INTRODUCTION

“He went down to the river, and sang the song which calls the Weewillmekq’.

We que moh wee will l’mick,
We que moh m’cha micso,
Som’awo wee will l’mick!
Cardup ke su m’so wo Sawo!

I call on the Wee-Will-l’mick!
I call on the Terrible One!
On the One with the Horns!
I dare him to appear!

It came to him in all its terrors. Its eyes were like fire; its horns rose. It asked him what he wanted. He said that he wished his brother to be in his right mind again.

“I will give you what you want,” said the Weewillmekq’, “if you are not afraid. “
““I am not afraid of anything,” said the Indian.”
—Charles Leland, Algonquin Legends

Wolf Lake First Nation (WLFN) or Mahingan Sagaigan is one of ten communities representing the Algonquin Nation in Canada. Nine of the ten communities are located in Québec and one is located in Ontario. These communities are subject to the Canadian Indian Act. The traditional territory of the Algonquin
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Nation includes the entire Ottawa River watershed in what is now part of the Canadian provinces of Québec and Ontario (Figure 1a). The Algonquin people are part of the Anishnabe language group, which extends throughout the Great Lakes basin. The term Anishnabe, literally translates as “the real people” (Mamiwinni Adisokan 2010). Today, the community of WLFN is made up of 220 people governed by an elected Chief and Council. Instead of living on a reserve, all members live on their traditional unceded Algonquin Nation lands within both the Provinces of Québec and Ontario where they assert Aboriginal Rights and Title as recognised by the Canadian Constitution. WLFN traditional territory has been established, documented, and substantiated through both historical research and a professional current land-use and occupancy-mapping project (see case study in Tobias 2010).

Traditionally, Algonquin people’s social, political, and economic organisation was based on watersheds, which served as their transportation corridors and family land management units (St. Denis 2009). They regard themselves as ‘keepers of the land’, with ‘seven generations’ worth of responsibilities for livelihood security, cultural identity, territoriality, and biodiversity—a sentiment expressed by other First Nations (see Smith This issue, for a similar perspective). For over 7,000 years, the forest has provided the Algonquin people their livelihood, including food, energy and materials, landscapes, spiritual grounds, goods for trading, and peace. Abrell et al. (2009) observe that this lifestyle was manifested through the knowledge, innovations, and practices collectively referred to as traditional knowledge. This has also been described as: a way of being in the world that sees the self as embedded within a network of relationships with land, water, plants, and animals, expressed through culture and integrated into customary laws. Such a way of life is based on spiritual foundations and cultural practices that understand the self very differently from the legal subject that underlies the property rights discourse (Bavikatte and Jonas 2009: 16).

Today both traditional and contemporary ecological interests (e.g., traditional hunting and trapping, and contemporary interests in carbon storage and biodiversity) form the basis for community watershed conservation projects led by WLFN on their territory. These activities stem from self-determination (i.e., self-governance) derived from a history of traditional knowledge and governance on the land that provided the original instructions of what kind of humans Anishnabe were. These activities are important and scholars in Native Law have stated that “(p)ursuing self-determination will allow First Nations people to be as they truly are as opposed to how they have been re-created by Crown governments through such mechanisms as the Canadian Indian Act ” (Henderson pers. comm. 2011; presentation to Assembly of First Nations Special Chiefs Assembly, December 2011).

This paper will summarise the arguments and achievements to date of WLFN in their modern quest for self-determination, particularly in the context of resource-based economic development. The paper will also highlight challenges that have been encountered by WLFN when dealing with either of the land uses which this special section focuses on (protected areas and forest management). WLFN’s argument for their right to self-determination is based on historical facts, the Canadian legal situation with regards to First Nations, as well as international Indigenous rights instruments and agreements for protecting the interests of Indigenous Peoples to which Canada is a signatory. A key component of self-determination for WLFN is their fair participation in managing common resources in ways that enable them to participate in the modern economy without compromising their values, legal rights and title towards the land or their independence as Aboriginal peoples.

Pathways and barriers to self-determination: Aboriginal title and rights in Canada

After living independently for thousands of years on their respective territories, First Nations peoples have been
challenged to exist with, and be assimilated into, European settlements. European settlers manifested themselves first in the form the governments of France and Britain, and then the governments (federal and provincial) of Canada. The rules of First Nations existence and interaction have since been based on different categories of rules and laws established by these governments (SFU-CELS 2011). The starting point of this position is the recognition that Algonquins, like all First Nations in Canada, began with both rights to their territories and rights as people governed by their own customary laws (see also Smith This issue for a national perspective).

The Algonquin way of life at the time of initial European contact was based on cultural practices and a worldview that was very different from those of the British and French settlers. It is important to note that the Algonquins have never relinquished the rights to their territory or their rights as “Anishnabe”. They have never been hostile; rather they had many co-operative arrangements (Morrison 2004). They were allies with the French and assisted in the exploration, settlement, and development of Nouvelle France. They then signed treaties of Peace and Friendship and the Royal Proclamation with the British between 1760 and 1764 as co-operative agreements to protect their peoples and territory (Morrison 2005). However, they soon found themselves alienated from their territory and criminalised until 1982, when the Government of Canada passed the Constitution Act, within which Section 35 recognises and affirms the ‘existing’ Aboriginal and treaty rights in Canada. Section 35 is intended to provide constitutional protection for Aboriginal rights related to the historical occupancy and use of the land by Aboriginal peoples, treaty rights, and agreements between the Crown and particular groups of Aboriginal people.

Laws relating to aboriginal rights and title are articulated by Supreme Court of Canada decisions. The Constitution Act also reaffirms Canada’s dual legal system and confirms that provinces have exclusive jurisdiction over property and civil rights. This situation leads to complications for Algonquins because the nation asserts legal territorial rights and title in both the provinces of Ontario and Quebec, and the conditions on each side of the border differ. The provincial boundary is the middle or deepest channel of the Ottawa River, and represents a European construct that does not coincide with the historical or current use of boundaries by the Algonquin Nation. Subsequently, the overlapping histories of treaties and laws on the two sides of the provincial boundary have had different and complex effects on Algonquin culture and livelihoods. For example, Quebec does not have any jurisdiction over Algonquin Aboriginal Title and Rights, but assumes jurisdiction over natural resources, subject to First Nations’ Aboriginal Title and Rights, as established by Sections 92 and 109 of the Constitution Act, 1867. Therefore, within the Quebec provincial boundaries Algonquins maintain their rights to hunt and fish and build camps anywhere on their territory. In contrast, in Ontario, Algonquin rights outside of reserve lands have been affected under a so-called ‘basket clause’ of the Williams Treaty of 1923 (Marquis 2008). Even though Algonquins were not signatories to the treaty, the treaty appeared to give the province wide jurisdiction over all other lands (Marquis 2008) with which southern Ontario Ojibwe treaty signatory bands had been involved. Therefore, the treaty area extended into Algonquin territory, and the governments of the day extinguished Aboriginal rights and title to this area. The question remains how this could have happened under the terms of the Royal Proclamation of 1763.

The Canadian federal government has fiduciary duty over Aboriginal lands and as such, the provinces of Quebec and Ontario are party to the Government of Canada’s comprehensive claims and self-government policies and processes, which set out the framework for negotiations regarding First Nations’ Aboriginal Title and Rights. The federal comprehensive claims and self-government policies implement a framework where First Nations such as Wolf Lake must negotiate with the federal and provincial governments for a land claim, monetary settlement, and self-government. Each deal is different but all typically involve the elements of extinguishment of Aboriginal pre-existing sovereign status, elimination of reserves, and elimination of special tax status under which First Nations essentially become municipalities. Not only are these federal policies inconsistent with the pre-existing sovereignty and constitutional protection of Aboriginal and treaty rights, for which Canadian First Nations have fought and struggled over the centuries, but Aboriginal leaders and legal experts feel that these federal policies are in breach of internationally recognised human rights of Indigenous Peoples (H. St. Denis, WFLN Chief pers. comm; R. Diabo pers. comm.). Therefore, WLFN seeks a different but joint approach with governments that provides a strong foundation for the “recognition” of Aboriginal and Treaty rights instead of its extinguishment of Aboriginal title and rights. This approach is consistent with the Articles of the UNDRIP (UN 2008). WLFN has not submitted a Comprehensive Statement of Claim to the federal government pertaining to lands in Quebec or Ontario but has instead focused on providing a summary of evidence and relies on key legal decisions of the Supreme Court of Canada. Recent Supreme Court of Canada rulings have defined certain legal principles for Aboriginal title—for example, the Delgamuukw vs. the Queen case declares that Aboriginal title includes an “inescapable economic component”, and the Haida decision of 2004 builds on the Delgamuukw decision requiring the Crown to not only consult First Nations, but to actually accommodate them depending on the nature of the right asserted (Hendrickson and Van Schie 2008). The Haida decision does not require an Aboriginal group to file a comprehensive claim with the federal government in order to be consulted and/or accommodated. However, the Supreme Court decision in the Haida case provides an interim mechanism to facilitate Aboriginal communities’ roles in mitigating impacts that affect Aboriginal rights and title on their territory in the absence of a formal land treaty. It is worth noting that Canada has not publicly revised its comprehensive claims policy to be
consistent with recent case law. In response, the Assembly of First Nations (of which WLFN is a member) has established a Comprehensive Claims Policy Reform Working Group to seek changes to the federal policy.

The federal comprehensive claims mechanism demands an exchange of information between the Aboriginal group asserting their rights and the Crown; however consultation policies specific to lands and resource development are the responsibility of the individual provinces. The depth of consultation depends on the nature of the right asserted by the Aboriginal group (Algonquin Nation Secretariat 2011) and the date to which the Crown asserted jurisdiction by establishing laws over their territory. In WLFN’s case this date is 1850. Wolf Lake, having provided this evidence to governments, including the Government of Québec, should be able to seek clear benefits and accommodations for proposed provincial natural resource extraction activities accruing from their rights and title area. However, the Québec government defers any direct impacts, benefits or accommodations to the community by directing Wolf Lake to the federal comprehensive claims process. The Province of Québec typically withdraws from any alternative type of negotiations as it assumes it is not up to its government to settle issues around land claims or treaty rights, but it is the responsibility of the federal government instead (Scholtz 2009). In WLFN’s view, the federal comprehensive claims system facilitates the province of Québec to continue provincial permitting and authorisations for acquisition, extraction, and monetisation of natural resources on WLFN lands without consent.

The need to change the federal comprehensive claims system

The Federal Comprehensive Claims Policy was developed in 1973 (INAC 1987). At that time Aboriginal and treaty rights were not recognised and affirmed in Canada’s constitution. Instead, the comprehensive claims policy served as a system for the resolution of claims by way of extinguishment of Aboriginal title. Despite some changes in terminology, the comprehensive claims policy still operates towards extinguishment, and after almost 40 years, the comprehensive claims policy itself has become an impediment to reconciling Aboriginal and Crown title claims (Alcantara 2009). It is felt by Aboriginal leaders (St. Denis, WLFN Chief pers. comm.) that it clearly contravenes the Haida decision of 2004, which constitutes the approach preferred by WLFN, and is inconsistent (to say the least) with the anti-federal governance position of the current approach preferred by WLFN, and is inconsistent (to say the least) with the anti-federal governance position of the current First Nations (of which WLFN is a member) has established a Comprehensive Claims Policy Reform Working Group to seek changes to the federal policy.

Effective implementation of the UNDRIP and a political commitment to engage in meaningful and fundamental Federal Comprehensive Claims policy reform remains a focus for WLFN and many other First Nations across Canada. Opinions about land ownership and access to natural resources for their conservation and/or monetisation diverge (see Campbell 2007). Free, prior and informed consent is a sine qua non of the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the United Nations Sustainable Development Goals (UNSDGs). As such, the sanctity of treaties as instruments of self-determination for First Nations peoples of the Temiscaming Region remains entrenched in extractive forestry and the demand for wood continues to be the major cause for both cultural and economic forest losses on WLFN territory. Current provincial policies and partnerships in support of local forest companies to promote wood-based bio-energy production are likely to increase this demand even further.

Historical access and land rights abuses

As described earlier, Algonquins traditionally lived in and depended on the forests for their livelihoods. However, since the late 1800s the regional economy around Wolf Lake has been primarily focused on extractive timber harvest and pulp/paper production. Historically, Canadian forestry activities have been subject to economic cycles reflecting national and international market forces and policies. Over the years, forestry activities have declined or disappeared when the resource on which they depended is exhausted or becomes uneconomical or socially unacceptable to exploit. However, the Temiscaming region remains entrenched in extractive forestry and the demand for wood continues to be the major cause for both cultural and economic forest losses on WLFN territory. Current provincial policies and partnerships in support of local forest companies to promote wood-based bio-energy production are likely to increase this demand even further.

Historically, provincial natural resource planning processes have not been designed to deal with Aboriginal and treaty rights, and access and abuses have caused serious socio-economic impacts on WLFN while restricting their future land use. For example, Morrison (2005) points out that by the early 1900s, WLFN traditional livelihoods came under severe pressure not
only from forestry but also farming, mining, and trapping. Algonquin property rights were flagrantly ignored (Morrison 2005). Contemporary interpretations of historical events suggest that inherent conservation practices of WLFN, which ensured that all environmental resources were sustainable over the long term (the ‘seven generations’ obligation), were also ignored. This led to the near-extinction of the beaver and other fur-bearers, as well as game animals used for sustenance, by 1920. The Province of Québec’s response to impose hunting and trapping seasons, and other harvesting restrictions as a form of wildlife management effectively criminalised traditional activities and led to even more hardship for WLFN families. The introduction of the Québec registered trap line system in the 1940s did not constitute a solution, rather it only perpetuated the community plight, since many traditional Algonquin family trapping areas were handed to non-Algonquins (Morrison 2005).

The emergence of a commercial sports tourism industry further impacted WLFN livelihoods. Both private fish and game clubs, and exclusive tourist outfitting licenses dislodged WLFN people from prime harvesting locations. By the 1970s, many WLFN members found themselves unable to secure permanent or adequate access to resources and moved nearly 90 km from the relatively small and isolated Anishnabe settlement of Hunter’s Point to the larger Francophone-dominated centre of Temiscaming, Québec, in search of more permanent jobs in the local forestry, mining or transportation industries. Also around this time and generally unknown locally, WLFN was subject to another type of displacement—the so-called technical displacements that involved computer-based mathematical forest simulation models that turned First Nation forest lands and resources into efficient forest factories, guided from afar as part of the centralised timber management system (Humphreys 2006, as cited in McDermott 2012). The processing of large complex data sets required the development of expert systems reliant on advanced mathematical and engineering knowledge. Given this complexity, First Nations like WLFN are unable to intervene and hold forest planning actors accountable for on-the-ground impacts (Power 1997 as cited in McDermott 2012). This situation continues under the Province of Québec’s 2013 Sustainable Forest Development Act (SFDA) which simply “takes account” of First Nations “interests, values and needs” (section 6), which are then limited in scope and content by being tied to “domestic, ritual or social activities pursued by the community” (section 40). The SFDA was crafted to manage common pool forest resources through the constitution of regional forest management corporations—a process that would further dilute First Nation representation and rights. The enacted combination of limitation and dilution of rights exacerbates inequitable distribution of forest resources and the limited role of Algonquin peoples in strategic forest management on their own unceded territories.

In summary, since the early 1900s, the external forces of exploitation and degradation of WLFN lands and resources have resulted in the systemic loss of individual and family traditional use of the territory. The abundant natural resources which historically have supported a traditional livelihood have been appropriated by industry and governments. Without WLFN realising any revenue sharing, the appropriations and subsequent extraction activities have had a negative effect on both the ecological systems of the forests, and consequently the culture and livelihood of WLFN. This is why WLFN is reaching out in its effort to re-imagine forest management by establishing relationships beyond the current forest management activities furthered by governments and the established forest industry, in the search for more creativity and innovation in forest use.

**RECLAIMING INDIGENOUS TERRITORIAL LIVELIHOODS WITHIN A MODERN ECONOMY**

For several years, WLFN has prioritised long-term strategies to promote environmental and economic sustainability as an alternative to intensive resource extraction industries on their territory by focusing on the following community development priorities:

- Provide alternative employment to the community’s growing population, which includes a high number of youth who are faced with few rewarding job options;
- Create economic opportunities which are compatible with the cultural and environmental values and aspirations of the members (for example eco-tourism); and
- Build on environmental education and stewardship opportunities that reflect and strengthen cultural values, with climate change mitigation and adaptation co-benefits, and possible eco-system service opportunities (Van Schie 2011).

Today the community’s main economic development initiatives include small eco-tourism enterprises, renewable energy projects, forestry carbon projects, creating conservation areas from proposed harvesting areas, and marketing a registered silvicultural bio-technology to the Québec government to improve forest production in commercial forests. We discuss each of these initiatives in more detail. In the next section, we provide details on the challenges WLFN faces with the Government of Québec when developing economic opportunities in the global carbon market, as well as the conflicts when incorporating these activities within both protected areas initiatives and the 2013 SFDA led by the province of Québec. This is followed by a summary and ideas for future directions.

The context of many of these initiatives is embedded in the relationships between WLFN and the Province of Québec. In 2009, the Québec government announced the Plan Nord, a CAD 80 billion project that encompasses 72% of Québec’s total land base. The plan—which is to protect half of Québec’s north by 2035 while allowing energy, forestry, and mining development in the other half—has drawn stiff opposition from some Innu and First Nation communities (Lalonde 2012) and is not supported by WLFN. The Québec government sees the North of the province as a vast swath of untapped natural capital. Although conservation groups laud the Plan Nord because half the area will be set aside for conservation, the other half will be subject to increased industrialisation. Despite
the lack of support for the plan from Aboriginal groups, its existence is an important context for the forest-based activities undertaken by the community and which are the focus of this case study article.

Eco-tourism initiatives

In the 1990s, when WLFN faced critical mill and plant shutdowns in the regional forest industry, WLFN began to focus on community-based eco-tourism initiatives as a means of diversifying its economic base and employment structure. With this intent, in 1997 the band purchased a former tourism information centre building on Long Sault Island on the Ottawa River and converted it into a native craft store. In 1998, the Timber Train, a summer tourist train attraction along the Ottawa River between Mattawa and Temiscaming engaged WLFN as a receptive tour operator for their summer tourism train clientele. WLFN offered tourists the option of purchasing a traditional Algonquin lunch of moose stew and bannock, and cultural tour (H. St. Denis, WFLN Chief pers. comm. 2012). Three years later the Timber Train went into receivership over management issues outside of WLFN’s control. However, the venture had proven successful as WLFN had succeeded in attracting some 60% of the train’s 300 daily summer passengers with their Algonquin cultural product. WLFN also employed eight members who provided services to approximately 7,200 passengers per season (H. St. Denis, WFLN Chief pers. comm. 2012). In the case of WLFN, eco-tourism includes both environmentally-based and culturally-based tourism. Cultural tourism is sometimes seen as distinct from eco-tourism; however, in the case of tourism within the traditional territory of Indigenous peoples, the two are often closely intertwined (Welford and Ytterhus 1998; Wallace and Russell 2004). Despite the short duration of their venture with the Timber Train, WLFN had learned that culture-based tourism products enjoy high demand, and can be marketed successfully. They understood that WLFN members had the capacity to work in the field of tourism and related businesses, and that WLFN potentially could have done a better job owning and managing the Timber Train and receptive offerings themselves.

In 2002, the community adopted a 10-year comprehensive tourism development strategy which planned to tap into the Québec provincial Aboriginal Development Fund to develop community owned and operated tourism facilities and products (H. St. Denis, WFLN Chief pers. comm. 2012). In 2004, the community launched its own new venture, converting the craft store location into the Algonquin Canoe Company as the first step of the multi-phase initiative to establish ecotourism as a supplementary component of its social, economic, and cultural development. Since then, the Algonquin Canoe Company has established itself at two locations in both provinces, and maintains and outfits over 500 km of traditional Algonquin canoe routes in the Ottawa River Basin. Under the same tourism strategy, the band and the Québec Government have since jointly invested CAD 1.1 million towards the purchase of a tourism fishing lodge, restaurant, and bar on Lake Kipawa (2011), and a cultural outdoor education-learning centre at Hunter’s Point (2013)—a settlement where WLFN band members lived full time up until 1970 and still have summer camps to this day.

Although ecotourism ventures are not always sustainable or profitable for local communities (Welford and Ytterhus 1998), this was not found to be true for WLFN. By its very nature, the tourism strategy has demonstrated the capacity to diversify the employment structure for WLFN and re-structure the assets of WLFN around waterways and forest conservation areas on the territory. Wallace and Russell (2003) showed that combining natural and cultural experiences is often crucial for establishing successful eco-tourism initiatives. However, it should be noted that some academics have critiqued eco-tourism of remote destinations as ecologically unsustainable, given the carbon footprint of long-haul flights (Dawson et al. 2010, 2011). However, WLFN’s territory is not as remote as many other eco-tourism destinations, yet carries similar wilderness qualities. The community continues to harmonise operational logging activities to support eco-tourism activities to be an ecologically, economically, and culturally sustainable alternative over the long term (Van Schie 2008).

Ecotourism creates jobs of a type that draw upon the skills of, and appeal to, the younger members of WLFN (personal observation of first author; for an African example, see Job and Paelser 2013). Since 2003, WLFN youth have worked summers scouting and maintaining over 500 km of traditional Algonquin canoe routes and portages to service the Algonquin Canoe Company outlets. WLFN’s emphasis on culture-based ecotourism development has influenced regional non-natives and visitors in becoming more aware of the Algonquin’s environmental, social, and cultural history through modern day activities on the territory (Van Schie 2013). This awareness, and the experiences offered through the Algonquin Canoe Company are similar to the values and experiences provided in legislated protected areas (e.g., national and provincial parks) but differ in that they provide a direct cultural connection with Algonquin peoples (Duinker et al. 2010; Wiersma et al. 2010; Wiersma et al. This issue).

Forest harvest management consultation with WLFN in Québec

In 2004, after the Haida decision and under the previous Forest Act, the Québec Ministry of Natural Resources and Wildlife (MNRF) and WLFN signed a working forestry agreement, specifying an operational planning relationship for harmonising Annual Allowable Cut (AAC) plans between the First Nation community, local forest industry tenure holders, and the Québec government. For the first time, WLFN was able to be involved in forestry operational planning, thus ensuring that short-term regional forest management plans aligned with forest ecosystem conservation and tourism development interests as well as their traditional uses of the land. Under this agreement the community began proposing larger buffers and greater cutting restrictions around sensitive areas.
At the same time, WLFN also entered into an MOU with Tembec Inc. This MOU with an industrial partner specifies a process to identify the terms and the means by which the interests of WLFN are to be accommodated when Tembec Inc. carries out forestry operations on the territory. Priority activities for the parties include harmonisation of Tembec Inc. forestry operations with MNRF consultation results, community economic development and employment opportunities as identified and developed by WLFN, maintenance of Tembec’s Forest Stewardship Council (FSC) certification, and the development of an ecosystem-based management project. The agreement has facilitated the community and industry in working together to develop common interests and business relationships. Future proposed revisions of FSC Principle 3 standards to incorporate the UNDRIP will provide communities like WLFN in Québec a means to increase their influence over land use without extinguishment of their rights or who they are as a people. This shift to more sustainable forest management reflects a growing international consensus that forests should be managed to meet the social, economic, ecological, cultural, and spiritual needs of present and future generations (Lee and Kant 2006; Kant 2007; Hahn and Knoke 2010).

Forestry harmonisation consultations in practise

The existence of consultation agreements between WLFN, the Ministère des Ressources naturelles et Faune (MRNF) of the Québec government, and forest companies which are FSC certified appears to be a positive step (Secrétariat aux affaires autochtones 2001; Tembec 2013). However, the existence of the agreements does not automatically imply that conflicts over operational logging and community conservation interests cease to exist completely. The community has suggested a 10 km buffer be withdrawn from all future resource extraction plans around their settlement site at Hunter’s Point. The Québec government responded by issuing a permit for a large gravel operation at the settlement site to support the expansion and maintenance of local logging roads and subsequent forestry activities under the new 2013 SFDA.

Other than lands set aside for towns, roads or parks and protected areas, all of WLFN traditional territory is entirely occupied by government forestry tenures that will eventually all be subject to the AAC. Some areas remain primary forest, but likely not for long unless they can be protected. In 2005, a key section of the Maganasipi river canyon was scheduled for harvest. Algonquins know this river as Maganasibi—Wolf River because of the valley’s resident wolf population—a population that has lived here relatively undisturbed for thousands of years. The community perceived the planned harvest in one of the few remaining pristine wilderness areas on their territory (which had previously only been high graded for select pines in the late 1800s) as an act of provocation. Tembec Inc. also knew that the area had been recommended for conservation by the World Wildlife Foundation as an ancient and exceptional forest with low disturbance and trees 300–400 years old. WLFN completed a forestry inventory contract for Tembec Inc. of the area (an employment opportunity created through the MOU), which confirmed the outstanding characteristics of the forest. After the events of 2005, the community formally opposed the forest harvest plans. Tembec Inc. continued to press for major harvest operations, stating that WLFN had accepted the contract to complete a forest inventory and the company needed to maintain the supply of wood to its mills. In this era in Québec, the volume of wood harvested was determined by economic demand. MNRF staff approved company-created plans giving companies the freedom to stop production at the point where marginal cost equalled the price that maximised their profits (Gong et al. 2013). Political economist Elinor Ostrom (2008) refers to such practice as “roam and steal”, and suggested caution when applying this concept, arguing that if “you use something year after year it might just disappear”. The community regards current management regimes to be in violation of their judicial rights, as well as contradicting their long-term ecosystem and economic resource plans for their lands, which include protecting the Maganasipi watershed and other sensitive areas.

Climate change mitigation project: minimising deforestation and creating investment opportunities

In 2007, WLFN identified an economic development opportunity which had the potential of improving sustainable forest management throughout the Province of Québec. WLFN partnered with the Canadian bio-tech company Mikro-Tek Inc. to introduce a natural forest management technology that increases the growth and carbon sequestration potential of seedlings on reforestation sites in the boreal forest (Post et al. 2004; Lal 2008). Use of this technology demonstrates average increases in growth and survival of 25% for the major boreal forest conifer species jack pine, white spruce, and black spruce (Walker and Mallik 2009). Mikro-Tek obtained a commercial product registration for these microbial supplements under the Fertilizers Act from Agriculture Canada’s Canadian Food Inspection Agency (CFIA Registration Numbers 2008003A and 201101A). Despite the fact that this technology is a federally registered product, based on a naturally occurring substance that has been demonstrated to be effective in increasing survival, health, and growth in trees, the province will not endorse the technology for its use in Québec forests or protected areas.

WLFN PERSPECTIVES AND CHALLENGES

Despite all this evidence, support from industry, and WLFN arguments that the Mikro-Tek technology constitutes a forest enhancement technology in compliance with the new Québec Sustainable Forest Management Act (Government of Québec 2010), the government of Québec itself “...deems itself to be the sole manager of the resources on its territory, including the carbon and carbon credits stemming from plantings using such a technology” (letter from MRNF to WLFN 2009) even if these are also on Indigenous territories. Saunders et al. (2002) and Ebeling and Yasué (2008) make a compelling case in support of Indigenous peoples and carbon markets from an international perspective.
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perspective. WLFN continues to advocate their objective to implement the technology which would ultimately bring 25% more fibre to the mills from more productive forests.

WLFN would rather see the implementation of this innovative mycorrhizal technology in existing forest management areas in Québec over increased depletion of frontier boreal forests under Québec’s proposed Plan Nord development. A May 2012 editorial in the New York Times identified the Québec Boreal forest as one of the front lines against climate change, highlighting the relative intactness of the ecosystem and the potential for carbon storage (New York Times 2012). In WLFN’s view, higher productivity in managed forests should be a common objective over deforestation of frontier boreal forests contemplated under the new Québec sustainable forest management regime. Any carbon credit that could be earned pursuant to conservation or reforestation would be part of Québec’s overall carbon inventory and would contribute to Québec meeting its greenhouse gas reduction objectives under any program (Ebeling and Yasué 2008). Tembec Inc. has recently sent a letter of support to the Québec government to reconsider implementation of the proposed technology offering:

Tembec has observed the technology application and positive seedling performance in Ontario on Tembec reforestation sites over a 10 year measurement period. As such, Tembec would like to support WLFNs objective with your government to implement this high standard technology in the Province of Québec. We further acknowledge that an innovative strategy such as this to advance better technologies in reforestation that have the potential to bring more fibre to mills from better production forests should be a common objective amongst all parties in the new Québec intensive silviculture forest management regime. (2012 letter from Michel Lessard to MNRF Deputy Minister Savard)

Planning and managing common conservation resources

In May 2002, the Government of Québec, Ministry of Sustainable Development, Environment and Parks (MDDEP) implemented the “Strategic Plan of Action for Protected Areas” (Government of Québec 2011). This plan initially aimed to protect 8% of the territory of Québec through a network of protected areas that represented the province’s biological diversity by 2008, followed by a commitment to expand the protected areas network to 12% of the province by 2015. This represents over 200,000 sq. km of the land, much of which is on First Nations’ territories. The priority of the Québec government is to establish the protected area network according to the International Union for Conservation of Nature (IUCN) categories I and II of the protected areas registry. Category II of the registry includes protected areas managed mainly for ecosystem protection and for recreation, as in Québec national parks.

After much debate, and in co-ordination with Quebec’s intention to increase protected area designations within the province to said 12%, on November 15, 2007, WLFN, through its agreement with the provincial MNRF, prevented 9000 ha of the core area of the Maganisipi river watershed from being logged and degraded in advance of a Québec Protected Area designation for the same area.

In 2008, the Québec MDDEP subsequently requested authorisation with WLFN to assign provisional protected areas to the Maganisipi river watershed and another five areas identified in the MDDEP conservation plans—namely, Dumoine, Ottawa River Deer Yarding Area, Basses-Collines du Ruisseau Serpent, Riviere Noire, and Opemican—for a total of 10% of WLFN traditional territory. These areas are now proposed ‘biodiversity reserves’ under the Québec Natural Heritage Conservation Act (Government of Québec Undated), and are subject to public hearings before a permanent status and management regime is implemented. For now, the government has declared a moratorium on industrial activities within provisional protected areas (Figure 1b), which also applies to the 10% of WLFN territory.

As explained earlier, WLFN does not consider itself as a stakeholder, but rather a First Nation with constitutional and legal rights affecting the implementation of territorial lands for such land uses as provincial protected areas. In the case of the Maganisipi watershed assignment, WLFN had initiated the conservation interest and took the governance initiative to protect the lands from logging in advance of the provincial strategy announcement. In the spirit of self-determination, WLFN continues to assert rights and interests through their own forest conservation, and recreation and tourism projects. Their plan is to benefit further from related ecosystem services benefits and possibly to derive revenues from such uses and services of their territory. In 2009, WLFN made a formal suggestion to the United Nations Framework Convention on Climate Change (UNFCCC) Subsidiary Body for Scientific and Technical Advice (SBSTA) to also consider market preference to Indigenous-led avoided deforestation and/or climate change mitigation projects in developed countries, as has been advocated by Saunders et al. (2002) and demonstrated in case studies documented by Ogawa et al. (2006). Through direct consultations with MDDEP, WLFN, under the leadership of Chief Harry St. Denis, agreed to the provisory status of over 10% of WLFN territory of interest, without prejudice and under the condition that WLFN gain access to carbon credits generated from WLFN’s conversion work from the planned logging to conservation area status. A second condition of WLFN for support of the provisional protected areas was that WLFN have a role in the management of the proposed protected areas and Opemican Park through a negotiated agreement. The provisional protection of the proposed reserves on WLFN traditional territory took effect on June 11, 2008, except for the proposed Opemican biodiversity reserve, which took effect on March 7, 2007. In 2013, Québec announced the creation of the national park of Opémican; however, despite a request by WLFN, no agreement was forthcoming between them and the Province of Québec in advance of any of the designations. In a formal press release (Wolf Lake First Nation 2013); Chief St. Denis stated:
The public should know that our Algonquin First Nation has made numerous good faith efforts to negotiate a proper consultation/accommodation agreement with both Quebec Premier Charest and Premier Marois, unfortunately our efforts were ignored as shown by the announcement by Premier Marois about creating Opémican Park. Our First Nation must be part of development of the region and regional development must be based upon respect for our constitutionally protected rights.

In 2008, WLFN was told by MDDEP officials there was no time to negotiate a Consultation Accommodation agreement with the First Nation because a Memorandum to Cabinet regarding the designation of protected areas was being prepared in 4–6 weeks and to interfere with this process would “…be a precedent, and it is always wrong to do something for the first time and the procedure is not like this.” (Laberge 2008, Chief of Protected Areas Department, quote in speech at Québec City). As such, WLFN was precluded from such an agreement because of MDDEP expressed time constraints. As a result, the provisional protected areas came into effect as planned by the MDDEP, and the Ministry has since moved beyond its initial timeframe of 4 years to establish the proposed reserves and a park without any further effort towards an agreement with WLFN.

WLFN’s concern is that the current imposition of the Natural Heritage Conservation Act for the establishment of protected areas and the park restricts and limits WLFN’s ability to carry on its traditional activities and intended economic projects on its territory of interest, and creates difficult circumstances or mechanisms, which WLFN and other Algonquin Nations will need to overcome. It should be noted, however, that in 2008 MDDEP officials decided to link the conservation plan to the decision process by allowing the addition of the following clause to the plan:

The Minister specifically undertakes, within certain conservation plans specifically the proposed Basses-Collines du Ruisseau Serpent Biodiversity Reserve, the Dumeine River Aquatic Reserve and the proposed Maganasipi River Valley Biodiversity Reserve—to negotiate with the Nation, presumably to arrive at mutually beneficial terms for the development of the relevant territory. Pursuant to these conservation plans, at Section 4: The Minister of Sustainable Development, Environment and Parks commits herself, until such time as the status of permanent protection has been granted to this territory, to work with the aboriginal communities concerned, including the community of Wolf Lake, towards the management and development of this protected area and, where relevant, enter into partnerships on certain specific activities (Government of Québec 2008).

The language used in the conservation plan does not elaborate further on these “certain specific activities”; it also does not acknowledge all five conservation provisional plans and excludes the National Park of Opémican proposed by Québec on WLFN territory. Given the above, it is difficult to advance the community’s ability to regain control or right to self-determination within the proposed protected areas and park designations without the government’s willingness to negotiate in good faith. It is for this reason that WLFN might require the assistance of agencies such as the IUCN of which Québec is a member, as IUCN Resolution 4.056, (rights-based approaches to conservation; see Lynch 2010) clearly supports indigenous rights, which its members (including Québec) should adhere to. In additional, other corporate and international agreements could provide leverage for WLFN to put pressure on the provincial government with regards to their rights to participate in protected areas and forest management. The Board of Directors of the Mitsubishi Corporation Foundation for the Americas (MCFA) at its annual meeting in 2013 approved an aggregate of nearly 1 million in the form of new grants, continuing grants, and a program-related investment (CSR Wire 2013).

The new grants include major funding for two projects in Canada—one involving freshwater biodiversity assessments across Canada by the IUCN and NatureServe; and the other, a wolf conservation research project initiated on behalf of the Wolf Lake First Nation, in the Maganasipi watershed. The IUCN grant will facilitate the integration of NatureServe’s research data into the IUCN Red List and Integrated Biodiversity Assessment Tool (IBAT), which will improve the quality and accessibility of baseline biodiversity data and therefore lead to better decision-making concerning land use throughout Canada. The wolf study will be conducted with resources provided by the University of Toronto using both Western science and Indigenous knowledge to protect and conserve a pack of wolves within the traditional territory of the Wolf Lake First Nation, for whom wolves hold symbolic cultural value. As such, WLFN intends to collect data on the distribution, abundance, and population trend of this group in and around the Maganasipi watershed. The project aims to describe the wolves watershed use patterns to determine the factors shaping variation in their abundance. The results of the 3-year project will contribute to long-term management of wolves and forest conservation of prey habitat within and outside the Maganasipi protected area boundary. WLFN anticipates the study will bring significance to the importance of protecting conifer forest habitat and connectivity corridors for wolves and their prey base.

CONCLUSIONS

After a long period of stagnation and dependence on the Canadian administrative system and the actions of the industrial resource-based Canadian economy, over the past two decades WLFN have started a number of exciting initiatives of self-determination, all of which are based on a sustainable use and management of their forest ecosystem.

WLFN continues to improve the conservation potential for its own territory by harmonising current industry needs with
traditional use, knowledge, innovations and technologies in improved forest and climate change management, entering partnerships with the outside world. These partnerships present enormous opportunities for the Province of Québec to expand biodiversity efforts beyond national parks and protected areas into Plan Nord which, if realised, will drive forestry operations into new frontiers of the Boreal Forest. Throughout Canada, modern forestry practices have introduced rapid changes to both natural systems and Aboriginal livelihoods. The province of Québec could move more effectively in the direction of sustainable forest management with support of First Nations like WLFN who can bring innovative, contemporary, and traditional knowledge into planning the future of their common resources.

WLFN is increasingly interpreting its right to self-determination and customary laws into emerging industry FSC standards, as well as provincial laws and policies including the Québec Natural Heritage Conservation Act (Government of Québec Undated). Achieving self-determination requires full participation of First Nations in all aspects (development, implementation, monitoring, and enforcement) of law and policy (Tobin 2009). WLFN is doing so by relying on international human right instruments and agreements such as the International Covenant on Civil and Political Rights (UN 1966a), the International Covenant on Economic, Social and Cultural Rights (UN 1966b), and the UN Declaration of Rights of Indigenous Peoples (UN 2008; see also UN 2006 for a review of Indigenous issues in an international context).

Creating a sustainable future for biodiversity conservation worldwide will critically depend on the active and effective participation of Indigenous peoples (Sobrevila 2008). Agreements between WLFN and Québec on sustainable forest management and conservation can provide the opportunity for communities like WLFN to establish a common vision with governments through a sovereign relationship. If governments and First Nations continue to disagree on issues surrounding rights and responsibilities, it is likely that costly legal and forest certification challenges will ensue. Indigenous peoples like WLFN can no longer be an object of displacement in forestry or conservation planning, but rather must be regarded active subjects with the rights and responsibilities to their territory, and the processes of forest ecosystem planning, management, and economics that happen in them.

**ACKNOWLEDGEMENTS**

We thank Dr. Yolanda F. Wiersma of Memorial University in St. John’s, NL, Canada, for providing comments, editorial suggestions, and intellectual insights. This article was inspired by discussions held between the authors and series editors throughout the life of the “State of Knowledge” project on protected areas and sustainable forest management funded by the Sustainable Forest Management Network (SFMN). The SFMN is an incorporated non-profit Canadian research group. The comments of three anonymous reviewers substantially improved this manuscript.

**REFERENCES**


Government of Québec. 2009. *Bill 57- Sustainable Forest Development Act, Chapter I Provisions Specific to Native Communities.* Québec Official Publisher.


Wiersma, Y.F., P.N. Duncker, W. Haider, G.T. Hvenegaard, and F.K.A. Schmiegelow. 2010. The relationship between protected areas and
Indigenous-based approaches to conservation / 83


Received: June 2012; Accepted: December 2013