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



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ABSTRACT

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

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1. Introduction

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

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

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

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

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

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

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

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

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

2. Collaborative forest governance in Canada

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

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

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

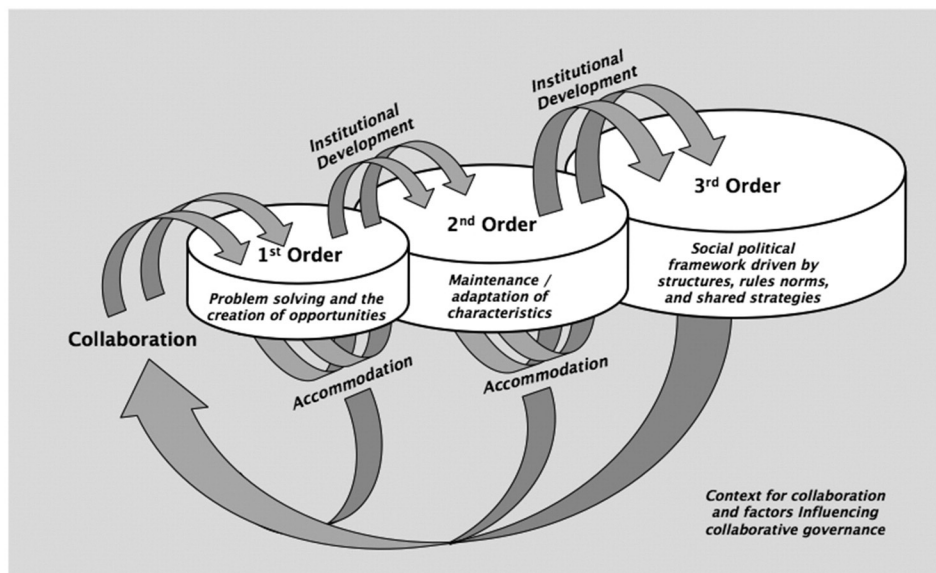


Fig. 1. Theoretical framework illustrating the cyclical nature of the institutional development of collaboration occurring across Kooiman’s orders of governance.

government, is one example of policy innovation fostering collaboration and new forest management practices involving the communities and a forestry company that had previously been in conflict (Smith, 2013). Wyatt (2008, p. 171) describes First Nations involvement in forestry in Canada as a “spectrum” ranging from “forestry with First Nations” to “forestry by First Nations”, which Wyatt et al. (2013) use to establish a typology of institutional arrangements and desired outcomes. The typology includes: i) treaties, agreements and MOUs; ii) management and planning; iii) influence on decision-making; iv) forest tenures; and v) economic roles. This framework describes the different kinds of arrangements and what is and what is not possible for First Nations in terms of decision-making, and is revealing of certain attributes of third-order governance (i.e., norms that favour collaboration).

Sharing features with examples on the collaborative end of Wyatt's (2008) spectrum (i.e., where First Nations' decision making results in substantive action and meaningful outcomes), several types of community forestry plans – some involving First Nations – have been developing in Canada since the 1990s in an attempt to mitigate conflict among communities, forestry companies, and governments (Bullock and Hanna, 2012). Most examples of community forestry herald from British Columbia, and are a product of BC's Community Forest Agreement Program, introduced in 1998 (Bullock and Hanna, 2008; Bullock et al., 2009). The early stage of most community forests means that outcomes of such agreements are not yet fully realized; however, benefits are beginning to take shape as enhanced local control, the inclusion of local knowledge, and sustainable community development (Bullock and Hanna, 2008; Bullock et al., 2009). In the context of Ontario, Bullock and Hanna (2012, p. 56) describe the policy and practice around community forestry as a series of “experiments and false starts”, and explain that characterizations such as “pilot” or “small scale” have been the norm for new approaches to forest tenure. Bullock and Lawler (2015) determined through bibliometric analyses that even though policy shifts towards including Aboriginal people were occurring across Canada¹ changes to tenure systems were “met with resistance from conventional interests”, and that forestry companies are typically more interested in innovations relating to processing and marketing of forest products.

3. Study area

The Anishinaabe are the first peoples of what is now known as northwestern Ontario, and have been the traditional stewards of the land since time immemorial (Berkes and Davidson-Hunt, 2006). In Anishinaabemodaa (Anishinaabe language), “Miitigoog” means forest. Miitigoog was established in 2010 and holds a Sustainable Forestry License (SFL) for the Kenora Forest, as well as some management responsibilities for the southern portion of the Whiskey Jack Forest (Fig. 2). The SFL for the Kenora Forest was originally held by the Trus Joist Kenora operations branch of Weyerhaeuser – a multinational forestry company operational in the Kenora area since 2002. The SFL was transferred to Miitigoog in 2010 (Lammers, 2003).

The Kenora and Whiskey Jack Forests cover a significant portion of the Treaty #3 area in northwestern Ontario, Canada (Fig. 2). The Kenora Forest is 1,225,536 ha with 45% of the total area designated as production forests² (Arbex Forestry Resources Consultants Ltd., 2009), and the Whiskey Jack Forest is 1,063,446 ha with 71% of the total area designated as production forests (OMNR, 2012). The forests' trees mainly consist of black spruce (*Picea mariana*), jack pine (*Pinus banksiana*), trembling aspen (*Populus tremuloides*), and balsam fir (*Abies balsamea*)

(Zoladeski and Maycock, 1990). In Ontario, the regulations affecting forests are primarily administered by the Ontario Ministry of Natural Resources (OMNR), which is vested with the authority to manage Crown forests through the *Crown Forest Sustainability Act* (CFSA). This Act came into effect in 1995 and guides forest planning, operations, information, licensing, trust funds, facilities, and remedies and enforcement (OMNR, 2006). SFLs are given to forestry companies to manage Crown Forests on a five-year renewable basis for up to twenty years. The OMNR is also legally required to consult with First Nations on behalf of the Crown as part of the procedures outlined in the department's forest management planning process. Each First Nation has different norms and desired protocols for how it should be consulted regarding resource development and other matters.

There have been several regional disputes over forestry in northwestern Ontario, the most notable being Grassy Narrows First Nation's anti-clearcutting blockade beginning in 2002, which became the longest-standing protest against the forestry industry in Canada (Willow, 2012). Grassy Narrows is situated in the northern section of the Whiskey Jack Forest. These blockades heightened the tension between industry and First Nations and highlighted the need for developing new forms of forest governance (Willow, 2012; OMNR participants). There is now a growing movement in Kenora working to increase awareness of the need to reconcile differences and develop a common vision of treaty relations (Wallace, 2010; Zurba and Friesen, 2014; Wheeler et al., 2016).

4. Research approach

The research utilized a qualitative case study strategy of inquiry. The case was selected from within the study region using two criteria: 1) the case had to involve First Nations in an existing shared-tenure arrangement with shared decision-making (i.e., collaboration) for governing land and resources; and 2) the case had to be viewed as a leading example of such collaboration. The case was chosen through consultations, using semi-structured interviews, with selected key informants [$n = 7$]: a local historian and private consultant for First Nations; four managers with the OMNR; and, two managers with the Grand Council of Treaty #3, the political organization for First Nations of Treaty #3/northwestern Ontario. These individuals were selected because of their current roles and extensive experience in dealing with regional forms of consultation and/or partnerships.

Once the case was determined, participants were selected using a snowball approach with key informants, and interviews were initiated with First Nations chiefs, industry and OMNR managers, and others involved in Miitigoog [$n = 36$]. Interviews were semi-structured, beginning with broad questions about roles and responsibilities. Questions about what made collaboration possible, decision-making processes, and the norms, values and principles guiding governance (i.e., meta-governance) were then explored. Participants were also asked to describe the governance structure according to their own understanding. These questions were pre-constructed, however, participants could elaborate on areas they felt were important. As is the case with semi-structured interviews (Dunn, 2005), the questions were adapted based on the responses, and probes were used to elicit further responses in cases where the respondents gave short non-descriptive answers. Interviews lasted from 30 min to an hour and a half with most interviews taking approximately 1 h. All but two interviews were conducted in person, with these two being conducted by phone. All participants consented to having their interviews audio recorded. Consent forms also included a section regarding anonymity in data reporting, with some participants choosing to remain anonymous and others consenting to being identified.

Document review was used as a method before and during fieldwork in order to collect data describing first, second and third order governance relating to the case. Document review is an important tool for fact checking and enhancing knowledge within inquiries focused

¹ Policy changes towards including Aboriginal people in forest governance occurred in British Columbia, Quebec, Ontario and most recently in Nova Scotia (Bullock and Lawler, 2015).

² Production forests are “productive forest land at various stages of growth, with no obvious physical limitations on the ability to practice forest management” (Arbex Forestry Resources Consultants Ltd., 2009, p. 9).

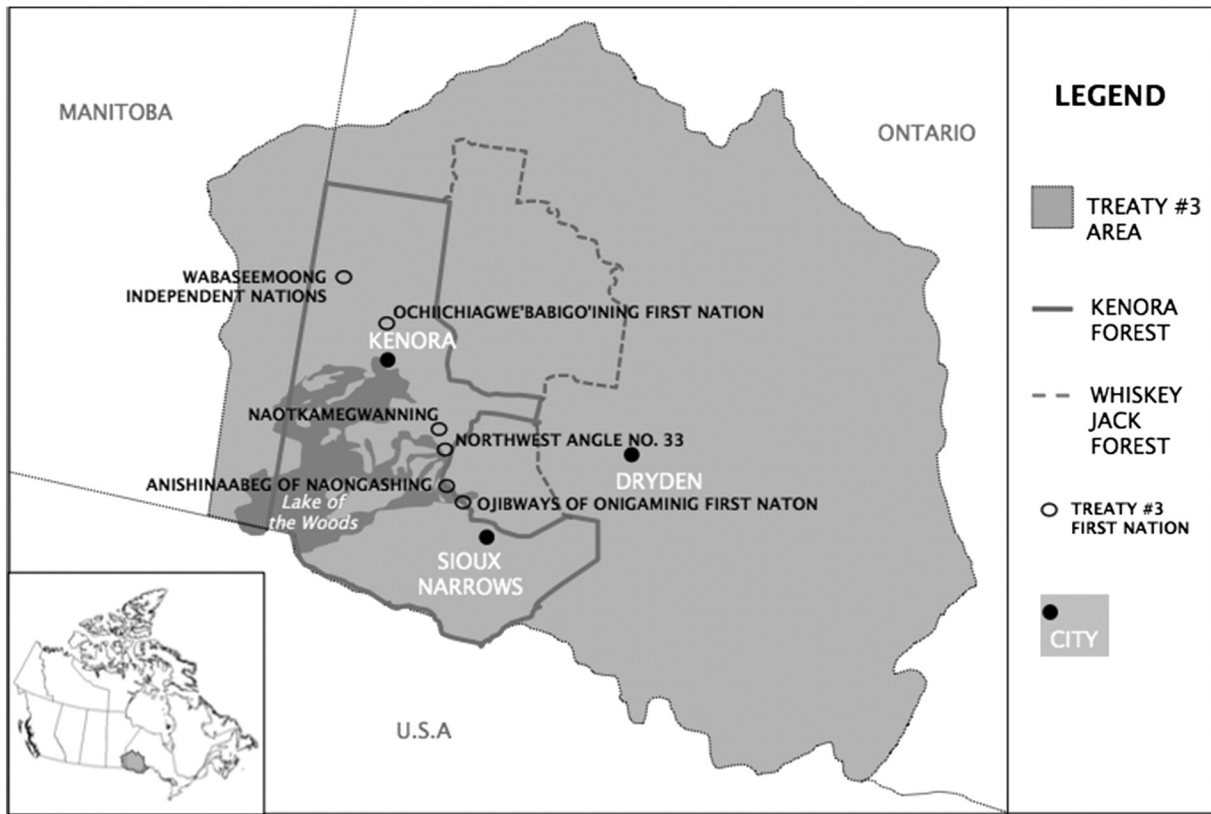


Fig. 2. The Kenora and Whiskey Jack Forests in relation to Treaty #3 territory, the First Nations party to Miitigoog, three cities in the region, and Canada.

on governance (Smiley et al., 2010). Documents included those outlining the [northwestern] Ontario frameworks for tenure, the forest management policy in Ontario, and the tenure reforms that were already in place or being negotiated at the time of the research. Documents and other materials were both open source (e.g., available on public websites) and materials that participants chose to share at their discretion. Verification of the interview data was achieved through member checking in the field (i.e., crosschecking using reiteration and paraphrasing) during the interviews (Creswell and Miller, 2000), confirming quotes with participants, and triangulating interview data with documents and information from key informants (Anfara et al., 2002).

For analyses of the interview data we used open, axial and selective coding (Merriam, 1998; Creswell, 2009) employing *Atlas.ti*, computer aided qualitative data analysis software. Codes were derived from Kooiman's (2003) three tiers of governance (Table 1). Primary codes were *first order*, *second order*, and *third order* governance, secondary

codes were those detailed under each of these tiers, and tertiary codes were inductively derived for each of the secondary codes. For example, under the *principles* code there were several important subcategories, including *autonomy*, *shared tenure* and *substantive decision making*.

Institutional mapping was used as an analytical tool, and made it possible to develop a visual representation of findings, broadly define roles and help us understand and explain the institutional relationships of the parties involved in (specifically, third order) governance (Kane and Trochim, 2007). The technique is also effective for describing the space where substantive decision-making occurs, which can be visually represented through graphic elements (i.e., different sizes and directions drawn in the maps). The data for this were drawn from documents, interviews with participants directly involved in the case, and from key informants knowledgeable of but outside of the case. Once visual representations of governance were created they were verified for accuracy with participants with direct knowledge of the governance system.

Table 1
Coding structure for qualitative interview data.

Primary codes	Secondary codes	Tertiary codes
First-order governance	Problem solving	Relationship building
	New opportunities	Policy shifts
Second-order governance	Maintaining characteristics of institutions	Establishment/regime (OMNR)
	adapting characteristics of institutions	Changes to licensing
Third-order governance	Values	Equity
		Cross-cultural exchange
	Norms	Procedures
		Equal representation
	Principles	Autonomy
		Shared tenure
		Substantive decision making

5. Results and discussions

5.1. Miitigoog: shared tenure governance of the Kenora Forest

Significant institutional shifts made collaboration in northwestern Ontario possible in the first place (first-order governance). Like most government departments in Canada, the OMNR operates with a hierarchical structure. Policy, tenure, and land reform decisions are, therefore, generally made in a top-down fashion (OMNR, 2013; OMNR participants). Land tenure or “occupational authority” is defined by the OMNR (2014) as a legal agreement between the OMNR and the occupant of land “that spells out what rights the occupant has on Crown land.” Forestry companies that have intentions of harvesting trees or modifying the land in other ways are required to lease land from the Crown (OMNR, 2014). However, major shifts in how crown license

tenures are decided have occurred over the past fifteen years (Miisun/management participant 035).

Shifts in forest tenure relate directly to [Kooiman's \(2003\)](#) description of first-order governance as problem solving and the creation of opportunities. Key shifts and associated responses in the forest sector were initially related to regional disputes between forestry companies over wood allotments, as well as the major economic downturn in the early 2000s affecting the growth of the housing industry in North America ([Oraziotti, 2011](#)). An OMNR (2011, p. 1) document describes impacts of the downturn: "The economic recession exposed major flaws in this [tenure] system. Mills closed or slowed down, jobs were lost, and wood was hoarded, not harvested."

One participant from the OMNR with specialized knowledge of the shifting tenure model described how licenses changed hands during the tenure transition, as well as what this meant in a practical sense.

The economic downturn led to a number of industry corporations that hold these licenses into receivership. When this occurs, the SFL becomes a subject of the receivership, which leads to forests not being managed according to a ten-year plan. In most cases, the SFL is turned back over to the Crown and management then becomes the responsibility of the Crown (OMNR participant 031).

The above quote was made with respect to how the license for the Whiskey Jack Forest was transferred to the OMNR and how the management went into receivership following the economic downturn and closure of the Abitibi Consolidated mill in 2005 ([Willow, 2010](#)).

The OMNR (2011, p.1) document states further that, "A long, constructive dialogue with the forest industry, and northern and Aboriginal communities, confirms that the [tenure] system must be modernized." The document also outlines changes to tenure policy in northwestern Ontario and states that Local Forest Management Corporations (LFMCs) and Enhanced SFLs (eSFLs) would be new management and tenure models used in the province in an attempt to bolster the forest sector in Ontario. The LFMC model, a product of the *Forest Tenure Modernization Act*, 2011, came out of stakeholder meetings in northwestern Ontario that included First Nations, public hearings, and government solicitation of written submissions (OMNR, 2011). Miitigoog was a participant in the public hearings for Bill 151 in support of the *Act* (date: April 2011). The *Act* passed in June 2011, as an amendment to the *Crown Forest Sustainability Act*, 1994. The eSFLs were not a product of the *Act*, but instead are guided by the "Principles for enhanced sustainable forest licence implementation" document, which "is the result of a collaborative effort from several First Nations groups, the Forest Industry Working Group, the Community Working Group and the Ministry of Natural Resources and Forestry" (OMNR, 2014). With eSFLs there are mandatory requirements for: 1) "providing for meaningful local and Aboriginal community involvement"; 2) "creating greater separation between mills and the responsibility for managing the Crown forests"; 3) "discouraging the hoarding of timber"; 4) "creating provisions to allow for new entrants"; 5) "improving governance practices"; and 6) "enabling additional Crown timber sales through competitive prices" (OMNR, 2011, p. 13).

The same OMNR manager quoted above went on to describe the *Forest Tenure Modernization Act*, 2011, and how it worked at bringing First Nations into more prominent roles in forest management.

The *Forest Tenure Modernization Act* provides opportunities for First Nations to become engaged in forest management as directors and participants in SFL companies - not just a stakeholder who is advised of the ongoing activity... First Nations, if they are willing, can become key players in how the forests are managed in their traditional and Treaty areas (OMNR participant 031).

Leading up to 2011 and the passing of the *Act*, there was a swing towards tenure modernization: "under a modernized forest tenure and pricing system, the province would issue SFLs to new management

bodies to govern the business of forestry in Ontario" (OMNR, 2011, p.8). Within the proposed modernization, LFMCs as Crown Corporations were intended to be "government agencies responsible for managing Crown forests and overseeing the marketing and sale of the wood in a given area. They will provide for local and Aboriginal community involvement in forestry and help separate the wood-using mills from responsibility for management of the forests" (OMNR, 2011, p.8). A manager from industry described this shift.

In the past it was big multi-national companies that held all of the forest licenses: Abitibi Consolidated, Domtar. Those people held all of the licenses. I think the whole idea of tenure reform, and to be honest, the whole idea was pushed by the MNR and probably different interest groups. I'm not sure. But the feeling was that the ownership and the management had to get back to local control. I know that MNR were pushing hard to get more interest by the First Nations in the forest. (Miisun/management participant 035).

Several OMNR managers spoke very positively about the tenure reforms, and stated that northwestern Ontario is unique as a region in terms of environment and the important role First Nations have in land governance. They expressed that reforms brought about great opportunities for new collaborative forms of governance, but also expressed apprehension about further tenure reforms that could disrupt the progress being made through regional partnerships. The following quote is from an upper level OMNR manager and policy maker, speaking to this issue in terms of the need for continued decentralization of governance.

I'm not a separatist, but we have an almost colonist approach here in northwest Ontario. What we really should be doing is a super-regional government that runs everything, including resources, out of here, and maybe have Toronto as a policy overseer of some sort (OMNR participant 042).

Several OMNR managers also spoke of their ongoing efforts to affect policy at higher levels in the ministry, and to influence tenure decisions to be more supportive of collaboration with First Nations.

The changes in forest tenure policy created the potential for significant change in forest governance in northwestern Ontario. 'Business as usual' was changing, giving the opportunity to reconsider resource relationships and partnership opportunities in the region ([Robson et al., 2013](#); [Zurba and Trimble, 2014](#); [Robson et al., 2015](#); [Zurba, 2015](#)). At the time of the *Forest Tenure Modernization Act*, 2011, and the introduction of LFMCs and Enhanced SFLs, Weyerhaeuser held the SFL for the Kenora Forest. One industry participant talked about the company's business practices, which were brought forward from other regions, for building relationships with First Nations.

It has been a matter of developing new businesses and new relationships with different First Nations communities and First Nations organizations. In the communities that I've worked we've always been in association with many First Nations, getting them involved in the forest industry in many different facets (Industry participant 024).

This approach to working with First Nations demonstrates a familiarity within Weyerhaeuser with building partnerships. After approximately four years of meetings between OMNR and industry managers, as well as with managers and Chiefs from First Nations, Miitigoog was formed. The license for the Kenora Forest is valid until 2022, but is subject to a five-year review and renewal cycle.

Meetings leading up to the formation of Miitigoog included both formal negotiations, as well as less formal meetings that took place over lunch, or shared interests, such as fishing.

Miitigoog was originally founded in a boat. We were fishing with a number of the different parties, talking about how things needed to be different. We wanted to move forward together - to change how things were being done at that time... As you can see today,

those discussions led to something that is quite different (Industry participant 024).

While Miitigoog is a new type of SFL holder, it is not by definition an LFMC. An industry participant explained that the LFMC model, as it was originally proposed by the OMNR, was not suitable for the relationship that they wanted to build with First Nations, and was more suited to the context outside of northwestern Ontario. The board members who discussed this point in greater detail were one participant from the industry side of the collaboration and one from Miisun's forest management team (participants 027 & 035). Their main reasons for finding the LFMC model, which is inclusive of municipalities, as being impractical was grounded in a belief that business was the best way for finding solutions to tenure issues and for building relationships between industry and First Nations.

We said to them that this [proposed LFMCs] doesn't work for us. It might work for an urban forest in southern Ontario where you have a lot of municipalities, a lot of cities and those kinds of things that may have a real interest in the forest surrounding them. Here it's different. We have First Nations communities that are living in the forest. When we talk to the city of Kenora, they didn't have a big interest in being part of the co-op (Miisun/management participant 035).

Participants with this belief articulated that the LFMC model and the inclusion of municipalities could hamper the progress made between First Nations and industry partners (i.e., first order governance). However, when asked about the catalyst for the Miitigoog agreement, most participants who were directly involved (board members and OMNR) referenced tenure reform and the move towards LFMCs and Enhanced SFLs in Ontario as making new kinds of relationships possible. Even though Miitigoog was not technically an LFMC and holds an SFL instead of the new Enhanced SFL, participants connected the outcome to the overall policy shifts in Ontario (i.e., as a participant in public hearings and other meetings).

The early negotiation of interests and forming of new and/or deeper relationships facilitated the establishment of first-order governance. Miitigoog includes among its core mandates to “develop strategies

and mechanisms for the active and meaningful involvement of the First Nations” (Jaisura, 2010). During the initial negotiations of the arrangement, it was determined by the partners that there would be an equal (50/50) number of shareholders with board-level decision-making authority coming from First Nations and industry.

5.2. Substantive decision-making and management by First Nations

The Miitigoog Shareholder Agreement (Jaisura, 2010) describes the company structure as well as the types of shareholders, their roles, and the terms of their shares (principles of the agreement). Fig. 3 is the institutional map of Miitigoog, broadly defining the structure and roles within the partnership. Class A Common Shares are unlimited, are redeemable and retractable, and are to only be issued to the First Nations Trust. The First Nations Trust is a partnership of First Nations that have individual claims to the Kenora and/or Whiskey Jack Forests. The total number of Class A Common Shares must at all times be equal to the combined total of Class B and C Common Shares. Class B Common Shares are issued to parties that hold a Forest Resource Planning Facility License issued by the OMNR. These are the larger industry partners. Class C Common Shares are issued to those who have overlapping licenses on the Kenora Forest, namely those companies represented by the Kenora Independent Loggers Association (KILA). In relation to our conceptual frame (Fig. 1), the institutional map illustrates first-order governance through depicting the parties that are involved in new relationships for forest governance made possible through shifts in policy. It also depicts second-order governance through illustrating the maintenance of OMNR in an authoritative position, in relation to the newly adapted collaborative governance system that has 50/50 decision-making for industry and First Nations at the board.

The original First Nations parties to the agreement were Wabaseemoong Independent (a.k.a., Whitedog) Nations, Naotkamegwanning (a.k.a., Whitefish Bay) First Nation, and Ochiichagwe'Babigo'ining Ojibway Nation (a.k.a., Dalles) as recognized in Fig. 3. The Trust has goals of expanding within the Treaty #3 area, and has been increasing membership accordingly. During the first two years of operations, the Trust expanded to include three other First

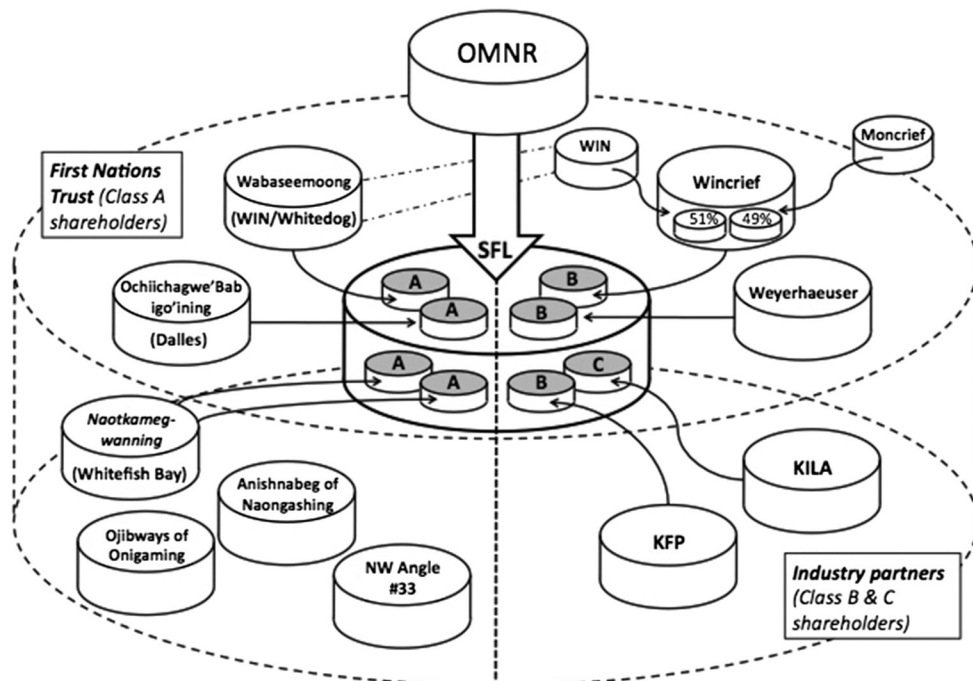


Fig. 3. Institutional map of the Miitigoog General Partner Inc. as a nested third-order governance framework. The larger dashed 'disk' illustrates the Miitigoog shareholders. The solid 'disk' with shaded smaller 'disks' represents the board level, indicating the classes of the shareholders (i.e. A, B & C).

Nations, which were signed in through ceremony held on November 6, 2012. These are the Ojibways of Onigaming First Nation, Northwest Angle # 33, and the Anishnabeg of Naongashing. These First Nations make up the First Nations Trust, and are active at the board level. Representatives from the First Nations Trust fill the four *Class A* seats at the Miitigoog board (Fig. 3).

Communities vested in the First Nations Trust also buy into the forest management company that operates alongside Miitigoog, which is Miisun Integrated Management Co. Miisun is a 100% First Nations owned company created during the early negotiations of the Miitigoog Trust and officially launched on September 1, 2011 (Thompson, 2011). Miisun's (2011) purpose is to "build First Nations capacity and increase the socio-economic benefits and opportunities in the Treaty 3 Area". In addition to being the operating arm for Miitigoog, Miisun provides several services for its First Nations members with respect to land management and capacity development. Miisun is also directly involved in communication with and recruitment of First Nations Trust members.

In addition to Weyerhaeuser, Kenora Forest Products is the other major industry partner in Miitigoog, and is owned by Prendiville Industries Ltd., which maintains corporate offices in Winnipeg, Manitoba. Regional managers need to report on and gain approval for larger decisions with regards to the direction of and operations within the partnership (participants 024 and 027). Both Weyerhaeuser and KFP representatives reported that this presented challenges at times because of the unique nature of community engagement in northwestern Ontario. They cited that attention to history, context (e.g., Treaty 3), and the incremental building of relations was critical to their success as managers and partners to the agreement. The third original industry partner, Wincrief Forestry Products, closed its doors in 2014 and is no longer involved in Miitigoog. Wincrief was a locally-based forestry company that was also a collaborative venture between a private company and a First Nation. KILA is a conglomerate of local contractors and small businesses operating in the forests of northwestern Ontario, and are hired contractors for the OMNR and purchasers of timber (participant 032).

Miitigoog's institutional map, as described above and portrayed in Fig. 3, reveals evidence regarding elements of our conceptual frame, namely institutional development (e.g., the creation of new relationships between parties through Miitigoog) and accommodation (e.g., the inclusion of First Nations as board members and the official managers of the Kenora Forest through Miisun) leading to actions that are reflective of third-order governance (e.g., agreement on shared tenure). Particularly important to institutional development in the move from first-order to third-order governance was the agreement on shared tenure and a process for equal decision making. Through this agreement, the institutional adaptation led to the development of the partnership's social-political framework and the foundation for the partnership's norms, values and principles (i.e., equal, and supportive of substantive decision-making). Further, the map shows the wide extent of connectivity in the governance system. Lockwood (2010) asserts that such connectivity is a key principle of "good governance", which is typically collaborative and includes multiple parties and centers of authority. Autonomous parties that were part of the Miitigoog board were at the table because their community or company decided to join and work towards mutually favourable outcomes, suggesting the board qualifies as being collaborative (Conley and Moote, 2003; Peters and Pierre, 2004; Ross et al., 2002).

Although not depicted in Fig. 3, Miitigoog's institutional arrangements also include second-order (i.e., maintenance) rules, norms and procedures that are influenced by its egalitarian sociopolitical framework and in turn influence the framework. Moreover, these second order institutions are both a manifestation and determinant of cross-cultural accommodation (Fig. 1). The Miitigoog Shareholder Agreement can only be amended, as outlined in Article 26, if there is unanimous approval. Dispute resolution rules are set out in Article 23, and contemplate use of a mutually agreed upon independent mediator when

necessary. During the first year after signing, the Miitigoog board met every month, every two months the second year, and was meeting on a quarterly basis at the time of the research. The results show that decision making is done at the board level through consensus and that collaboration was situated specifically within the structures of the Miitigoog board. This is where representatives from industry and First Nations had equal rights to exercise authority over decisions with regards to forestry and general land practices. An independent chair selected by the founding members facilitated decisions made through the board. The official rotation of seats for First Nations trust members had yet to be determined. Rotation at the time this research occurred was based on the availability of people who were capable of filling the roles, thus making quorum at meetings.

One industry partner expressed the arrangement in terms of decision-making rules and rights of first refusal for taking advantage of new business opportunities that arise.

Additional new opportunities come up because First Nations belong to the First Nations Trust, and then if they don't want to take advantage of it then it goes to First Nations outside of the trust. If they don't want to take advantage of it then it goes to the independent loggers, and then if they don't want to take advantage of it then eventually it comes back to the *Class B* or consuming mills can take advantage of it (Industry participant 027).

Several participants spoke about how Miitigoog was a step in the right direction towards long-term meaningful collaboration. Participants from First Nations discussed the business aspect of the agreement, and were mostly interested in how the partnership would change the relationships among the actors (industry, First Nations, and the provincial government) involved in forest governance. Such participants spoke about how the new model creates inclusivity for First Nations' forest values. They also discussed that the model would mean a less corporate approach to forest management.

I think it takes away the corporate mind from the resources where they want to make money and the practice of clear cutting - it adds the respect for the trees or the scenery (First Nation participant 013).

However, there were challenges for First Nations partners in demonstrating the value of Miitigoog at the community level.

I have a hard time convincing my own people. I still get people coming to my office and saying "Hey, they're cutting all of our trees down", and it's hard for me to say no they're not and they're trying to do it sustainably (First Nation participant 015).

There was also a concern from a new member of the First Nations Trust who felt that he faced a steep learning curve, making it difficult for him to participate meaningfully in decision making (First Nation participant 034). The same person commented further by saying that "[collaboration is] not there yet". This perspective indicates that further institutional development and accommodation may be needed to shape third-order governance for the Kenora Forest according to norms, values and principles reflective of collaboration. The potential for growth of the First Nations Trust is built into the Miitigoog governance system, and will be a factor that continues to affect the extent of accommodations that are made and the overall structure of the collaboration. Management complexity will increase as new parties sign onto the partnership; however, increased Indigenous participation may have the potential to strengthen regional governance, as was the case with the Clayoquot Sound Science Panel (Smith, 2013). The achievement of favourable outcomes for the First Nations Trust will be influenced by the various factors affecting how participation takes place and to some degree the extent to which the governance actors are open to lessons learned elsewhere (Griffith et al., 2015).

Participants indicated that the collaborative nature of the Miitigoog board provides opportunities for the accommodation of different epistemological stances. It creates space for First Nations and industry partners to engage in forms of cross-cultural communicative action and includes decision-making beyond 'just culture'³ (Maclean and The Bana Yarralji Bubu Inc., 2015). In this regard, ceremony and other processes linked to Anishinaabe governance are built into Miitigoog, including being a part of how decisions are made by members of the First Nations Trust. For example, feasting is an important step in the Anishinaabe worldview for developing relationships and for other aspects of governance.

Say if I have a group that wants to, you know we have a project going, and what we're looking for as an end result is a framework agreement sort of thing and to develop a self-governance system or whatever. I'd begin by feasting that process, by letting our people know and also the spiritual element (First Nation participant 025).

While the OMNR does not have decision-making authority within Miitigoog, they often join board meetings in order to provide guidance. All participants involved in Miitigoog described the important role of the OMNR in bringing people to the table to explore new possibilities for collaboration. Many board members expressed that OMNR managers also played an important role in guiding first-order governance through keeping parties at the table in the early days when Miitigoog was taking shape and disagreements were more common. OMNR managers also had key information about what was possible in terms of the provincial policies.

As mentioned earlier, the OMNR's authority is maintained and partnership decisions are confined to what is allowable within the OMNR's forestry management planning guidelines, which outline the rules and procedures for silviculture and land management in Ontario (OMNR, 2015). Therefore, when looking at the entire governance system inclusive of the Ontario government, it is apparent that collaboration is only occurring within a specifically defined governance stratum the board. Beyond this, governance remains top-down with ultimate legal authority respecting management operations remaining with the provincial government. Additionally, the Ontario government has considerable power because it holds renewal authority for the SFL. 2016 is an evaluation year for the SFLs, which will include discussions with stakeholders and the development of criteria to support further implementation (OMNR, 2011). The Minister also has the power to change the language and the rules set out in the SFL through amendments, which are noted in the appendices of the license (OMNR, 2013).

Miitigoog's story contributes to the growing literature on the inclusion of Aboriginal people in forest governance. As a form of Aboriginal forestry, Miitigoog is highly collaborative, involving shared decision making that has resulted in substantive action and meaningful outcomes (Wyatt, 2008). As a type of community forestry, it is an example of a partnership, arising from a tenure policy shift, that is interested in production and marketing of forest products and a desire to change the relationships between First Nations and forestry companies in the region (Bullock and Lawler, 2015). As a form co-management, although Miitigoog is not founded on explicit state recognition of Aboriginal rights as called for by Smith (2013) and others, it did nevertheless arise from institutional development and cross-cultural accommodation resulting in egalitarian third-order norms, values and principles.

6. Conclusions

The changes in the tenure system in northwestern Ontario have enabled new types of collaborative governance frameworks to emerge, including Miitigoog, the 50/50 First Nations-industry partnership for the Kenora Forest and portions of the Whiskey Jack Forest. Initially, tenure modernization impacted forest governance by creating opportunity, and encouraging collaboration. Collaboration then took shape according to the partners' interests, the norms that had been established through relationships, and the value of equality in partnerships. Mapping and describing Miitigoog's partners, institutions and relationships revealed the partnership's governance framework and constraints on its authority (Kane and Trochim, 2007; Kooiman, 2003). Regarding this last point, it was clear that the provincial government remained outside of the collaborative space and in a top-down position with considerable control over large institutional changes. Thus, further changes to the tenure system in Ontario could jeopardize or enhance the collaborative space created through Miitigoog. This case suggests that to protect and enhance this space, continued reforms supportive of decentralization have considerable promise.

In reflecting on our conceptual framework, the Miitigoog case illustrates how substantive decision-making by and with First Nations starts with changes to policy that can create the opportunity for new collaborations (i.e., partnership), which can then contribute to developing institutions based on values, norms and principles reflective of collaboration. The case also demonstrates how substantive decision-making depends on institutions that promote fair and meaningful interactions among the partners. Several procedural norms contributed to making decision-making substantive for First Nations including management by a First Nations company (i.e., Miisun), rights of first refusal for new business opportunities, independent board-level facilitation, and the inclusion of culture in decision-making processes. Challenges to substantive decision-making included limited community-level belief in the agreement, and considerable learning curves for new First Nations partners. These challenges will need to be addressed if decision-making is to result in substantive action aimed at creating meaningful outcomes for First Nations (Kooiman and Jentoft, 2009).

Our conceptual frame (Fig. 1), that adapts Kooiman's governance model, helped in the consideration of our results and sheds light on the key nuances of cross-cultural collaboration. By organizing the attributes of governance it became possible to discern what contributed to institutional development with relation to the three orders of governance, shedding light on the process of institutional development, which may continue as policy is adapted or new developments or actions encourage further problem-solving (i.e., the cyclical nature of the frame). Our description of Miitigoog's governance framework also sheds considerable light on regional collaboration and the different types of accommodations and institutional developments that must occur in order for third-order governance to reflect the original intentions (usually directly connected to solving problems and creating opportunities) behind new partnerships. Our findings deepen knowledge of regional cross-cultural collaboration between First Nations and industry in forest governance in Canada, and demonstrate how policy shifts that favour collaboration in turn influence institutional development affecting all orders of a governance framework. Other aspects of forest collaboration remain to be fully explored, such as the benefits received through engagement and increased knowledge and problem solving (Kearney et al., 2007; Wiber et al., 2009) and the learning implications of being involved (Sinclair and Diduck, 2001; Marschke and Sinclair, 2009; Sinclair et al., 2013). Such aspects will be useful for providing more information about the cyclical nature of collaboration (Fig. 1).

At a broader level, Miitigoog's story of the development of governance institutions by actors with different backgrounds and/or epistemologies might offer insight regarding governance challenges in different contexts and at different scales. For example, Giessen et al.

³ Maclean and the Bana Yarralji Bubu Inc. (2015) describe the inclusion of 'just culture' as what happens when endeavours (research, governance etc.) that aim to be collaborative end up marginalizing Indigenous peoples through only integrating customary practices and traditions instead of engaging meaningfully with a suitably wide array of Indigenous values and interests.

(2014) analyzed influential global forest policy actors and international forest-related negotiations involving national bureaucracies over time, and they determined that organizations with hybrid objectives for conservation and utilitarianism (i.e., forest production) were on the rise. Much like cross-cultural collaboration, hybridization involves the coming together of different vantage points (i.e., accommodation), and would involve institutional change at multiple levels of governance. Our research thus could contribute to understanding institutional development in an array of organizations operating with multiple potentially conflicting objectives. We therefore believe that our framework for governance, that reflects the accommodation and institutional development feedback among Kooiman's three orders of governance, could be useful for exploring other complex collaborative governance systems, such as those at the international level.

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