, pp. 1-38; Drever, 2000).

In facilitating an effective management regime, the state according to the Stellaquo should entrust Stellaquo with the following:

a. The Stellaquo government should have veto power in deciding who has rights to forestland and resources in their territory.

b. Establish traditionally adaptable laws for forestland and resources management that are in agreement with the federal and provincial laws.

c. Skills training relevant to the management of forestland and resources.
iii. Revenue sharing and payment of royalties.

During the workshops and interviews, the Stellaco emphatically stated the need for profit sharing with governments and payment of royalties by industries. They view this as a mutual social responsibility that will create sustainable revenue for their new government. Apart from being socially responsible, revenue sharing and payment of royalties are also considered a human rights responsibility of companies and the state, as the Stellaco are expected to bear the environmental effects of any impact caused by resource extraction activities.

State-community revenue sharing is not new. Natural resources funds (NRF) established in Canada have generally been used for two purposes: for budgetary reasons; and for development purposes. The direct awarding of revenue to local communities impacted by resources extraction is limited. This approach seems minimally practiced in Canada, and particularly in the relationship between the state and Aboriginal communities. A prominent example in Canada is the James Bay Cree royalty agreement with the Hydro Electricity Company (Scott, 2003). Revenue sharing in Canada with First Nations is mostly a one-off payment that is resolved through land claims (Peeling, 2005; McKee, 2000). The Stellaco consider this approach of shared revenue as completely insufficient and a gross violation of their rights to equitable wealth distribution (Peeling, 2004) because, while revenue from resources extracted from their community is used for national and provincial development programs on the rationale of meeting the needs of the general populace, the Stellaco’s living standard continues to be low and their communities left underdeveloped.

The Stellaco’s claim for revenue sharing with the governments is premised on the notion that as a nation about to have its own government, they have a commitment to meeting the needs of their citizenry, which will require a regular stream of revenue.
Revenue sharing categories and management operations

The Stellaquo have identified the following sources of revenue for their new government:

i. Rights to sub-surface resources.

ii. Acquiring substantial fishing quotas.

iii. Stumpage fees. They expect to receive a percentage of stumpage revenue collected by the province from logging within their territory.

iv. Taxes: Pay and collect sales, income, and property taxes. As a government, they intend to manage taxes in their jurisdiction. Individuals residing in their territory (Stellaquo, non-First Nations, and visitors) would have to pay these categories of taxes. A revenue management team would be responsible to collect and apportion the taxes with a percentage remitted to both the federal and provincial governments. The ratio of the share would have to be decided by the three parties.

Both auditing and revenue management sector staff would be hired by the Chief and Councilors and presented to the judiciary and legislative arm of the government for approval (see 4.5.2.3 and 4.5.2.4). The percentage of tax revenue that goes to the Stellaquo would be deposited into the government’s account and used by the government in approved programs. As stated in 4.5.2.3, the Chief and Band Councilors shall be responsible to prepare periodic budgets and submit them to the judicial and legislative arm, who shall be in consultation with clan leaders and the community, for approval.

4.7 CHALLENGES

Implementing a co-governance or tripartite governance has major requirements and possible negative outcomes, which need to be adequately addressed if the proposed model of governance is to come to fruition.

i. Financial resources are needed to effectively operate the different arms of government. Stellaquo have indicated that current sources of revenue are mainly grants given by the state to run social programs. There is the need for an adequate flow of cash to operate such a complex model of government.

ii. There are a host of social problems within the Stellaquo community that need to be addressed. Efforts must be made to address these internal problems in order
to create a stable functional society in which this proposed government can be realized.

iii. A present lack of trust exists between the Stellaquo and the state, which will affect their intentions in pursuing these reform processes. Trust is a key element in ensuring a healthy relationship with the states.

The Stellaquo made little mention of their commitment to stay with the Carrier Sekani Tribal Council (CSTC). Much of their vision for self-government was centered on an internal structure and state relationship. However, there is evidence of overlapping territorial boundaries with other First Nations and the existence of the CSTC which the federal and provincial governments recognize as the negotiating body for land claims and treaty negotiations for the eight First Nations tribes that comprise this body. Therefore, considering what forms their involvement in the CSTC will take closely depends on the success of their proposed model of governance, especially when the pre-contact governance probably involved their immediate neighbors in the feasting system.

iv. The youth proposal for an active involvement comparable to the Band Councillors role is still not clear. This area needs further deliberation.

v. Another challenge is the integration of value systems between Stellaquo and non-First Nations living in their territory. Stellaquo should be prepared to strike the balance between a Canadian individualistic approach versus a First Nations collective and communal practices and view of life in general, and resource management specifically. (Diamond Management Consulting Inc., n.d, p. 4). In addition, combining Aboriginal value systems and those of Canadian will pose similar challenges.

vi. Is there willingness on the part of the federal and provincial governments to significantly devolve governing power over forestland and resources as proposed in the Stellaquo governance model? Will the state be ready to relinquish such significant power and play a partnership role in a co-governance board? Is revenue sharing possible, particularly in the areas suggested by the Stellaquo? If not, how will the new government be financially sustainable, if they do not command a readily available source of revenue? These are sensitive questions that hinge on the success or failure of the Stellaquo governance model.

vii. Meeting the institutional capacity development needs of the proposed government is pertinent to the functionality and success of this model, particularly for Stellaquo where the current skill sets needed to operate the government are conspicuously lacking.
4.7.1 Lessons for the Stellaquo

This research provides Stellaquo, especially its older members, an opportunity to reflect on Aboriginal governance before European contact. It also provides its younger members time to understand the hereditary and clan governance structure. Through this reflection and learning process, the Stellaquo community has identified a model they intend to implement for their self-government. The Stellaquo in designing a self-governance model has discovered some difficulties they will have to overcome in relating with the state, other First Nations and industries. The Stellaquo are cognizant that the current self-governance model (Figure 4.2), is an ambitious proposal that requires its member's careful examination, especially a closer look at the youth's youth council proposal and Zaa Louie's suggested amendments. Findings from this research will help the Stellaquo to re-modify the current model until they come up with a final structure.

4.8 CONCLUSION

The aspirations of the Stellaquo to undertake self-governance of their forestland and resources within their traditional territory have led to several conclusions. To start, similar self-governance processes currently undertaken by First Nations governments in British Columbia and those proposed by the Stellaquo indicate that reconciliation between Aboriginal Peoples and the state is possible through the integration of indigenous governance systems and elements of contemporary Canadian systems of government. These new regimes are designing a holistic governmental apparatus similar to the state's, which reflects the emergence of legislatures, written constitutions, judicial systems, and administrative institutions. These designs are calling on a tripartite government-to-government relationship. Compared to older models established through the federal government's ideas of co-existence and co-management as in the case of Nisga'a, Yukon Territory, which provided low level of authority in resource management. The new models of governance are debating power relations (rights, sovereignty, and jurisdiction) with the federal and provincial governments, which advocate major policy changes that require the state to devolve authority and administrative
responsibility directly to local levels. This new power relationship demonstrates Aboriginal Peoples' desire for a new kind of assimilation, constructed in mutual respect for cultural value systems and the recognition of geo-political jurisdiction. An understanding of each party's cultural differences and working towards mutual respect for one another's geo-political jurisdiction and jurisprudence is fundamental in relationship building. As to the state and non-First Nations, it will require them to learn the value systems of Aboriginal Peoples through workshops, language transfer skills, and diversification of school curricula to incorporate the Aboriginal Peoples' contribution to national development, and traditional cultural knowledge and histories that will help to change the current perspectives of Canadians about First Nations.

First Nations continue to need real and sustained opportunities to define, shape, and constitute their own forms of government according to their aspirations, whether for traditional, modified, or contemporary forms of government. The process of developing and reforming these governments must be realized according to First Nations-defined plans, priorities, and processes, and be sustainable over a sufficient period of time to achieve a constitutionally defined mechanism of devolving authority.

To conjure what forms these new kinds of governments will take, governments that integrate dual political value systems (elements of the western approach and First Nations traditional governance) and to research how they will be constructed and implemented is interesting. Future studies will reveal their strengths and weaknesses to the Aboriginal Peoples, state, and other stakeholders.
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CHAPTER 5
DISCUSSION, RECOMMENDATION AND CONCLUSION

5.0 INTRODUCTION

This section closely analyzes findings of the chapters 1-4, establishing any relationship among themes in the chapters. Weaknesses and strengths of the Stellaquo proposed model of self-governance is also discussed, providing some suggestions to the Stellaquo for further deliberation as they work towards a final structure ideal to their new government. Recommendations are suggested to: the federal and provincial governments and policy makers; the Stellaquo and Aboriginal Peoples of BC, and the University of British Columbia researchers working with First Nation communities. Suggestions for future research are also made in this section.

5.1 DISCUSSION

Results from this study with Stellaquo indicates that recognizing Aboriginal People’s sovereignty and rights in the governance of forestland and resources will call for federal and provincial governments to decentralize their administration and devolve jurisdictional rights to First Nations for their self-governments. Such shift in governance will catalyze a mutual relationship between federal and provincial governments, and Aboriginal governments that will facilitate sustainable governance of forestland and resources, with each party recognizing and respecting each other’s geo-political jurisdiction. Mutual relationship is important as it will help to heal governments and Aboriginal Peoples’ protracted difference centered on forestland and resources.

It is well-established that Indigenous peoples are closest to forestland resources, but benefit the least from them. Analyzing this statement at the international level could be justified partly due to policies aiming at conserving resources in the form of parks (White & Martin, 2002). In Canada, however, Aboriginal Peoples have been uprooted from their lands and communities as a result of colonial economic development operations and continue to face discriminatory government policies such as tenure systems, government-structured treaty
processes and the *Indian Act*. Despite some progress in BC's policies over the last decade, which accorded Aboriginal Peoples some forms of inclusion in the forest sector, and increased welfare support, Indigenous peoples in British Columbia and Canada continue to live a low standard of life compared to settlers (United Nations Universal human rights index report, 2006). This is attributed to the persistent failure on the part of governments to recognize and accord them their fundamental sovereign rights. An evidence of such violation is that Canada's Aboriginal Peoples remain cut off from resources, and their traditional governance, which are vital to their welfare and survival. This situation has left them unable to fully enjoy basic human rights such as the right to housing, cultural rights, rights to self government and right to their traditional forms of livelihoods, at the expense of BC's continuous forms of industrial approaches to resource management. Thus First Nations are perpetually faced with domination and disruption of their traditional life from governments, living impoverished and substandard lives and in some instances threats of extinction as a people.

With the disruption of their traditional ways of life, Indigenous communities have experienced a decline in their social and cultural lives, marginalization, and continuous threat of loss of their languages. Though the federal and provincial governments repeatedly acknowledge that Aboriginal Peoples are the most pressing human rights issue facing Canada, governments have repeatedly failed to address the pressing issue of Aboriginal People in a way that will allow them to exercise meaningful control over lands and territories in their geo-political jurisdiction.

Aboriginal Peoples eagerly search for a return to their pre-contact governance systems.

### 5.2 Framework of Steilaquo's self-governance: a paradigm shift in governance

I have attempted to present devolution of authority as a tool designed to de-colonize Aboriginal People, and to establish a process of reconciliation between the colonized and the colonizers. The thesis manuscripts identify that scholars and Aboriginal People have also posited a similar remedy to the protracted problem of
Aboriginal and governments' relationships. An example is the Stellaquo's expression of reconciliation that involves establishing a tripartite relationship with the federal and provincial governments and including neighbouring First Nations, industries and non-First Nations in the management of forestland and resources in their territory. This demonstrates their determination to reconcile with governments, and amicably relate with the different interest groups. It also describes the degree of recognition they are demanding for a geo-political jurisdiction and self-governance over forestland and resources in their traditional territories. This proposal is a paradigm shift from the current governance approach, which is selective, providing preference to industries, while excluding First Nations. Findings of this study recommend co-jurisdictional governance that will devolve fiduciary and jurisdictional authority from the federal and provincial governments to Aboriginal Peoples, as an antidote to the colonialization of Aboriginal People.

The global call for decentralization, coupled with devolution for governance of forestland and resources to Aboriginal Peoples, has prompted three key issues; accountability, relationship building, and identification of rights and territorial jurisdiction (Glück, Rayner & Cashore, 2007). Therefore the Stellaquo, in assuming their new self-government's responsibilities are expected to co-govern with the federal and provincial governments, and to integrate their new governments in existing communities with non-First Nations. Judging from this expectation, the survival of tripartite or co-jurisdictional governance for the Stellaquo's new government is dependent on: i). the level of control and ownership the new government exercise in carrying out their new roles and responsibility as a sovereign nation and; ii) the capacity and incentives the government functionaries will posses to deliver measurable results.

i. the level of control and ownership the government exercises. As the federal and provincial governments relinquish roles currently supervised by the Ministry of Indian Affairs through the Indian Act, emerging First Nations governments are expected to assume these roles, with greater efficiency in meeting the needs of their community, as well as complying with the mandates of the agreement they will be signing with the federal and provincial governments. They are expected to
be a responsible and accountable government that exercises ownership and take
time for the policies they would be making. The onus is on the
Stellaqua to diligently formulate productive ways of sustaining the new
relationships they have proposed to establish with stakeholders.

ii. capacity and incentive to deliver results is paramount to determine how ready
First Nations are to govern themselves and their resources. The success of
Stellat'en First Nation's new governments may be measured, over a period of
time, by evaluating indicators such as their performance in program delivery,
maintenance of the rule of law, and how they effectively coordinate their
relationships with governments and stakeholders. Successfully implementing
these benchmarks will also serve as incentives for the professional growth and
development of the government personnel, socio-economic development of the
Stellaqua people, and BC as a whole. To achieve this, the new government and
the community need to acquire skills in strategic planning, policymaking, financial
management and the rule of law. The Stellaqua should not be left in isolation. On
the contrary, the Stellaqua and other First Nations' emerging governments
require structured federal and provincial governments' support in capacity
development such as twinning, but as not limited to those forms, as discussed in
manuscript three, if their governments are to take up roles formerly performed by
governments.

In addition, a key incentive for any government's success is availability of
a source of revenue and skilled government personnel with ability to manage its
sources of revenue. A weak revenue base is a deterrent to progress and a recipe
for a continuum of poverty and sub-standard living for Stellaqua and Aboriginal
Peoples' new governments. For example, making a shift from a poverty stricken
community of peoples to an economically viable one would require Stellaqua to
forge new forms of economic development initiatives that utilize their forestland
and resources and opens access to revenue. However, in order for the Stellaqua
and other First Nations' new governments to efficiently maintain a steady supply
of revenue and actively connect and contribute to BC and the Canadian market
economy, they must secure a productive pool of skilled and experienced human
resource personnel to handle the new roles and challenges the government would confront.

5.3 MANUSCRIPT CHAPTER SUMMARIES

This research project is written in manuscript format, describing the governance of forestland and resources in British Columbia. Stellat’ en First Nation is the case study used to justify the need for implementing devolution and decentralization processes in forestland and resource governance.

The first manuscript in Chapter 2, “Creating a balance in both governance and access to forestlands and resources among users”, is an in-depth literature review that describes what processes are used in creating balance and equity of how different users gain access and rights to forestland and resources. Examples and comparisons are drawn from, and between British Columbia and other countries. The manuscript provides an analysis of existing inequalities in the way rights and access is granted for different users in British Columbia’s forest sector. Devolution combined with decentralization is suggested as a solution to leveraging access and rights to forestland and resource users in British Columbia. The paper notes two major factors in the literature that are forcing governments to relinquish their control, by introducing new reforms that devolve and decentralize the governance of forestland and resources. The role of civil society, non-governmental organizations and social movements according to the literature is a ‘push factor’. These are Advocacy groups demanding good forest governance in the interest of cultivating political sanity, access for different users for economic benefits, social and cultural values, and ideological reasons. The second factor, the ‘pull factor’, generally relates to constitutional reforms that call for administrative, political and structural reformation in governments.

A key conclusion in this paper is that forestland and resources governance should create equitable access to all users. It emphasizes that Aboriginal peoples have capabilities to manage forest and other resources within their traditional territories, and calls on the federal and provincial governments not to hesitate to
devolve authority to First Nations. On the contrary, devolving authority and decentralizing governance of forestland and resources to First Nations should be considered a solution to remedy the protracted problems between First Nations and governments. Another major suggestion this paper presents is the need for the federal and provincial governments and First Nations governments to work amicably by adopting an inclusive, bottom-up, and a participatory approach to forestland and resource governance.

The second manuscript, Chapter 3, "Empirical analysis of forest management in British Columbia: The Stellat'’en First Nations’ proposal for policy reforms", is an analysis of five management approaches used by the BC government and the Ministry of Forests and Range. Using information from a concept map developed during the August 2006 workshop, this paper analyses consultation, accommodation, compensation, revenue sharing, and rights based on how these approaches are used in BC's forest management. The paper illustrates how these five approaches contribute to the success or failure of the province's forest tenure system, and how they contribute to the low participation of the Stellaquo in BC's forest management. Strategic solutions to solving the identified problems, which were proposed by Stellaquo, are presented in this paper. The aim of this paper is to contribute ideas for changes in BC's policy that would address problems identified in this chapter. It is also the Stellaquo's ideas of what they visualize as reform measures needed in the forest sector, particularly during their self-governance era with different actors such as the federal and provincial governments, industries, neighbouring First Nations and non-First Nations. Specifically, the manuscript explored the concept of Aboriginal forest tenure from Stellaquo's perceptive and assessed key directions for tenure reforms that would integrate Aboriginal Peoples' forestland and resources stewardship principles, cultural and traditional values and interests in BC’s forest tenure systems. The manuscript's conclusion analyses why the provincial government and Ministry of Forests and Range need to accommodate Stellaquo’s tenure reform proposals.

The third manuscript, Chapter 4, "Designing new governance structure: An analysis of a process of implementing forest management devolution in British Columbia", presents a structural framework of forestland and resources governance
proposed by Stellaquo. This model of government describes an integration of Stellaquo's pre-contact traditional hereditary governance and contemporary western governance model. Six components make up the government structure with specific functions slated for each. Stellaquo has suggested tripartite governance in the level of power sharing they envisage with the federal and provincial governments.

Stellaquo’s proposed governance framework was used to illustrate the possibility of using three key steps in implementing devolution of forestland and resource governance to Stellaquo and Aboriginal People of British Columbia. Results suggest that Stellaquo’s governance model is an effective tool for assessing the level of power sharing in forestland and resource management. It also supports that the current Band governance is an imposition on the sovereign rights of Stellaquo and Aboriginal Peoples, which infringes on their rights as a nation.

5.3.1 Common Manuscript Themes and Conclusions

In creating a relationship and comparing the three manuscript Chapters to each other three central themes are evident:

5.3.1.1. Relationships
5.3.1.2. Tenure reforms
5.3.2.3. Self-governance and tripartite governance power sharing.

5.3.1.1 Relationships

The first theme involves the concept of relationships. Forestland and resources management are site for the way relationships among Aboriginal Peoples, federal and provincial governments have been shaped over the centuries. Both Aboriginal Peoples and governments are aware of the need for relationship building, a topic that has sparked debate among scholars, advocacy groups, court rulings, the press and most recently by BC’s “new relationship agreement” that documents steps the province aims to undertake to amend the problems of colonization (BC government website, 2007). Most debates on the subject of relationships are
centered on reconciliation, acknowledging historic injustices to Aboriginal Peoples and the establishment of processes for healing (Hurley & Wherrett, 2000). 

All three manuscript chapters discuss the subject of pre-and post-contact relationships among Aboriginal Peoples and governments and how they affected Aboriginal Peoples' access and rights to resources and their sovereignty. Chapters two and three highlight the concept of relationships from a forest management perspective, especially how they affect First Nations' economic benefits and limited decision-making power. Chapter four portrays how First Nations' traditional governance had been affected by their contact with European settlers and suggests strategies for reconciliation.

5.3.1.2 Tenure reforms

The need for tenure reforms that integrates Aboriginal Peoples' values is evident in chapters 3 and 4: “Empirical analysis of forest management in British Columbia: the Stellat’en First Nations’ proposal for policy reforms” and “Designing new governance structure: An analysis of a process of implementing forest management devolution in British Columbia”. Chapter 3 states problems with the tenure systems, especially with ways current forest management approaches are undertaken, which lack Aboriginal People's participation. The chapter highlighted some proposals for reforms in BC's forest sector. The chapter also spells out the type of tenure systems that would accommodate the interests of all users. Chapter 4 on the other hand describes a governance apparatus needed to coordinate the implementation of tenure reforms and connecting different stakeholders in Stellaquo.

5.3.1.3 Self-governance and co-governance or tripartite power sharing

The third theme that runs through the four Chapters is the concept of tripartite or co-governance through power-sharing in the governance of forestland and resources. The second chapter, “creating a balance in both governance and access to forestlands and resources among user”, underscores the need for power sharing through devolution and decentralization processes. Chapter three, “Empirical analysis of forest management in British Columbia: the Stellat'en First Nations”
A proposal for policy reforms, describes the level of authority the Stellaquo and other First Nations are proposing in the governance of forestland and resources with the governments, industry, and other stakeholders. Finally, chapter four, "Designing new governance structure: An analysis of a process of implementing forest management devolution in British Columbia", explains the model of power sharing Stellaquo is demanding. A tripartite or co-governance board is proposed where effective collaboration between governments, both federal and provincial, and the Stellaquo's new government would materialize. Findings in chapter four also indicate that the Stellaquo plans to develop a constitution with a jurisprudence that combines Stellaquo's customary laws, Canadian laws, and international laws. This constitution they hope will be legislated by a team of educated lawyers and Stellaquo traditional leaders.

All three manuscripts (chapters 2, 3, and 4) identified devolution of governance and capacity building as effective approaches that support power-sharing within a tripartite structure. Co-governance is suggested over co-management because of the higher authority each party has in the governance of forestland and resources. Though co-management has been treated as co-governance or stakeholder relationship by many scholars, I have observed that the literature has presented First Nations governments as possessing lower levels of authority than senior governments. Most literature on co-management generally asserts that all parties in the agreement ought to participate at all levels, without emphasizing the levels of authority local community governments should possess in relation to their dominant or senior governments. The Canadian governments' approach to co-management has always portrayed Aboriginal Peoples as mere stakeholders co-opted in resource management with some levels of contribution to policies, but who strictly adhere to the directives of a particular Minister that has the final decision over the other parties. Thus First Nations in most Canadian Co-management relationships have limited or no veto powers.

Co-governance on the other hand recognizes the authority gap by specifying the geo-political right each party must possess in the management of forestland and resources. Senior governments in co-governance/co-jurisdiction institutions are
expected to serve as partners rather than supervisors, and execute their functions with the same authority as First Nations.

The Stellaquo in approaching forestland and resource governance from a co-jurisdictional/co-governance direction, have through the three manuscripts (chapters 2, 3 and 4) clearly describe the roles of Stellaquo's proposed self-government, as a government with equal rights in jurisdiction and decision making that is analogous to the federal and provincial governments.

5.4 STRENGTHS AND WEAKNESSES OF THE STELLAQUO GOVERNANCE MODEL.

Strengths of Stellaquo’s governance model.

i. The different arms of government (clan leadership, co-governance board, the chief and councilors, legislative and judiciary, the community and youth council) demonstrate a division of labour in the execution of duties by each arm.

ii. It reflects the determination of the Stellaquo or Aboriginal People to integrate their hereditary forms of government with the contemporary government systems. This integration also demonstrates their desire to create a mutual working relationship with the state, through co-governance roles within the co-government board.

iii. It clearly describes the level of authority they hope to assume. Stellaquo is proposing a shift from state domination, to a self actualized nation ready to forge its initiatives for development. The veto authority proposed by Stellaquo in deciding the management of resources is expected to support them in making decisions as they participate in the design and execution of policies.

iv. The inclusion of industries and non-First Nations, in the co-governance board portrays their willingness to integrate the different interest groups which is very important for any power sharing relationship.
Weaknesses of Stellaquo's governance model.

i. The current Stellaquo government model still needs some further deliberations in areas such as: the level of authority the Youth Council has to command in the new government, and thorough discussion is needed to distinguish the role of the clan leadership from the Chief and Band Council. This is important, as it will prevent any overlaps in duties and clashes between personnel in the two arms of government. There is also a need to examine some of the changes Zaa Louis has suggested (See Appendix 6).

ii. Stellaquo's model of governance did not make provision for a unit that would enforce laws and policies that are expected to be made by the Stellaquo government. In most governments, the Police is designated this function to ensure the citizens are law abiding, and to reprimand those found culpable. This role supports the legislative and judiciary arm, and also helps to establish legal apparatus needed to maintain order and facilitate the adjudication of conflicts in any community. Stellaquo would have to discuss the need for this unit, which would depend on their decision about a nomenclature, as well as identifying specific functions with which the law enforcing unit will be entrusted that will be in accordance with their traditional and cultural laws.

iii. The proposed 1 and 2 year(s) term for elected Chief and Councilors in the self-government structure is very short, especially for the first set of people that will be occupying these offices. If realistic results are expected, it would be necessary for Stellaquo to increase such officers' tenure.

iv. There are currently four clan leaders that are expected to serve as head of the government. Stellaquo have not indicated whether there will be one overall head from whom the other three will be taking directives. The possibility of all four having equal authority in manning the affairs of the government raises questions of how effective they would be, especially when individual differences are bound to occur.
5.5 FINDINGS

i. The current band government structure is a European model of government, which Stellat’en despise and has prompted them to envision an ideal model for their self-government. The new government structure is expected to integrate their traditional governance and elements of Canadian systems. This model of forestland and resource governance is demanding a shift in authority, from the provincial and federal governments to the Stellaquo that will accord them a higher authority than what they are presently offered in resources management in their claimed territory. Wielding higher authority would allow Stellaquo to determine how resources in the territory is managed, harvested and protected.

ii. Stellaquo, in the fourth chapter, indicates a desire to write their own constitution that would make up jurisprudence, which combine Stellaquo’s customary laws and Canadian and international laws. This constitution will be legislated by a joint team of educated lawyers with vast experience in Canadian and international laws, and Stellaquo traditional leaders. Stellaquo is determined to exist as a nation with geo-political jurisdiction with its own constitution and sovereign rights to govern itself.

iii. Alongside their call for self-government, Stellaquo have stated their intention for a tripartite or co-governance relationship between the provincial and federal governments. In this relationship, they require an analogous status with the state, with vested veto powers that will help them in determining who has access to resources in their territory, how resources are extracted, zoning rights of resources and a share of all revenues collected within their territory with the federal and provincial governments. This shift in governance is as a result of the limited authority and decision making power that co-management structures provide.

iv. Many First Nations in British Columbia are undergoing a paradigm shift from a prolonged welfare and state dependency syndrome to a more determined and self-reliant community. The Stellat’en Nation has therefore expressed a similar commitment during this study to pursue capacity development and skills training
initiatives that are required to aid their economic development initiatives. The Stellaquo is aware of the shortage of professionals and skills personnel and are therefore looking forward to training for skills acquisition in specific areas that is expected to equip them for service.

v. Co-governance/co-jurisdiction institutional design is favored over co-management because of the higher authority it provides Aboriginal governments. The co-governance structure assures equality, and puts Aboriginal governments at the center of decision making and implementation.

5.6 RECOMMENDATIONS

The following recommendations have been suggested to:

1. The Stellaquo.

2. Federal and provincial governments and policy makers.

3. The University of British Columbia and researchers.

1. Recommendations to the Stellaquo

i. There are four clan leaders in the new government structure. Although each of them has equal authority in Stellaquo's traditional law, it would be necessary, for the sake of administrative functions for the leaders or elders of the community to select or appoint a head. It would also be necessary to identify roles that would be specifically assigned to each clan leader. Another possibility is for clan leaders to rotate, within a specific time, giving an opportunity for each of them to head the caucus of four. Where it becomes difficult to determine a head, the conventional approach is to cast votes. This could be done by Stellaquo elders or among the four clan leaders.

ii. There is a need for Stellaquo to further discuss the need for increasing the term of elected Chief and Band Councilors. A three year term would be appropriate if measurable outcomes are expected. In order to ensure that the Chief and Councilors comply with the regulations of their duties and are accountable to the
community, a condition for impeachment or a vote of non confidence could be established in the constitution as a remedy to remove an incompetent Chief or councillor(s).

iii. Stellaquo must explore structured processes for integrating non-First Nations living in Fraser Lake to participate and take roles in the new government. This is important, as it will help to minimize conflict, and also promote social, economic and cultural ties among the Stellaquo and non-First Nations who have been living separate lives in Fraser Lake for centuries.

iv. Since Stellaquo have proposed revenue sharing with the federal and provincial governments, the new government will need to set up a system of financial administration with standards comparable to those generally accepted for federal and provincial governments, especially in tax revenue management.

v. Stellaquo should vigorously pursue acquiring capacity development initiatives listed in manuscript three. These skills are very useful for increasing their standard of living and economic status by securing jobs and also cutting down on money currently spent on hiring outside contractors. Having community members with these skills will also keep their new government become viable. However, the Stellaquo's current population size and limited financial resources is a major hurdle that they will have to overcome in addressing capacity development. It should also be noted that the list of needs is very ambitious and may require a very long time and mobilization of a specialized team of experts. Working with the Carrier Sekani Tribal Council is one source that will assist Stellaquo to adequately channel and manage this program.

vi. The youth expression of interest to participate in main-stream Stellaquo government and leadership positions must be critically studied, and measurable solutions identified and implemented that will address both Stellaquo's traditional approaches of mentoring for leadership and contemporary modes of assumptions to public service. Stellaquo faces a huge challenge in addressing this area, as they seek to maintain a cultural leadership modular, which youth consider very slow and resistant to changes needed in the 21st century.
Adherence to cultural norms is critical, but ignoring the concerns of youth will be counterproductive for future development of the proposed governance model and the socio-political environment of their community. Finding a balance through community cultural education, encouraging parents/families to undertake an informal teaching of Stellat'en values and other processes of social education will be beneficial.

2. Recommendations to federal and provincial Governments and Policy makers

i. Stellaquo and other First Nations of BC’s determination to govern their territories and peoples need to be supported. Supporting Stellaquo’s proposal could start with skills development in areas such as apprenticeship, professional development, ecosystem monitoring, evaluation, and documentation skills (see chapters 2 and 3). Skills development in these areas is needed for Stellaquo to be able to handle tasks that were previously done by federal and provincial governments and to effectively manage affairs within their communities. Skills development will also minimize the current rate of unemployment, increase income and social well being of individual and family households in Stellaquo and other First Nations communities. This does not need to wait until Stellaquo attains self-governance or signs a treaty agreement.

ii. In addition to the desire for self-government is their desire to participate in economic development initiatives that will make them self-sufficient. One essential ingredient for this vision is a substantial land base under Stellaquo’s control. This requires a 20-40% of land portions from the current land claims they have filed in the treaty negotiation. Having this proportion of land, compared to the 5% bench mark of past treaties, will position them with more resources and land to meet their growing population.

iii. Governments and policy makers must ensure that they actively consult First Nation communities for their input before establishing policies. A participatory approach to policy making should be utilized through workshops, roundtable discussions and negotiations. This provides opportunities for First Nations and policy makers to collectively dialogue and provide solutions to problems.
Increasing the role of Aboriginal Peoples in resource management will require policy-makers to have a clear understanding of the perspectives of Aboriginal communities through participatory dialogues and planning. Leaving out First Nations' input affects the implementation of policies.

iv. Federal and provincial governments should initiate discussions and processes for revisiting school and university curriculums to address the flawed and humiliating contents that contain the histories of First Nations taught at these levels. This will help in re-constructing the perceptions created about Aboriginal Peoples as savages, and contribute to the healing process Aboriginal Peoples are seeking.

v. The government’s recognition of the need to increase the number of liaison officers working with First Nations communities is very timely. There is also the call for diversifying their role to include more participatory approaches specific to creating synergy in the way the First Nations and liaison officers relate with each other. Therefore, liaison officers need to be equipped with the capacity to work with emerging First Nations’ governing institutions, especially in meeting with their changing needs and practices. Familiarity with the principles of participation, and experience in adaptive management, good planning and decentralized decision-making are important in effectively supporting liaison officers' new roles and activities. Time and resources need to be devoted in recruiting liaison officers as well as developing these skills and capacity needed for them to adequately function in the sector. Recruitment and training to fill these positions must take in to consideration communication skills and knowledge of First Nations community participation processes that are important in enhancing the capability of poor people to manage their resources. The role of liaison officers should:

a. Focus on people and not on technologies. Understand the livelihoods of people and the contribution, or potential contribution that forestland and resources plays in the livelihoods of Aboriginal Peoples, by combining their existing traditional practices and scientific technologies.
b. Recognize and respect the innovative potentials of Aboriginal Peoples. 'Traditional people are also scientists'. Give them confidence and opportunity and do not underestimate the potential of traditional form of innovation.

c. Liaison officers' functions should be centered on providing First Nation communities with the science behind the technologies and not just technologies. Provision of principles encourages people to adapt/innovate technologies appropriate to their own forestland and resource management needs.

d. Help First Nation communities to organize themselves and address problems on a community basis by establishing access to information on: markets, formation of self-help groups, economic development initiatives and short term skills training and development.

Many current liaison strategies are limited to formal information dissemination about policies and new technologies. Often the fundamental issue is a policy instrument that has been packaged by the governments, which lacks any First Nations input. First Nations, by law, are expected to blindly adhere to these policy systems. This may be one of the primary reasons these policies have faced stiff opposition from First Nations, while the relationships between First Nations and the state continue to be unfavorable.

There is a need for an alternative model of liaison or extension services to be considered, one which encourages a holistic understanding of First Nations values, aspirations, and embraces them as partners and active participants in policy design and technology development. The alternative approach should address livelihoods and empower First Nations with greater planning, monitoring and decision making abilities. This can be achieved through mutual cooperation between the different Ministries in the natural resources sector and First Nations governments.
3. Recommendation to University and First Nations community research Collaborations.

There is a legacy of domination of Aboriginal People’s knowledge and participation by university researches. While there is always a mention of them as respondents, and occasionally taking direst quotations from them, I find it insufficient to stop recognizing their contributions to researchers at such a shallow depth. I consider it an appropriation of their knowledge without an equitable acknowledgement or reward of their participation. The following are my recommendations:

a. In considering what level of recognition and acknowledgement that should be accorded Aboriginal communities in research, for example, thesis research, I do recommend that the University should be willing to accommodate a higher level of partnership and recognition of First Nation involvement. Stronger community and university collaboration in thesis research should be demonstrated by allowing a representative of the community to sit in the thesis defense panel as a committee member.

For this recommendation to be enacted, the University or professors supervising the research would have to budget costs to cover transportation, boarding and per diem for community representatives.

b. Another form of Aboriginal People’s recognition in university thesis research could be to recognize them as signatories of the thesis. A separate page with a brief statement and signatures of 1-3 members of the community could either be inserted after the page bearing signatures of the university thesis committee or as an appendix.

My justification for this proposal is premised on the fact that most UBC faculties give corporate institutions similar status and opportunity to submit evaluations for student’s who do on-the-job training or practicum in their facilities. Also, the Faculty of Graduate Studies website provides permission for students to recognize the contribution of people who participate in research or studies. "...a student considering publication of his or her own paper also has a responsibility to consider
the intellectual property and co-authorship rights of any others who may have been involved in the research" (UBC-FGS, 2008). In most cases this has taken the form of co-authoring articles or books. It is therefore equally fair that First Nations are accorded a higher form of recognition for their contribution to thesis researches. Co-authorship between First Nations participants/communities and University researchers is a major stride that should be encouraged.

c. Institutions such as the College of Caledonia and Douglas are involved with educational twinning programs with communities in health and business development. It is a very valuable process that UBC could explore. For example, the Media and Graphics interdisciplinary center in the Faculty of Forestry and Faculty of Anthropology could collaborate in educational programs with First Nations such as assisting them with skills training in global positioning systems, geographic integrated systems, genealogical and archeological studies. This approach to community-university research and learning will increase the capacity of First Nations communities to sustainably manage their resources, and will motivate interests among community members for further studies. It will also help to change the concept First Nations have about university researches as “serving only the interest of the university, using First Nations as human specimen”.

5.7 FINAL THOUGHTS

The Stellaquo's governance model is a tool that they have proposed to decolonize themselves from the continuum of post colonization, subordination and infringement of their sovereign rights for self-governance. Results of this research have clearly shown that Stellaquo and other First Nations of British Columbia are demanding genuine devolution and decentralization for the governance for forestland and resources in their territories. First Nations, as demonstrated by Stellaquo, are forging new ways of reconciling with the federal and provincial governments, and building stronger relationships with non-First Nations, neighbouring First Nations and industry. This falls in line with one of the thesis assumptions, ‘the stronger the influences First Nations have to exercise their rights
in forestry operations in their traditional territories, the better will be their relationship with the province and industries'.

5.8 FUTURE RESEARCH

The findings and recommendations of this thesis provide a window for future research with Stellaquo and, or other First Nations. Possible research projects could explore the following:

i. Identifying practical approaches for integrating First Nations or Stellaquo customary laws and the Canadian law.

ii. Experimentation of a pilot program for implementing the three methods of devolution of forestland and resources in Stellaquo (see chapter 4).
REFERENCES CITED


APPENDIX 1: GLOSSARY OF TERMS USED IN THE THESIS

Aboriginal rights: This is certified through Aboriginal peoples' existence in lands they have lived and maintained in Canada since "time immemorial". These rights (cultural practices and language, as well as "site specific" activities such as hunting and fishing) are affirmed and protected under s. 35 of the Constitution Act, 1982.

Aboriginal self-government: Is a termed used to describe governments designed, established and administered by Aboriginal peoples within a geo-political jurisdiction (mostly within claimed territories negotiated through treaty with federal and provincial governments).

Aboriginal title: The courts in the Delgamuukw decision have outlined the characteristics of Aboriginal title to include among other things "communal right to exclusive use and occupation of lands for a variety of activities". These rights may be different in each community, based on proofs of Aboriginal people pre-contact activities and residency.

Authority: The term authority used in this study refers to administrative powers that a First Nations (Stellaquo) government has to undertake program and service delivery or law enforcement coupled with law-making powers. It is also the ability to protect it resources (human, renewable, non-renewable etc.) without external interference from federal and provincial governments.

Band: The Indian Act defines a "band" as a body of Indians with common use and benefit of lands and moneys.

Clans/Kinship Systems Clan or kinship systems comprised of extended families that define the social order, the governance structure, and the system of justice in Aboriginal community lifestyles. Membership in to a clan system is defined by birth. Each clan has council of Elders that make up the decision-making body.

Fiduciary: This term is used in the thesis to describe "a special care taking relationship" with obligations where the federal government controls Aboriginal assets, such as land or money; and to constitutionally protect Aboriginal and treaty rights. This is structured by the Supreme Court's decision in the Guerin and Sparrow cases that identified and legitimizes federal government's fiduciary obligations over First Nations.

First Nation, Indian, Aboriginal peoples, Natives, Band: These terms are used interchangeably in the thesis to imply a collective noun for a group of Canada's First People occupying a specific land base (for the most part, reserve land).

Jurisdiction: Is used in this thesis to encompass two things. First it refers to a geopolitical landscape or framework and secondly, the sovereign authority or power a government posse to make and enact.
APPENDIX 2: Zaa Louie’s proposed changes

Fig. 5.1: Zaa Louie’s proposed changes