

**Spreading the 'Wealth' in the Far North of Ontario, at What Cost?
*The Matawa Tribal Council as a Case Study of Self-Determined First Nations
Planning and Economic Development Practices within a Multi-Level Governance
Framework***

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Table of Contents

i. Abstract	3	4.2. Case study	48
ii. Glossary of terms and abbreviations	4	4.3. Stakeholder interview	52
1. The Far North of Ontario – a potential arena for new First Nations-government relations	5	4.4. Study limitations	53
2. Literature Review	11	5. Data Analysis and Research Findings	55
2.1. The aboriginal right to self-govern	11	5.1. Policy review outcomes	55
2.2. Land governance and the reality of co-existence	19	5.2. Case study outcomes	60
2.3. Planning in the aboriginal context	21	5.3. Stakeholder interview outcomes	65
2.4. Consultation, collaboration, and participation: to what ends, and for whom?	24	6. Recommendations	78
2.5. Capacity-building for planning and participation	29	6.1. Continued and increasing government support for institutional and community capacity building in FNs	78
3. Background: The establishment of the ‘Ring of Fire’ as a lucrative and contested economic and political resource	31	6.2. Expanding the scope of all planning considerations to include community needs beyond land use issues	81
3.1. Discoveries, initial development, and new planning activities in the Far North of Ontario	31	6.3. Regional knowledge transfer practices and regional FN benevolence	82
3.2. The Far North Act, Land Use Strategy, and Community Based Land Use Plans	33	7. Conclusion	85
3.3. Disagreement, political tension, and slow forward motion	37	8. Bibliography	87
3.4. The Matawa First Nations Management Tribal Council – stuck in the middle, and still having to demand a bigger seat at the table	41	Appendix A: Legislation, policies, reports, orders, and plans informing and pursuant of the FNAct	91
3.5. Initial assessment: a limiting environment for exertion of the right to self-govern	43	Appendix B: List of legislation, orders and plans directly related to the FNAct given public consultation opportunities	97
4. Methodology	45	Appendix C: Table of relevant stakeholders, actors, and agencies involved in community based land use planning with First Nations in the Far North of Ontario	99
4.1. Policy review	46	Appendix D: Sample questions designed for semi-structured interviews with policy experts, government planners, FN planners and FN leaders	101

i. Abstract

Since 2002 both public and private interests have initiated planning and development projects in a remote northern region of the province of Ontario (Canada) to extract mineral deposits and encourage regional economic growth. To regulate this development, the Far North Act was passed in the Legislative Assembly of Ontario in 2010. Among other things, the Act facilitates an opt-in, government led, community-based land use planning in the self-governing First Nations (aboriginal) communities in the region. Many of these FNs opposed the Act, however, expressing dissatisfaction with both the planning process it mandates and their related development outcomes throughout the region. One group of FNs has developed their own planning practices to counter these dissatisfactions, with promising initial results. To investigate the differences between these approaches, this thesis provides a review of the policies and legislation that currently define self-governance, planning, and development in the region, as well as a case study of self-led planning and development practices formulated by the Matawa First Nations Management tribal council. This investigation demonstrates the particularly complicated nature of maintaining the aboriginal right to self-govern in competitive, resource-rich regions, and the conscientious methods required to implement transparent and equitable planning practices in aboriginal communities facing development pressure. The research concludes that the only means for achieving planning and development outcomes that benefit the welfare of First Nations, and that inherently respect their right to self-govern, is through instituting genuine participatory decision-making in the region: opportunities for meaningful input First Nations input that is factored into final outcomes. Furthermore, this research recommends that, as a critical foundation to the success of these inclusive processes, First Nations must be continually supported by the government to develop their own capacities to led planning practices and stabilize all aspects of their communities, and also share lessons learned from the development process amongst themselves, in order to function as full and equal stakeholders who can more effectively advocate for themselves within collaborative processes.

ii. *Glossary of terms and abbreviations*

Aboriginal – all original inhabitants of the land now known as Canada, defined in the Constitution Act (1982) as Indians, Inuit, and Métis; often used interchangeably with native or indigenous in different countries

CBLUP – community-based land use planning/plan

FN - First Nation (a band or reserve community, and, a non-legal but commonly used but term in Ontario to replace the proper noun 'Indian' – does not refer to Inuit, or Métis people)

FNAct - Far North Act (2010) / Bill 191

FNPAC – Far North Planning Advisory Council

FNSAC – Far North Science Advisory Council

The Far North – The Far North of Ontario, as administratively defined in the Far North Act (2010)

MFNM – the Matawa First Nations Management tribal council, which includes nine members: the Aroland FN, the Constance Lake FN, the Eabametoong FN, the Ginoogaming FN, the Long Lake #58 FN, the Marten Falls FN, the Neskantaga FN, the Nibinamik FN, and the Webequie FN

NAN – Nishnawbe Aski Nation (the political territorial organization, operating under the James Bay Treaty No. 9, and Ontario Treaty no. 5) - representing 49 FN communities, and approximately 45,000 FN peoples in Northern Ontario, including all those in the Far North

OMNDM – Ontario Ministry of Northern Development and Mines

OMNR/OMNRF – Ontario Ministry of Natural Resources/and Forestry

ROF - 'Ring of Fire' mineral deposit region

The Strategy – The Far North Land Use Strategy, written by the Ontario Ministry of Natural Resources and Forestry

TOR – 'Terms of Reference' between FN communities and the OMNR, established to guide CBLUP development

1. The Far North of Ontario – a potential arena for new First Nations-government relations

The Far North of Ontario is currently on the precipice of unprecedented political, physical, and economic change. In 2002, the Government of Ontario and private mining companies began efforts to develop a newly discovered mineral-rich area now known as the Ring of Fire (ROF). The ROF is located within the Far North of Ontario, Canada, a region almost as large as Spain and recognized as one of the largest continuous forest ecosystems in the world.¹ This region is also the homeland of thirty-one widely dispersed self-governing First Nations (FN)², two municipalities, and 24,000 residents – 90% of who are FN peoples.³ Each FN has reserve land where residential communities are located, and considers the area surrounding reserve land as their traditional territories. The proposed developments will irreversibly change the use of these traditional territories, the organization of their physical communities and access to resources, the form of their local governance practices, and their way of life.

In order to regulate these development activities, the Government of Ontario passed the Far North Act (FNAct) in 2010. The FNAct sets parameters to designate roughly half of the region into environmentally protected areas. It also mandates community-based land use planning (CBLUP) of public lands surrounding reserve land,

¹ Chetkiewicz, Cheryl and Anastasia M. Linter. "Getting It Right in Ontario's Far North: The Need for a Regional Strategic Environmental Assessment in the Ring of Fire [Wawangajing]." In *EcoJustice*. Ecojustice Canada, Toronto, Ontario: Wildlife Conservation Society Canada, 2014. p.1.

² A note on terminology – the noun 'First Nations' will only be used when referring to those peoples and groups in Ontario, and 'aboriginal' will only be used when referring to those peoples and groups in Canada as a whole, or internationally. Sometimes 'aboriginal' will be used interchangeably with 'indigenous' if this is the convention used in the work being cited. See glossary for further clarification.

³ Ontario Ministry of Natural Resources. "An Introduction to the Far North Land Use Strategy." edited by Ministry of Natural Resources, December 2013. p.3.

to be done jointly between the Government of Ontario and FNs. However, the FNAct does not have jurisdiction over reserve lands, and for this reason, FN participation in the CBLUP process is strictly voluntary.⁴ Most FNs opposed the creation of the FNAct, claiming it does not recognize their right to self-govern.⁵ Nevertheless, this legislation represents the Government of Ontario's central mechanism to include FNs in decision-making regarding development in the Far North, as well as benefits to be gained from it.

Planning and development processes have been initiated in the Far North despite FN opposition, though no major projects have been built out yet. From permitting initial mining exploration, to present day discussions of where to locate new infrastructure investments, FNs, the Government of Ontario, and private industry have continuously clashed over nearly every project and decision to be made. While not all FNs support ROF development in principle, they demand to have input on any related infrastructure projects, new labor markets, and economic growth plans should it proceed, and be given a fair share of the associated benefits. In other words, FNs refuse to be passive beneficiaries in a 'general'⁶ participatory process, which is what the current government system prescribes. Thus, this government-led planning process places a great burden on FNs: they must choose between participating in frameworks initiated by outside entities that may compromise their self-governance rights, or face exclusion from the benefits expected from development. Some FNs have developed

⁴ *Bill 191 (Chapter 18 Statutes of Ontario, 2010): An Act with Respect to Land Use Planning and Protection in the Far North*. 2nd Session, 39th Legislature, October 25 2010. p.3-4.

⁵ Nishnawbe Aski Nation. "Ontario's Far North Act." <http://www.nan.on.ca/article/ontarios-far-north-act-463.asp>.

⁶ Based on Nguyen's (2010) distinction between *general* and *genuine* participation – where the former indicates input without the opportunity to effect outcomes or the decision-making process, and the latter indicates input on all aspects of decision-making, including methods for deliberation, and final outcomes. See section 2.4 for further elaboration.

their own self-led planning practices as an alternative to this system and experienced initial positive results (as the case study in this thesis will demonstrate), though this has not been widespread.

The purpose of this thesis is to investigate the degree to which equitable planning and development practices (from the perspective of First Nations welfare) have been implemented in the Far North, identify which practices employ equitable decision-making processes, and suggest how these practices can be further improved. Three research questions regarding planning and development principles have been used to guide this investigation. First, can FNs effectively and continuously exert their right to self-govern amidst existing legislation and development pressure? Second, do these FNs have sufficient institutional and community capacity to engage planning activities in a meaningful way? Third, does having sufficient capacity, and opting to collaborate with government and private entities in planning and development activities, actually achieve satisfactory outcomes and equitable decision-making roles for FNs?⁷

To answer these questions, this thesis undertook a literature review, policy review, and mixed-method case study. The literature review addresses (1) the aboriginal right to self-govern in Canada, (2) land governance in remote and resource rich contexts, (3) planning in aboriginal communities, (4) collaborative and participatory processes, and (5) institutional capacity building for better governance. The policy review examines the status quo of planning and development in the Far North through a

⁷ It is worth noting that most current research on planning and development in the Far North has been largely focused on environmental impacts and respect of FN traditional knowledge and practices while implementing collaborative structures (See, for example: Minkin et al (2014); Gruner (2012); Callahan (2012); Youden (2010)). Since the implementation of FNAct mandates is relatively recent in the ROF area, evaluation of the real outcomes of this legislation and ROF related development is limited.

catalogue of relevant legislation and policies, exposing variable operationalization of aboriginal self-governance principles within regulation and planning processes and substantial jurisdictional complexity in this unique, multi-stakeholder environment.

Following the literature and policy reviews, a case study of the Matawa First Nation Management (MFNM) tribal council was performed. The MFNM has nine member FNs, five of which are located in the Far North region and three of which have initiated the CBLUP process. The MFNM has selectively engaged in both self-led and government-led planning and development processes. An impressionistic summary of all MFNM newsletters, media releases, annual reports, and formal resolutions published from 2010 to the present was used to track the MFNMs evolving engagement with these processes. This analysis exposed three main findings: (1) a preference for self-led planning practices, which functions as an exertion of the right to self-govern; (2) that most MFNM activity during the period was focused on significant internal institutional and community capacity building to prepare for planning activities; (3) and that the benefits and burdens inherent to using self-led planning practices are different from those encountered in government-led planning. These findings were tested by conducting an interview with an MFNM employee who has worked on planning and development projects since 2011, which provided key insight on the development, implementation, and challenges of their self-led planning practices.

This research also indicates that government-led planning has been burdensome to FNs in several ways, despite (or even due to) its participatory planning mandate, and fundamentally compromises the right to self-govern. These burdens include: (1)

coercive and exclusionary actions taken by private industry and government ministries to expedite development; (2) a prioritization of the desires of private industry and the Government of Ontario over those of FNs in decision-making processes; and, (3) repeated failure to provide FNs with sufficient autonomy within decision-making processes, particularly regarding the determination of timelines and priorities for development in their own communities, as well as the Far North region as a whole. These burdens must be relieved from the FNs of the Far North. As the original and almost sole inhabitants of the region, FNs not only deserve but also have an undeniable right to be a central voice in how development decisions proceed in the region.

The MFNM case provides a positive example of FN inclusion in regional planning and development practices within a self-governance framework. The MFNMs self-led planning has activated a form of multi-level governance in the region, allowing all actors to engage in meaningful negotiation during decision-making processes. However, implementing these grassroots efforts has also required substantial community-wide mobilization, consensus building, and financial support from the government. Each of these actions has required a complicated and delicate reconciliation of FN beliefs and values with the persuasive reality of market-driven and government supported development pressure. Consequently, the MFNM case must be read with cautious optimism. This group only represents a small subset of the FNs in the Far North, and it is unclear how these practices could be applied in these other communities.

Development in the Far North is still very much in progress, making this an opportune time to review all planning and development practices being implemented in

the region. This thesis thus concludes with three recommendations to promote equitable planning and development practices in the Far North that maintain the right to self-govern, and entrench multi-level governance in the region. (1) Both federal and provincial governments must continue to provide funds and resources for institutional and community capacity building, and extend this support to all FNs. (2) Governments must extend the scope of capacity building to address community deficits in healthcare, education, and housing sectors, and push private industry to address these deficits in community benefits agreements with FNs. (3) Third, the MFNM should make formal efforts to begin to disseminate their lessons learned and best practices related to self-led planning and capacity building to other FNs in the region and beyond. Such initiatives will require diligence from all parties to ensure that the aboriginal right to self-govern is maintained and at the forefront of all planning and development practices in the Far North. They will also require a practical acceptance of the reality that multiple actors now exist in the region and transparent coordination between them is the only way to achieve equitable outcomes for all those involved.

2. Literature Review

This literature review has been organized to address the political and economic dynamics inherent to planning, regulation, and development the Far North of Ontario through the explication of five concepts. The first framework is a political one: the function of the aboriginal right to self-govern and how it has been defined in Canada. This perspective comes from the FN community itself, and also from the Canadian legislative context. The second framework briefly addresses land economy and land regulation, particularly within the context of resource rich regions, giving an example of these dynamics in Ontario. The third framework comes from planning discourse: the principles behind self-led planning practices, particularly in aboriginal contexts. The fourth addresses participatory and collaborative planning methods, and what kinds of outcomes result from each. The fifth is a discussion of community capacity-building as a precursor for effective planning practice.

2.1. The aboriginal right to self-govern

The aboriginal right to self-govern – both in its definition and exertion - has been a divisive issue within the Canadian political landscape. According to the Canadian Library of Parliament (1999), though this right was enshrined in primary national legislation in Canada in 1982, the right to self-govern is an *inherent right* of all aboriginal peoples in Canada. This means that the right to self-govern is not a right that aboriginal peoples have been granted by the government, but rather something they have possessed for the entirety of their existence as the sole occupants of the lands of

Canada until European settlers arrived.⁸ Since settlement occurred in what is now known as Canada, this inherent aboriginal right to self-govern has been revoked, impeded on, or mediated by colonial governance systems. Aboriginal communities have long asked, and continue to ask, that this right be restored in a way that supports a full revival of their traditional governance systems.⁹ Many federal and provincial policies, legislations, and agreements have been made to address the aboriginal right to self-govern with the intention to protect the culture, traditional beliefs, and political autonomy of all aboriginal peoples and their lands. The success of these attempts is subject to wide debate, and is interpreted by many as the continuation of a colonial and paternalistic relationship between the Government of Canada and aboriginal groups.¹⁰

According to the Government of Canada, the aboriginal right to self-govern denotes *"[Aboriginal peoples of Canada's] right to govern themselves in relation to matters that are internal to their communities, integral to their unique cultures, identities, traditions, languages and institutions, and with respect to their special relationship to their land and their resources"*.¹¹ This right is upheld in section 35 of the Constitution Act (1982) and operates under the Canadian Constitution. Despite its inherent nature, an aboriginal community's self-government must be established in an agreement or treaty between an individual group and the government, and agreements must maintain the

⁸ Library of Parliament, Parliamentary Research Branch, Political and Social Affairs Division. "Aboriginal Self-Government." Jill Wherret. 96-2E Current Issue Review. Library of Parliament. 17 June 1999. p.2.

⁹ "Aboriginal Self-Government," 1-5.

¹⁰ Garder, Holly L., Stephen R.J. Tsuji, Daniel D. McCarthy, Graham S. Whitelaw, Leonard J.S. Tsuji. "The Far North Act (2010) Consultative Process: A New Beginning or the Reinforcement of an Unacceptable Relationship in Northern Ontario, Canada?". *The International Indigenous Policy Journal* 3, no. 2 (2012): 1-23.

¹¹ "The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government." Government of Canada. September 15, 2010. Accessed May 1, 2015. <http://www.aadnc-aandc.gc.ca/eng/1100100031843/1100100031844>.

Canadian Charter of Rights and Freedoms. As follows, the right to self-govern does not grant aboriginal communities sovereignty as nation states, and maintains an expectation that aboriginal jurisdictions work in concert with all other governmental jurisdictions in Canada.¹²

The definitions and parameters of the aboriginal right to self-govern were added to the Indian Act of Canada in 1985 (the original Indian Act was passed in 1876). In this document, the Government of Canada defines both the aboriginal right to self-govern according to its own legal language and mandates a structure for aboriginal self-governance within the Canadian political landscape.¹³ These mandates force aboriginal communities to operate within a strict organizational construct in order to gain benefits and meaningful collaboration with the Government of Canada.

The Indian Act requires the relationship between aboriginal peoples, their traditional lands, and the government to be mediated formally through treaty agreements.¹⁴ Within this framework, aboriginal peoples must register as being aboriginal with the government and then have the right to form bands or reserves (which may or may not be associated with specific geographic locations), which act as political units. The right to self-govern is then defined within treaties or agreements between bands/reserves and their respective provincial and federal governments.¹⁵ Treaties areas contain multiple individual aboriginal communities, usually governed by a grand

¹² "The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government."

¹³ *Indian Act, R.S.C., 1985, C. I-5*. Amended April 1 2013; Current to September 15 2013.

¹⁴ This can include additions to existing treaties, new treaties, or as part of a new aboriginal land claim.

"The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government."

¹⁵ *Indian Act, R.S.C., 1985, C. I-5*. Amended April 1 2013; Current to September 15 2013. Section 18. p.18.

council (in the case of the Far North of Ontario, the Nishnawbe-Aski Nation (NAN)), and often contain smaller tribal councils (in this case, the MFNM) within them. NAN has been negotiating self-government related treaty amendments with the Government of Ontario since 2003, though an agreement between the two parties has not yet been met.¹⁶ Self-government agreements can grant a reserve or band jurisdiction over areas negotiated and deemed 'internal' to the group, or necessary to maintaining aboriginal culture or heritage (see **Table 1**).¹⁷

Table 1: The amount of jurisdiction aboriginal self-government can have over various policy areas <i>Adapted from "The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government," published by Government of Canada.</i>		
<i>Full jurisdiction can be granted</i>	<i>Partial jurisdiction can be granted</i>	<i>No jurisdiction will be granted</i>
<ul style="list-style-type: none"> - Band membership - Marriage - Adoption and child welfare - Aboriginal language, culture, religion - Education - Health - Social services - Administration / enforcement of aboriginal laws (courts / tribunals equivalent to those formed by regional and local government) - Property rights - Land management (zoning, taxation, service fees, land tenure, expropriation for public purposes) - Natural resource management - Agriculture - Hunting / fishing / trapping on traditional lands - Taxation (direct and property) - Management of public works / infrastructure - Housing - Local transportation - Licensing / regulation / operation of businesses on aboriginal land 	<ul style="list-style-type: none"> - Divorce - Labor / training - Administration of justice according to overlapping jurisdictions (including criminal law) - Penitentiaries and parole - Environmental protection, assessment, and pollution - Fishery co-management - Migratory bird co-management - Gaming - Emergency preparedness 	<ul style="list-style-type: none"> - Canadian sovereignty, defense, external relations (i.e. diplomacy, foreign relations, border security, immigration law, international trade) - Management of national economy (i.e. monetary policy, banking regulations, corporate regulations, currency, intellectual property laws) - National law and order - Substantive criminal law - National broadcasting and telecommunications - Postal service - Census and statistics - National transportation, shipping, and navigation networks

¹⁶ These amendments would apply to Treaty No. 9 and Treaty No. 5 (see Appendix A).

"NAN/Canada Treaty Discussion Forum." Nishnawbe Aski Nation. Accessed March 4, 2015. <http://www.nan.on.ca/article/nan-canada-treaty-discussion-fourm-179.asp>.

¹⁷ "The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government."

Beyond these agreements, grand councils and tribal councils conceive of and exert their inherent right to self-govern in different ways. In 1977, NAN issued “A Declaration of Nisnawbe-Aski Nation (The People and The Land)” on behalf of its 49 FN members to Canada. This declaration emphatically and unwaveringly asserts their inherent right to self-govern, and demands full government support for this right to be holistically restored and continuously respected. This declaration makes statements pertaining to sovereignty, nationhood, the right to self-govern, and the organizational structure of NAN itself and in relation to the Government of Ontario. The following provides a summary of the statements most closely related to self-governance and decision-making:

“...We the people of the land, declare our nationhood ...declare ourselves to be a free and sovereign nation, we bring you a declaration of independence.

We say to you that we have the right to govern our own spiritual, cultural, social and economic affairs. We will describe to you how we are going to secure our sovereignty. We are also here because we want your government to play a role, in our return to our form of self-government. We ask that you become involved in our right to develop our individual communities. We intend to make them as viable as they were before the white man came.

You are the only people who have ever questioned our sovereignty. Our rights and entitlements to this land were inherited from our forefathers ...We have prior rights to the custody of this land, which precede and supersede all of your claims.

...We declare that all laws, rules, regulations, orders-in-council and acts passed or enacted by you, and your federal, provincial and territorial governments, which interfere with our sovereignty, must be re-examined in the light of our position. The right to make laws which govern our people must be returned to our people.

...Today our relationship with you must change. We will only accept meaningful involvement. It will be on our terms, or not at all.

...We will defend our right to self-determination. However, we realize that this self-determination may take on different forms. Therefore, we are open to new, and innovative directions. Only in the context are we prepared to establish the legislative foundation for local government.

...Today we are here to tell you who we are. We, the Nishnawabe-Aski have inalienable rights. They are:

1. The right to self-government...

...The solutions to our problems must come from within our local communities ...We will regain our independence only through legislation that recognizes and supports our form of local government.”¹⁸

This declaration (made before the self-government related amendments to the Constitution Act and Indian Act implemented) makes their ultimate desire for fundamental exertion of autonomy and sovereignty unquestionable, but also indicates receptiveness towards collaboration with government. Statements regarding ‘meaningful involvement’ and ‘new innovative directions’ indicate a potential welcoming of collaborative planning processes, but only within the context of striving for self-governance. In stating, “on our terms or not at all,” NAN sets an expectation to be extended opportunities for input in policy and plan development if the grand council is to be involved. This declaration thus constitutes a clear foundation upon which methods for planning and development in the Far North should be based. There must be direct consultation with this group as an equal and stakeholder in decision making over the future of their territory, and this will be the only effective means for achieving multi-level governance in the Far North.

¹⁸ Nishnawabe-Aski Nation. “A Declaration of Nishnawabe-Aski (The People and The Land).” The Chiefs of Grand Council Treaty no. 9 (delivered to Ontario Premier William Davis and his cabinet). 6 July 1977. 1-6.

Despite this declaration, and others like it, the Government of Canada and aboriginal communities are still misaligned on how self-governance should function. Through a dissection of governmental policies that define the aboriginal right to self-govern, Bruce Clark (1990) provides a detailed analysis of the legal entitlements inherent to this right. Focusing primarily on legislation and legal cases, Clark traces the accumulation of legislative ideology and instruments that have created the aboriginal right to self-govern as it exists in Canada today. He then forwards several consequential legal claims: (1) that legislation claims the aboriginal right to self-govern has always existed in Canada, and was only recently formally legislated; (2) that the aboriginal right to self-govern is predicated on legally defining aboriginal peoples as a distinct race separate from whites; (3) the right to self-govern implies fully *independent* law making on reserved lands; and (4) the term 'reserved' lands implies land that was never ceded to the British Crown through some kind of exchange, implying that at one time all the land in Canada was reserved land.¹⁹

In trying to clarify the Federal and Provincial governments' exact obligations to aboriginal communities, given the right to self-govern as it is currently defined, Clark also formulates several critical questions: 1) whether self-governance legislation creates integration or segregation; 2) whether self-governance legislation is redundant in granting and controlling a right that aboriginal peoples already inherently possess have; and 3) whether, overall, such legislation really grants the freedoms and autonomy it

¹⁹ Clark, Bruce. *Native Liberty, Crown Sovereignty: The Existing Aboriginal Right of Self-Government in Canada*. McGill-Queen's Native and Northern Series. edited by Bruce G. Trigger. Kingston: McGill-Queen's University Press, 1990. p.4-8.

implies.²⁰ Clark also suggests that the right to self-govern functions as a mode of conformity. While the right 'grants' aboriginal communities autonomy, it also requires that they organize themselves in a delegated-municipal formation, thus becoming an intelligible component of the modern Canadian political portfolio. This conformity is said to provide universal efficiency and cost effectiveness when coordinating aboriginal communities with various levels of government. Yet Clark argues that these are false rationalizations that deny the very nature of aboriginal autonomy inherent to their status as the first occupants of what is now seen as Canadian territory.²¹

Widdowson & Howard (2008) also investigate the process of aboriginal right granting in Canada, which they believe has been driven by negative and intentionally ambiguous motivations stemming from both the Canadian government and aboriginal leaders. They describe the processes of law making, litigation and negotiation between self-governing aboriginal communities and the Canadian government as an 'Aboriginal Industry'. The implication behind this label is that the 'Aboriginal Industry' – run by powerful families and crony-esque systems of governmental appointment *within* aboriginal communities – has created an intentionally ambiguous, self-serving, and non-egalitarian form of self-governance. The authors allege that corrupt individuals do not distribute the benefits aboriginal peoples are supposed to receive amongst the peoples they govern.²² Such accusations have large implications for the optimism of the CBLUP process, which is aimed to include all FN peoples of the Far North in the economic

²⁰ Clark, 1990: 8-10.

²¹ Clark, 1990: 147-148.

²² Frances Widdowson & Albert Howard, *Disrobing the Aboriginal Industry: The Deception Behind Indigenous Cultural Preservation*, Montreal: McGill-Queen's University Press, 2008, 3-15.

benefits of industrial development, but is administered by those individuals in leadership roles within the community. The authors express that when poor decision-making is made within and on behalf of aboriginal communities in Canada it is because of this 'industry' and not by the hands of Canadian governments alone.

2.2. Land governance and the reality of co-existence

The nature of land governance is central to the conflicts and complexities of planning and development in the Far North. As explained by Grant et al (2014), many of Canada's aboriginal communities exist in remote or northern regions and have weak local economies that are greatly impacted by the development of natural resource extraction industries.²³ These remote and northern communities have unique organizational and economic needs: they have very limited independent revenue streams; rely on provincial and federal funding to operate and maintain services and infrastructure in their communities; and, face complex and costly transportation logistics (particularly for communities reliant on seasonal roads or fly-in access) that limit individual mobility and access to food and resources during much of the year. When resource extraction industries develop in these regions, new economic markets develop and change how these needs get met. Such changes may include: an influx of a new population in the region (industry workers) that require new residential settlements, and create intense competition for new jobs; an increased demand for goods and commodities caused by new populations, driving up the cost of living; environmental

²³ Grant et al., "A Historical Institutionalist Understanding of Participatory Governance and Aboriginal Peoples: The Case of Policy Change in Ontario's Mining Sector." *Social Science Quarterly* 95:4, 2014, 979.

degradation of FN traditional territories, as well as new land uses that often practically and ideologically conflict with FN practices and values. Thus, not only does industry development change local economic structures, it also fundamentally undermines the ability for FNs to self-govern, manage their territories, and exert their own administrative autonomy.²⁴

The Government of Ontario and the FNs of the Far North have experienced much conflict over how to govern the land, particularly in relation to these types of changes, and the ascension of the FNAct has been controversial for its impact on who controls what kinds of activity in the region. However, according to Feder & Feeny (1991), the application of new legislation is a common method for governments to control new land development opportunities. While outlining the relationship different types of property rights have on development and access to resources, the authors assert that the primary motivation for legal and institutional changes in land governance occur when land values change, as it has in the Far North with ROF mineral discoveries. The authors suggest that for the sake of capturing new land value, it is easiest for governments to change institutional arrangements rather than constitutional ones, let alone behavioral ones.²⁵ These observations fall directly in line with the actions taken in the Far North: a previously neglected region has now garnered massive government attention, and been the recipient of new land governance institutions (namely, the FNAct and CBLUP process) as a method to harness burgeoning economic markets. This

²⁴ Bowie, Ryan. "Indigenous Self-Governance and the Development of Knowledge in Collaborative Environmental Management in Canada." *Journal of Canadian Studies* 47: 1, 2013. 100-103.

²⁵ Gershon Feder & David Feeny. "Land Tenure and Property Rights: Theory and Implications for Development Policy." *The World Bank Economic Review* 5, no. 1 (1991): 135-53.

observation is important for framing the motivations and incentives driving government behavior in this scenario – moreover, to make explicit that government investment in the region is not being made out of benevolence.

2.3. Planning in the aboriginal context

As the declaration of the NAN implies, some FNs are not wholly opposed to collaborating with the Canadian government in planning, development, and governance. What is of great concern are the power structures embedded in these relationships, how decisions are made, and whether this process maintains the right to self-govern. Addressing these issues, Mannell, Palermo & Smith (2013) – in their contribution to the volume *Reclaiming Indigenous Planning* – discuss the potential for positive community-based participatory planning processes within indigenous communities. The authors suggest that the history of unsuccessful participatory planning initiatives in indigenous communities has resulted from a lack of these groups to exert self-determination in the process. The typical dynamic in these arrangements places indigenous communities as recipients of a conventional planning agenda formulated by outside government (i.e. a federal, provincial, or municipal body that corresponds with their territory), and solicits them for input on a more or less pre-determined outcome.²⁶ This dynamic does not treat indigenous communities as partners within decision-making processes that will affect their future, and thus does not allow them to fully self-determine or self-govern.

²⁶ Laura Mannell, Frank Palermo and Crispin Smith. "Community-Based and Comprehensive: Reflections on Planning and Action in First Nations." In *Reclaiming Indigenous Planning*, ed. Ryan Walker et al., (Kingston: McGill-Queens University Press, 2013), 113-116.

Yet many indigenous communities across the world face deficits in economic development, service provision, and organizational capacity. Thus the authors emphatically assert that taking control of local level planning is the best way to reverse these deficits, which they believe can benefit from collaboration with outside entities. In this context, the act of planning is posed as a step towards indigenous autonomy in the long-term, by creating sustainable visions for the future with the assistance of well-resourced (i.e. government) partners in the present. In order to engage in such positive, self-determined planning, indigenous communities must demand opportunities to participate in planning that impacts them, and take up all participatory opportunities presented to them. Ideally, these participatory processes allow indigenous communities to engage projects during their development as opposed to in a reactionary fashion and allowing for some impact on decision-making outcomes.²⁷

Therefore, the central function of participation is twofold: (1) for indigenous communities to work towards long-term self-sufficiency by directing planning agendas and building capacities to serve their own future goals, and (2) to actively insert themselves in planning processes, thereby gaining community-level experience that will make the practice intelligible, approachable, and inclusive of all visions, perspectives, desires, and concerns. This latter activity is crucial for cultivating a context specific mode of planning that is determined by the FN community itself.²⁸

These principles of self-determined planning are thus fundamentally concerned with the ideologies behind the planning activity itself. For this reason, the principles

²⁷ Mannell et al., 2013, 116-123.

²⁸ Ibid, 129-139.

underlined in Mannell, Palermo & Smiths work can be ideologically complimented by David Harvey's seminal work *On Planning the Ideology of Planning* (1985). In this analysis, Harvey explains that whenever one is doing planning work for a government, that they are inherently complicit in the political, ideological and hegemonic agendas of that government. The planner is, after all, determining and augmenting the physical organization of a society, and also its regulatory structures. These acts embed hegemonies, agendas, and thus the prevailing organization of land, labor and capital established within a society.²⁹ If we accept the validity of Harvey's claims, this offers great support to the notion that FN communities must plan for *themselves* before engaging in collaborative activities, for whatever planning is done for them will be done with an outside agenda and politics, regardless of any effort to subvert them.

Yet, given the reality of many FNs – being limited in finances, resources, and community capacity – implementing fully self-led planning activities is not easily achieved, especially for endeavors like infrastructure development and service provision. Furthermore, given the still-paternalistic relationship between FNs and the Canadian government (namely, the impacts of the Indian Act) collaboration between the two is inevitable. How FNs assert internally derived goals and agendas within an externally derived planning framework is tenuous and complex. While FNs can demand to be included in planning processes, this does not mean their input will have impact on decisions and outcomes.

²⁹ David Harvey, "On Planning the Ideology of Planning." *The Urbanization of Capital*. (Baltimore: The John Hopkins Press, 1985): 165-184.

2.4. Consultation, collaboration, and participation: to what ends, and for whom?

The use of participatory processes for decision-making between aboriginal communities and federal, provincial, and municipal governments in Canada has become increasingly common.³⁰ This shift is both a response to these communities pursuing the right to self-govern in policy-making and planning agendas, and also, a growing perception within policy making in Canada that broadening stakeholder input to include citizens and communities improves the quality of decisions made.³¹ Following these trends, it must be asked: what constitutes a valuable, or meaningful, aboriginal participation in decision-making, and what does not?

According to Nguyen (2010), the Canadian government's current methods of aboriginal consultation are not effective because they only solicit general participation, not genuine participation. Nguyen describes genuine participation as partnership based, creating a decision-making enterprise that allows a shared impact on process and outcomes. Participants have a fair and equal chance to input on final outcomes – influence is not necessarily divided perfectly equally, but some level of power sharing occurs. General participation, on the other hand, is when a participant is solicited for feedback but the government determines the process for decision-making or which opinions determine final outcomes.³²

³⁰ Christopher Alcantara & Jen Nelles, "Indigenous Peoples and the State in Settler Societies: Towards a More Robust Definition of Multilevel Governance," *The Journal of Federalism* 44, no 1 (2014): 183-204.

³¹ Nguyen, Mai, "Unleashing the power of consultations and partnerships through Aboriginal participation," *Journal of US-China Public Administration* 7,12(2010): 10-11.

³² Nguyen, 2010: 13.

Achieving genuine participation in decision-making involves three stages, where both parties must be involved. The first stage is 'development', which starts with setting an agenda that is realistic and flexible. Participants must collectively define: the issue to be consulted on, the end objectives for the consultation session, and the existing conflicts and constraints between participants. Failure to create such an agenda can lead to later breakdown of the consultation process. For example, in 2008 Environment Canada initiated a participatory process to develop a wastewater management policy. While the aboriginal groups invited thought they were participating in a negotiation, Environment Canada intended for the session to be an information delivery and dialogue forum. The aboriginal participants felt misled and eventually the process became ineffectual – all of which may have been avoided if the participatory agenda had been discussed and agreed upon from the outset. Thus, the method of consultation to be used must also be carefully considered. Nguyen distinguishes methods of informing and consulting versus those of empowering and collaborating, where the latter gives participants a stake in the enterprise and the former does not.³³

The next stage in genuine participation is 'empowerment', where organizers must undertake wide recruitment methods to bring all relevant participants to the table. The organizer must also let the participant groups decide for themselves who they will be represented by. This stage also requires the organizer provide participants with all necessary and relevant resources and information in neutral, timely, and language-appropriate formats. For example, the organizer should not rely on online platforms to distribute information if Internet access isn't widely available to participants. Great

³³ *ibid*, 13-14.

consideration must be put into designing appropriate materials and disseminating them accordingly.³⁴

The final stage is 'decision-making', where findings are employed and a final decision is made. The organizer must make a commitment to use the findings derived from the consultation process. Thus, the success of the decision-making stage is largely contingent on the timing of the entire participatory process. Participation and consultation, to be genuine, must occur before goals for the outcome have 'hardened'. The government cannot facilitate consultation with aboriginal groups in any meaningful way if they are only searching for confirmation of an existing goal. The key, distinguishing traits of general versus genuine participation is the ability of participants to affect the final outcome.³⁵ " (21)

Another important collaborative framework that can engender meaningful aboriginal group participation in planning and development agendas is multi-level governance. According to Alcantara & Nelles (2014), one such an arrangement can be found in 'multi-level governance' (MLG). MLG can be understood as a decision-making framework where multiple actors coming from different territorial scales negotiate outside of traditional hierarchies to reach decisions. Thus MLG relies on a network of horizontally and vertically aligned actors, who provide input from both formal and informal contexts.³⁶ This differs from top-down inter-governmental relations, where actors assume traditional nested roles associated with tiered government and non-governmental bodies are invited to input on decisions but do not affect the structure of

³⁴ *ibid*, 15-16.

³⁵ *Ibid*, 16.

³⁶ Alcantara & Nelles 2014, 187-188.

making decisions.³⁷ Each actor is involved in an instance of MLG is, for various reasons, crucial for the decision-making process to move forward. Instances of MLG tend to arise out of necessity (where certain actors are required in order to access specific capacities and consent needed to execute the program or policy), a pursuit of efficiency, or pursuit of political legitimacy.³⁸

An instance of MLG has three main signifiers: (1) actors from multiple governmental and non-governmental bodies, who (2) come from multiple different political and territorial scales, and (3) come to decisions based on negotiation and bargaining as opposed to top down hierarchy (see **Table 2**). In this sense, MLG is a collaborative arrangement that does not have single loci of decision-making power – though this also does not mean every actor will get exactly what they want from negotiations.³⁹ Thus, a key component to MLG is the employment of genuine participation, where all actors constitute crucial, and more or less equal, contributors to the decision-making process.

<i>Characteristic</i>	<i>Criteria</i>
<i>Actors</i>	Involves at least one constitutionally recognized government in partnership with nongovernmental and/or quasi-governmental actors.
<i>Scales</i>	At least one actor is embedded at a different political/territorial scale from the others in the partnership.
<i>Decision-making processes</i>	Decision-making is the result of bargaining and negotiation between actors rather than top-down or hierarchical determined relationships (i.e. negotiated order, governance).

³⁷ Ibid, 188.

³⁸ Ibid, 185.

³⁹ Ibid: 183-187.

These characteristics make MLG seem like an obvious ideal for egalitarian decision-making processes and equitable outcomes. However, engaging MLG seems less like a choice than a byproduct of the task at hand. In order to true MLG to occur, a 'reordering' of power relations must occur that gives participants equal standing and input on an issue. The existence of such standing must be assumed not by the amount of engagement a participant has with the process, but rather, the amount of influence they have over the outcome of whatever decision is being made. However, Alcantara and Nelles warn that such an egalitarian distribution of influence is not always achievable for many reasons, and consequently, an MLG should be recognized less stringently. This means, considering the levels to which participants are treated as legitimate stakeholders, and how critically they are treated as contributors to the decision-making process.⁴⁰

After analyzing several significant policy agreements and projects between FNs in Canada with various levels of government, the authors concluded that many forms of MLGs exist within the indigenous context, and quite often when bilateral and trilateral agreements (like the FNAAct and the CBLUP development process) are employed. The presence of such arrangements is significant, for in theory, if a true MLG exists this signals recognition of the aboriginal right to self-govern, where FNs are treated as equal decision makers as opposed to recipients of hierarchical directives from a government that does not hold full jurisdiction over them.⁴¹

⁴⁰ Ibid, 191-192.

⁴¹ Ibid, 196-199.

2.5. Capacity-building for planning and participation

The foregoing discussions of planning and participation all predicate success on equal stakeholder involvement and opportunity for input. However, once this invitation is extended, this also requires stakeholders to be able to provide effective and organized input. In order to do so, a community or organization needs a certain level of capacity – time, skills, knowledge, and resources to engage and work through problems and decision-making agendas. Craig (2007) defines the purpose of community capacity-building as a method to strengthen civil society so that they can have more influence of the development of social, economic, and environmental policy agendas. This is achieved by promoting ‘active citizenship’ through increased individual, group, and institutional level capacity to engage in dialogue. In other words, in order to achieve democratic decision making, all stakeholders must not only have a voice, but also know how to project it.⁴²

Craig suggests that the notion of community capacity-building in the development world came as a response to the failures of ‘community development practices’. The intent of community development was to switch policy and planning agendas from top-down to bottom-up processes, however, this seldom came to be the case. As a result, community capacity-building more or less has the same goals as community development practices. In general, community capacity building is targeted to deprived or disadvantaged communities who cannot participate in bottom up planning effectively. Craig suggests that, in these contexts, the main barrier to effective participation is a

⁴² Gary Craig. “Community capacity-building: Something old, something new...?” *Critical Policy Study* 27,3(2007): 339-340.

group's inability to determine their own goals, values, priorities, and be able to organize themselves. Therefore, the fundamental goal of capacity building is to bring whatever skills or knowledge is necessary for the community to effectively advocate for its needs and goals within legislative processes. What exact arena the capacity needs to be built in depends on the community and the issue, but there are two common themes: (1) gaining literacy about a policy, issue, or process; and (2) increasing the scale and scope of an institution or organization so they have the time, people, and resources to commit to dealing with an issue.⁴³

Capacity building is key for working in partnerships – if the capacities of one group are much greater than the other, uneven decision-making will likely occur. However, it is important for the 'weaker' stakeholder to pursue capacity building independently of a decision-making process. If a community builds capacity through the guidance of their negotiating partner (usually the government) for the sake of entering a specific negotiation, the exercise may just turn into an act of conformity – preparing them to fit into the exact expectations of their negotiating partner. In this sense, capacity building is inherently a normalizing act – placing all stakeholders on an even playing field, but perhaps one chosen by a dominant force. This is not to suggest capacity building is wholly paternalistic, but rather communities need to engage this practice with their own goals not wholly dependent on the outcome of the task at hand.⁴⁴

⁴³ Craig, 2007: 341-347.

⁴⁴ Ibid, 348-353.

3. Background: The establishment of the 'Ring of Fire' as a lucrative and contested economic and political resource

3.1. Discoveries, initial development, and new planning activities in the Far North of Ontario

Prior to the discovery of major mineral deposits in 2002, the Far North of Ontario was not a region of the province that garnered much attention. The region remains almost entirely undeveloped, and contains significant fresh water reserves as well as a large tract of the Boreal forest, which is considered the largest continuous ecosystem in the world.⁴⁵ As aforementioned - the Far North contains a population of around 24,000 people - 90% of which are First Nations members living in 31 self-governing FN reserve communities.⁴⁶ From 2002 to the present, private exploration and mining companies have become increasingly active in the region, staking substantial natural resource discoveries in a 1.5 million hectare mineral-laden region known as the 'Ring of Fire' (ROF). Now thirteen years later, little progress has been made in developing the region in terms of actual construction and industry operation. This lack of progress has not come from a lack of effort: both public and private interests have initiated various initiatives to garner the correct permission and develop the necessary infrastructure to extract these resources.

The first such effort was in 2005, when the Government of Ontario authored the Places to Grow Act (PGAct). The premise of the PGAct was to find new revenue

⁴⁵ Chetkiewicz, Cheryl and Anastasia M. Linter. "Getting It Right in Ontario's Far North: The Need for a Regional Strategic Environmental Assessment in the Ring of Fire [Wawangajing]." In *EcoJustice*. Ecojustice Canada, Toronto, Ontario: Wildlife Conservation Society Canada, 2014. p.10-12.

⁴⁶ Ontario Ministry of Natural Resources. "An Introduction to the Far North Land Use Strategy." edited by Ministry of Natural Resources, December 2013. p.3.

streams for the province, and the north became the target to locate opportunities. Projecting a 25 year horizon for realization of substantial community building and environmental protection, the PGAct also directly named aboriginal communities as one of several groups that needed to work with the Government to set priorities and common goals for the economic future of the region.⁴⁷ During this time development oriented activity in the Ring of Fire was being led by private industry – mostly mineral exploration and staking land claims - which hit a fever pitch in 2007-2008. By 2013, the Ontario Ministry of Northern Development and Mines estimated that CAD\$278 million had been spent on exploration activities in the region, and twenty-one different companies held mineral claims.⁴⁸ As of 2014, the Ontario Chamber of Commerce projected the region could become a ‘global leader’ in mining,⁴⁹ and forwarded revenue estimates of CAD\$25 billion within the first 32 years of development (see **Table 3**).

Table 3: Estimated economic benefits from Ring of Fire development (figures given in Canadian dollars)		
<i>Reproduced from the Ontario Chamber of Commerce report "Beneath the Surface: Uncovering the Economic Potential of Ontario's Ring of Fire"</i>		
<i>Areas of anticipated revenues/benefits to economy</i>	<i>Estimate for first 10 years of development</i>	<i>Estimate for first 32 years of development</i>
GDP generation	\$9.4 billion	-
Ontario Mining Industry	\$6.2 billion	-
Annual full time jobs	5,500	-
Various government revenues (federal, provincial, municipal)	\$2 billion	\$6.7 billion
Financial services sector	-	\$2.7 billion
Whole/retail trade sector	-	\$1.2 billion
Manufacturing sector	-	\$600 million
Utilities sector	-	\$500 million

⁴⁷ Ontario Ministry of Infrastructure and Ontario Ministry of Northern Development, Mines and Forestry, *Places to Grow, Better Choices, Brighter Future: An Introduction to the Growth Plan for Northern Ontario, 2011*, ISBN 978-1-4435-4800-7, Queen's Printer for Ontario, 2011, p.2.

⁴⁸ "Exploration and Development." Ministry of Northern Development and Mines. November 28, 2013. Accessed April 24, 2015. <http://www.mndm.gov.on.ca/en/ring-fire-secretariat/exploration-and-development>.

⁴⁹ Ontario Chamber of Commerce, *Beneath the Surface: Uncovering the Economic Potential of Ontario's Ring of Fire*, by Josh Hjartarson, Liam McGuinty, and Sctt Boutilier, with Eva Majernikova, ISBN PDF: 978-1-928052-02-9, 2014. p.1.

3.2. *The Far North Act, Land Use Strategy, and Community Based Land Use Plans*

Amidst this activity, the Government of Ontario began to formulate regulations and policies specific to the north. To begin this process, they designated the area encompassing the ROF – the northernmost 42% of the province – as a distinct administrative region, named the 'Far North of Ontario'.⁵⁰ Targeted policy were then legislation through the Far North Act (FNAct – also known as Bill 191), passed by the Ontario Legislative Assembly on October 25th, 2010. The intent of the FNAct was to ensure the development of the region benefits both Ontario and the FNs of the region economically and to protect the environment from negative impacts of industry development by employing various land use restrictions and regulations. However, the FNAct pertains only to publically held land in the Far North – which does make up the vast majority of the region, but does not include FN reserve land, crown land, or municipalities. Given this jurisdictional limitation of the FNAct the legislation includes only a mandate, and not specific provisions, for “community-based land use planning” to be implemented in the FN communities of the Far North. The CBLUP mandate lays out basic parameters for a government led planning process facilitated by the Ontario Ministry of Natural Resources and Forestry (OMNRF).⁵¹ Since the 31 recognized, self-governing FN reserves and bands in the Far North do not fall under direct jurisdiction of the FNAct, they do not have to participate in CBLUP processes - though such activities

⁵⁰ This region can also be identified as the land lying north of the 'Far North Boundary', or 'cut line' – the maximum northern extent permitted for timber clearing in Ontario, running roughly along the global 51st north parallel. "An Introduction to the Far North Land Use Strategy."

⁵¹ *Bill 191 (Chapter 18 Statutes of Ontario, 2010): An Act with Respect to Land Use Planning and Protection in the Far North.* 2nd Session, 39th Legislature, October 25 2010. p.3.

have been proposed by the government as being in their best interest. In other words, the participation of the 31 FN communities in the CBLUP process is supposed to be on a voluntary basis. As of December 2014, twelve out of the thirty-one FNs in the region have opted-in and initiated or completed this community-based land use planning process – though some actually began CBLUP development with the OMNRF before the FNAct. The OMNRF has stated that they have discussed initiating CBLUPs with all 31 FN communities in the Far North.⁵²

To help ensure the outcomes of the FNAct balance the interests of Ontarians at large, the FN peoples of the Far North, and the Far North of Ontario itself, the OMNRF has developed a Far North Land Use Strategy (the Strategy). The development of this strategy has occurred in stages, and has been made open to public comment online through the Ontario Environmental Registry (as was the FNAct during its Parliamentary ascension) as well as on a dedicated page of the OMNDM website. The first stage invited commentary in a short explanatory paper on The Strategy, and the second on a much longer discussion paper, both of which have been made open to public comment on the aforementioned forums.⁵³ The stated goal of the Strategy is to maximize the benefits of CBLUP processes for FN communities by directly soliciting the input of FN peoples and working to ensure sustainable and equitable economic development be extended to all people living in the region.⁵⁴

⁵² Diane Corbett (director, Far North Branch, Ontario Ministry of Natural Resources and Forestry), personal correspondence with author, December 9th 2014

⁵³ Public commentary on the FNLUS can be submitted online via the Ontario Environmental Bill of Rights Registry #012-0598 or via the Ontario Ministry of Natural Resource's Far North Land Use Strategy online collaboration webpage

⁵⁴ Ontario Ministry of Natural Resources. "An Introduction to the Far North Land Use Strategy." edited by Ministry of Natural Resources, December 2013. p.13.

Table 4: Land Use Planning Process Pursuant of the Mandates of the Far North Act (2010)	
Source: Ontario Ministry of Natural Resources and Forestry. <i>Land Use Planning Process in the Far North.</i> https://www.ontario.ca/rural-and-north/land-use-planning-process-far-north	
Step 1	First Nations wishing to prepare a community based land use plan initiate the process.
Step 2	A joint planning team (with First Nations and Ministry of Natural Resources representatives) is established. Roles and responsibilities are defined.
Step 3	Aboriginal traditional knowledge, land, science, and resource information is gathered and documented.
Step 4	A Terms of Reference is developed. This is an agreement between First Nations and the government of Ontario which sets the objectives and process for developing a community based land use plan.
Step 5	An opportunity for public input (including posting on the Environmental Registry) is provided.
Step 6	The plan objectives and resource development opportunities in the planning area are set out.
Step 7	A draft plan (which includes proposed land use and protected area designations) is prepared and the public is given another opportunity for input.
Step 8	A final community based land use plan is prepared and approved by the First Nation and the government of Ontario. It is posted on the Internet and Environmental Registry.

Opting to create a CBLUP with the OMNRF means FNs can designate planning areas around their reserve and have direct influence over development related actions taken within this area. Creating a CBLUP through this initiative is an eight-step process that thus constitutes a direct collaboration between FNs and the OMNRF (see **Table 4**). Although the process focuses, in theory, on the explicit prioritization of FN input on planning and development in a way that is based on their intentions for land use,⁵⁵ the outcomes in the CBLUP are not entirely self-determined by FNs. The process fundamentally relies on FN feedback and goes through various stages of consultation, yet it is still, at its core, asking FNs to conform to a conventional land use planning process set out by the Government of Ontario. The aboriginal right to self-govern is thus only partially recognized, and perhaps varies depending on how each FN undertakes this participatory process. In this sense, the collaboration can be tentatively viewed as a

⁵⁵ Ontario Ministry of Natural Resources and Forestry. "Land use planning process in the Far North: The process for developing community based land use plans in the Far North of Ontario." Last updated November 4 2014. <https://www.ontario.ca/rural-and-north/land-use-planning-process-far-north>

form of multi-level governance, for its inclusion of multiple levels of government, and a substantive negotiation process where, in theory, all participants are equal. However, as aforementioned, FN communities in Canada possess an inherent right to self-govern, which makes the methods through which the CBLUP process is undertaken – who is given what roles and decision making power - critical to its success.

The creation of a CBLUP is only one part of all the considerations and development plans being made for the Far North. For example, the creation of a CBLUP does nothing to facilitate open dialogue between FNs and private industry, nor does it give any kind of leverage to create community agreements about the location of new exploration camps or facilities so that FNs access economic benefits from related revenues or local job markets. Nor does the CBLUP mandate include clear practices for building capacity within FNs to participate in the development and administration of planning frameworks. This is not to suggest that such considerations can or should be a part of a CBLUP. Rather, the point is that the Government of Ontario has tried to push forward a planning practice in communities that do not have enough capacity or comprehensive organization to support it, and amongst issues that feel more pressing to these communities than that of land use.

As FNs are responsible for their inclusion in the CBLUP development process, they must take on their own set of initiatives and plans to ensure meaningful inclusion in decision-making processes effecting the development of the Far North outside of this issue. Perhaps in a regular municipal context this may seem like a reasonable expectation, but these communities face a series of other challenges that make such a

dedication of time and energy a difficult undertaking. These FNs vary in their size, level of remoteness, access to communications technologies, internal capacities and endowments, and feelings towards development of the Far North. Many face deficits in services, struggle with basic resource provision, or are coping with internal social crises that take precedence over such planning processes from their perspective.⁵⁶ For these reasons, the ability for FNs to exert themselves as impactful stakeholders in this process is precarious and inconsistent. Yet, for the most part, development has continued to proceed at the pace the market allows, whether or not these FNs feel prepared and able to engage in the process effectively.

3.3. Disagreement, political tension, and slow forward motion

Although the FNAct was designed to serve the interests of the FN communities in the Far North, many individuals and communities have expressed dissatisfaction with the FNAct, and many resisted its establishment during its legislative process.⁵⁷ Concerns have primarily referenced, (1) the FNAct's unilateral application across the Far North (treating First Nations communities as a single interest group, as opposed to identifying individual communities as separate stakeholders); (2) the formation of the FNAct without significant consultation between the Government of Ontario and FN communities; and (3) the political implications of the opt-in CBLUP process, whereby

⁵⁶ Ontario Chamber of Commerce, *Beneath the Surface: Uncovering the Economic Potential of Ontario's Ring of Fire*, by Josh Hjartarson, Liam McGuinty, and Sctt Boutilier, with Eva Majernikova, ISBN PDF: 978-1-928052-02-9, 2014. p.21.

⁵⁷ Thompson, Jon. "Showdown in the Far North." *The Dominion*, October 11 2010.

opting-in diminishes the true autonomy of decision-making within participant communities.

In a review of the FNAAct and its CBLUP mandate as a consultative tool for the government, Gardner et al (2012) express concern that the unilateral action of the Government of Ontario in establishing and administering the FNAAct is a pernicious continuation of negative past relationships between the government and FN communities. Particularly, that the FNAAct is superficial in its inclusion of FN concerns and visions for economic development, since the CBLUP mandate and its implementation techniques were all based on development goals the Government of Ontario has set for the region.

A recently published Ph.D. thesis from the Natural Resources Institute at the University of Manitoba also addresses these issues from the vantage point of power politics. Burlando (2012) concludes that given the historical resistance FN communities exhibit to state-led planning activities, that the FNAAct's CBLUP plan will likely yield negative overall results for equitable resource and wealth distribution due to non-compliance or resistance of FNs to engage the process.

The leaders of the Nishnawbe Aski Nation (NAN - a political territorial organization that represents 49 FN communities in Northern Ontario, including all those in the Far North) initially spoke out strongly against the act, claiming it became law despite "unanimous and fundamental objections", and violates principles of "free prior and informed consent", as well as their treaty rights and some international laws.⁵⁸

⁵⁸ "Ontario's Far North Act." Nishnawbe Aski Nation. <http://www.nan.on.ca/article/ontarios-far-north-act-463.asp>.

With the implementation of such a decision-making process in the Far North, the NAN believes the FN communities are being coerced into supporting an agenda that will benefit Ontario's economic future more than their own.⁵⁹ Thus far, while nine of the thirty-one FN communities have participated in the CBLUP process,⁶⁰ it appears sometimes it has been reluctantly so. For example, members of the Webequie First Nation (a member of the MFNM) expressed concerns that the CBLUP development process was pressuring them to move too quickly. Furthermore, Webequie leaders have claimed that the consultation process overlooked some of what they feel are the greatest needs in their community – namely, food access and education – while trying to push through infrastructure driven agendas.⁶¹ This coercive timeline may be a product of private market pressure that the government is being careful not to discourage. Such a prioritization of private industry means development will be pushed forward, with or without full FN consent, making it hard for these communities to fully control timelines for decision-making.

Some government officials have also criticized the FNAct, though for markedly different reasons than FN leaders have outlined. Member of Provincial Parliament Norm Miller, the elected official for the Parry Sound - Muskoka riding (which is not a part of the Far North, but not far south in the Northern Ontario administrative region) initiated a

⁵⁹ "Ontario's Far North Act."

⁶⁰ Government of Ontario. "Land Use Planning Process in the Far North: The Process for Developing Community Based Land Use Plans in the Far North of Ontario." <https://www.ontario.ca/rural-and-north/land-use-planning-process-far-north>.

Note: As of November 11 2014, the OMNRF lists ten participating communities, however, the Pikangikum First Nation developed their CBLUP with the OMNRF in 2006 before the FNAct was established. For this reason this CBLUP will not be used in the analysis of this research.

⁶¹ CBC News. "First Nation Wants to Slow the Pace of Mining Activities: Webequie Residents Say Process Needs to Slow Down So They Can Participate in the Ring of Fire." *CBC News*, June 11 2012 2012.

repeal of the FNAAct in 2012 on the grounds that it would limit the full economic development potential of the ROF from over-regulation, but lost the motion in its second reading at the Legislative Assembly of Ontario.⁶² While unsuccessfully running for Premier of Ontario in 2014, Ontario Progressive Conservative Party leader Tim Hudak pledged to attempt another repeal of the FNAAct, again citing that it limits the maximum economic potentials of the region.⁶³

Despite these various objections, the Government of Ontario made a substantial effort to advance the project in 2014 by pledging CAD\$1 billion towards ROF development efforts, not long after signing an agreement to build regional framework strategy for development with the Matawa Tribal Council in March 2014.⁶⁴ The Government of Ontario subsequently established two administrative bodies within the Ontario Ministry of Northern Development and Mines (OMNDM) to oversee related activity: the Ring of Fire Secretariat and the Ring of Fire Infrastructure Development Corporation.⁶⁵ The Ring of Fire Secretariat ('the Secretariat' – which operates out of multiple offices located in the cities of Toronto, Sudbury and Thunder Bay) manages environmental assessments for the region, exploration, and development initiatives, FN partnerships and land use planning.⁶⁶ The Ring of Fire Infrastructure Development Corporation ('the Corporation' - established on August 28, 2014) manages public works

⁶² Ontario Progressive Conservative Party. "Ontario PCs Slam Bisson for Not Defeating the Far North Act." *The Timmins Times*, March 27 2012.

⁶³ Weisz, David. "Hudak Would Repeal Far North Act, Open Development of Mineral-Rich Areas." *Global News*, May 19 2014.

⁶⁴ Matawa First Nation Management. "Regional Framework Update." June 2014. http://www.matawa.on.ca/wp-content/uploads/2014/06/Regional-Strategy-Insert_v4-Final_Nobleeds.pdf

⁶⁵ Ontario Ministry of Finance. "Ontario Investing in the Ring of Fire: Province Moving Forward with Support for Strategic Infrastructure." <http://news.ontario.ca/mof/en/2014/04/ontario-investing-in-the-ring-of-fire.html>.

⁶⁶ Ontario Ministry of Northern Development and Mines. "Ring of Fire Secretariat." Government of Ontario, <http://www.mndm.gov.on.ca/en/ring-fire-secretariat>.

projects, which mainly pertain to transportation and energy infrastructure in the region. The Corporation has stated its primary aims to be the establishment of: (1) necessary infrastructure in the region to support development projects, and (2) public-private partnerships between the government, private industry and FN communities that will convene on investment decisions regarding new infrastructure.⁶⁷

3.4. The Matawa First Nations Management Tribal Council – stuck in the middle, and still having to demand a bigger seat at the table

Matawa First Nation Management (MFNM) is a tribal council that governs nine FNs in Ontario. The Eabametoong FN, Marten Falls FN, Neskantaga FN, Nibinamik FN, and Webequie FN members are all fly-in communities closely located around the Ring of Fire within the Far North region. The other four MFNM members – Constance Lake FN, Aroland FN, Ginoogaming FN, and Long Lake #58 FN – are located just south of the ROF and are road accessible, but also lie close to areas with active mining claims and development activities occurring. The union of these nine FNs is a voluntary one, and these Ojibway and Cree FNs work together to pool resources and social capital to provide a growing array of programs and services for their constituents.⁶⁸

The MFNM was formed in 1988 and has worked to become a unified regional entity that proactively coordinates “modern social and economic development practices

⁶⁷ Ontario Ministry of Northern Development and Mines. "Ontario Establishes Ring of Fire Infrastructure Development Corporation: Province Supporting Growth in the North." <http://news.ontario.ca/mndmf/en/2014/08/ontario-establishes-rof-infrastructure-development-corporation.html>.

⁶⁸ Matawa First Nations Management. "About Us," <http://www.matawa.on.ca/aboutus/>

with...traditional culture and heritage”⁶⁹ to ensure economic prosperity for its current and future populations. The MFNM members reaffirmed this mission on July 13th, 2011, signing a ‘Unity Declaration’ together that emphatically asserted their right to self-determination and self-governance. The document, signed by the Chiefs of all nine MFNM members, specifically calls out their right to protect their lands, maintain their aboriginal and treaty rights, and the necessity for any form of development on their lands to be permitted by their own written consent only. The Declaration makes clear that such permission cannot be granted by any outside entity, including the Canadian or Ontario governments, and that any “failure to consult, accommodate and receive consent of the First Nation(s) to proceed with any work or activity is an unjustified infringement upon our Aboriginal, Treaty and Custodial rights as First Nations.”⁷⁰

This Declaration was in no small part catalyzed by planning and development activities ongoing in the Far North of Ontario. The MFNM has taken a clear and firm stance on the nature of these activities: that their interests and voices must be central to all decision-making impacting the future of the region. The MFNM has asserted this stance through a series of actions (including internal institutional change, community capacity building, negotiation with industry and government, opposition and protest, and widespread media outreach) and has participated selectively in the consultative processes that the Government of Ontario has offered to them (namely, CBLUP development, which three MFNM members have undertaken). Instead, by expanding

⁶⁹ Matawa First Nations Management. “About Us.”

⁷⁰ Matawa First Nations Management Chiefs Council. Mamow-Wecheekapawetahteewiin Unity Declaration.” *Matawa First Nations Management*, July 13 2011. <http://www.matawa.on.ca/wp-content/uploads/2013/12/Mamow-Wecheekapawetahteewiin-Unity-Declaration-Signed-July-13-2011.pdf>

their scale and scope, the MFNM has pushed the Government of Ontario and private industry to contend with them as a significant and influential stakeholder in the development of the Far North on their own terms. For example, the MFNM formulated a Regional Strategy Framework that focuses on land management, revenue sharing, and capacity building, which Ontario Premier Kathleen Wynne and the Minister of Northern Development and Mines both agreed to and signed off on in March 2014.⁷¹

3.5. Initial assessment: a limiting environment for exertion of the right to self-govern

The foregoing explication indicates that the nature of development in the Far North, and the FNAAct itself, have the power to transform the aboriginal right to self-govern from a (potential) benefit to a burden for FNs in the region. As changing land value spurs competition for resource development opportunities in and around FN reserves and communities, persuasive and rapid development activities have proliferated. In turn, substantial new governmental attention has been directed to the region primarily in terms of investment to attract industry and related regulation - irrevocably altering these landscapes of the Far North. As market competition for development opportunities fluctuates and the Government of Ontario continues to regulate and pursue development in tandem, the aboriginal right to self-govern will be both directly and indirectly impacted as FNs of the Far North negotiate for meaningful inclusion in decision-making processes.

⁷¹ Matawa First Nations Management. "Regional Framework Update.", *Matawa First Nations Management*, June 2014. http://www.matawa.on.ca/wp-content/uploads/2014/06/Regional-Strategy-Insert_v4-Final_Nobleeds.pdf

Given that development companies and non-FN forms of governance are not necessarily obligated to collaborate with FNs, it is critical to conceptualize much collaboration in the Far North as an opt-in process, despite FN autonomy. The currently planning and development practices being applied in the Far North by government and industry do not fundamentally take into account wishes FN communities have for the future of the Far North, as they have not been an equal actor in formulating these practices. It instead offers these communities a clear yet highly controlled 'seat at the table' when it comes to development and planning, which comes with an implied acceptance of development of the ROF and the Far North as a given. Furthermore, this conceptual and functional positioning of FN communities within land use decision-making processes of the Far North offers them the opportunity to input only on actions taken in their immediate community spheres, but not elsewhere in the physical region, and not in the realm of economic development. Given these realities, the planning framework the Government of Ontario has approached the FNs to the Far North with clearly does not operationalize their right to self-govern in a way that will be meaningful or satisfactory to these groups.

4. Methodology

This study performed two separate analyses – a policy review and case-study analysis - and cross-analyzed their results. Findings were compared to infer how effectively aboriginal self-governance principles have been integrated in planning and development processes in the Far North by comparing government-led and FN-led planning practices. More specifically, the analysis looked for indications of how effectively the administration of regulations, planning efforts, and development activities both by the MFNM and the Ontario Government have integrated equitable collaborative and participatory processes to create a system of multi-level governance. Instances of FN-led collaboration, co-governance, and participatory activities observed in both legislation and planning practices leading up to, during, and after planning and development activities was taken as a positive sign of a meaningful exertion and respect of the aboriginal right to self-govern. Relatedly, the presence of planning and development outcomes that were the product of negotiation and collaboration between all stakeholders were taken as a sign of an effective MLG structure. The findings from these analyses were tested through a semi-structured interview with an employee of the MFNM, who provided personal reflection on the nature and outcomes of planning and development practices that have been undertaken in the Far North. This study approved via exemption for human subjects research by the Columbia University Internal Review Board on February 9th, 2015. A modification to the protocol was approved on March 24th, 2015 to include a semi-structured interview.

4.1. Policy review

The policy review was undertaken to, 1) provide historical background on land regulations and FN-government relations in the Far North, 2) examine the general progression of regulatory and development activities related to Ring of Fire, 3) identify whether aboriginal self-governance principles exist within legislation and policies effecting planning and development in the Far North, and 4) identify the presence of collaborative activities in the production of legislation and policies effecting development and planning in the Far North.

This review was undertaken by cataloging legislation, policies, agreements, and orders created by the Government of Ontario or FNs of the Far North that directly impact planning and development (both in their administration and implementation)(see **Appendix A**). Agreements and policies created by private industry were not included in the scope of this review due to the difficulty of obtaining such documents. Documents were catalogued in a table, and then assigned a 'category' to distinguish their distinct functions within planning and development activities.

Category 1 consists of legislation and declarations that define either the aboriginal right to self-govern in the context of the Far North of Ontario, or other constitutionally and legislatively defined rights and responsibilities of FNs in this region.

Category 2 consists of documents and policies created between the Government of Ontario and FNs in direct relation to planning and development in the Far North and the mandates of the FNAct: completed CBLUPs, completed Terms of Reference documents, stakeholder agreements, and government produced policy reports or

assessments. These documents thus represent products of participatory processes, multi-party bargaining, and negotiation.

Category 3 consists of orders issued by the Ontario Ministry of Natural Resources and Forestry made pursuant of the regulations and goals established in each completed CBLUP document. These documents represent the real outcomes of the CBLUP process, and thus the direct products of collaborations that may be considered to indicate a MLG arrangement.

Category 4 items consist of other legislative items or agreements made by the Government of Ontario or FNs related to the FNAct or development in the Far North. These items thus represent outcomes of conflict and negotiation between the groups.

The catalogue thus constitutes a chronological record of self-governance, planning, and development related legislation in the Far North, and was used to approximate how cogent the implementation of aboriginal self-governance principles have been across all levels of government and FN governing bodies. This also provided a clear demonstration of complex planning and regulatory environment in the Far North. The identification of multiple types of legislation, policies, and agreements initiated by both government and FN actors were taken as one sign that bargaining and negotiation activities are being undertaken, and a potential sign that MLG or genuine participation in negotiation and planning processes is occurring.

4.2. Case study

A case study of the MFNM was used to examine their evolving engagement with government-led and self-led planning and development practices. More specifically, the analysis was designed to suggest what types of practices the MFNM felt most satisfied by, in terms of both process and outcomes. For this analysis, an impressionistic summary of all documents authored by the MFNM and published on their website from 2011⁷² to 2014⁷³ were catalogued and categorized by types of actions taken by the group related to these practices. This included: 4 media releases; 19 'Matawa Messenger' newsletters; 11 Annual Reports, Chief's Reports, or other special reports; and 116 Chiefs Council Resolutions.

Table 5: Types of action taken by the MFNM in response to FNAAct or Far North development related activities
 Source: created by author from themes observed in content analysis.

<i>Category</i>	<i>Action description</i>	<i>Action function</i>
1	Internal institutional reforms and capacity building	Supportive, self-led
2	Internal community (member) outreach, consensus building, consultation, knowledge transfer, and capacity building activities	Supportive, self-led
3	Declaration or acts of agreement with, satisfaction with, compliance with, or collaboration in planning, negotiation, development, or communication decisions and activities undertaken by the Government of Ontario and private industry	Supportive, externally driven
4	Declarations of disapproval or dissatisfaction with, or acts of opposition to, planning, negotiation, development, or communication decisions and activities undertaken by the Government of Ontario and private industry	Unsupportive, externally driven
5	Direct calls to review or repeal actions and decision made by the Government of Ontario or private industry	Unsupportive, externally driven
6	Calls for increased funding, assistance, or intervention from the Government of Ontario	Alternative seeking, externally driven
7	External outreach, event organization, public communications, and media engagement	Alternative seeking, mixed

⁷² Two entries from 2010 are included in counts for this year.

⁷³ Two entries from 2015 are included in counts for this year.

Generally speaking, these documents addressed: MFNM administration and governance practices; provision and maintenance of services, resources, and infrastructure in MFNM communities; regional politics; decision-making and consensus building amongst MFNM members; community engagement activities; and, various issues impacting MFNM community life. Records addressing MFNM actions related to the FNAAct, CBLUP development, ROF development, new regional economic and infrastructure development, or institutional and community capacity-building related to planning and development activities were recorded, and each action was placed in one of seven descriptive categories. Each category of action was assigned a 'function' to help identify areas what kinds of planning and development practices were most often employed by the MFNM (see **Table 5**).

This impressionistic summary does not account for the scale or scope of individual actions, but rather intends to provide a more anecdotal overview of the MFNMs direct and indirect response to the planning and development in the Far North related to the FNAAct and Ring of Fire activities. For example, one 'action' observed were singular statements made by an MFNM elder member about their views on development in the Ring of Fire that were included as a small feature in the Matawa Messenger newsletter, while another action observed was the hiring of former Ontario Premier Bob Rae to act as the lead negotiator representing the MFNM Ring of Fire on decision-making and advocacy issues, who was subsequently involved in many more Ring of Fire related actions taken by the MFNM which were repeatedly mentioned in 'status updates' in various publications over time. Every unique record in a publication of

an event or action taken by the MFNM that was deemed relevant to the analysis (see **Table 4**) was counted individually, unless this exact record was reproduced in multiple publications (for example, if an event in a newsletter was mentioned verbatim in a subsequent annual report, this event was only counted as one observation).

Progress was observed by tracking actions regarding planning and development in their region and communities, explicitly related to the Ring of Fire, industry development, and resource extraction activities, taken by the MFNM and its members over the time period. Types of action, and frequency of actions taken, were noted over the time period, and the data was examined for consistent patterns – namely, if certain types of actions were used more often than others.

Exertion of self-governance principles were identified by locating actions indicating meaningful assertion of self-determined goals and principles regarding (1) the MFNM's internal governance and evolving development planning process, and (2) their response to and utilization of government and industry led processes for planning and development in the region, including the production of three Terms of Reference for CBLUP development pursuant of the FNAct.

Collaborative practices were identified by locating evidence of substantial and productive collaborative and co-governance activities between the MFNM, Ontario Government agencies, and private industry, as well as a presence of community-level outreach and participatory activities to guide residents and their FN members through the planning process and impending changes occurring in the region. The ability to assert internally determined goals and agendas within planning and development

activities was taken as a positive sign of an exertion of the right to self-govern, and thus, one positive sign that desirable (in terms of FN welfare) planning and development outcomes will occur.

The identification of desirable planning outcomes were based on the explicit desires and visions expressed by both MFNM members and the MFNM in relation to consultative planning and development processes they engaged, and how closely their feedback from these processes was integrated into final plans, programs, and policies effecting their communities. Consequently, this analysis also illuminates some of the decision-making dynamics at play in the process of plan creation, the impacts FN actions and feedback have had on devising land use plans and other agreements in the Far North, the level of impact FN participation in collaborative processes had on plans, and the general impact such regulatory policy making (the FNAct) can have on different communities. The intent of this analysis was to shed light on the means and distribution of decision-making power within FN participant communities, and how this influences the FN goals for development as compared to those of the province.

Finally, the summary was analyzed using concepts from Alcantara & Nelles' (2014) analysis of multi-level governance, as a means to assess how the MFNM has had to adapt their own governance activities in order to benefit from the FNAct and CBLUP processes and access the level of benefits from economic development in the region that they feel they are entitled to.

Findings were used to discuss: 1) the value of government-led versus FN-led planning and development activities according to the MFNM, 2) the MFNMs ability to

exert the right to self-govern within both types of planning and development frameworks, and 3) the contributions of participatory and collaborative practices within these frameworks on the achievement of a multi-level governance structure.

4.3. Stakeholder interview

In order to test the findings of the case study, an interview was conducted with a current employee of the MFNM who has worked for the tribal council since 2011 and is also a member of a MFNM FN. This employee worked directly on planning and development initiatives carried out by the MFNM, and demonstrated an extensive knowledge of all activities undertaken by the group, as well as general regional politics, economics, and social issues related to FNs in general and the Far North at large. The author obtained informed consent from the participant via telephone on March 30th, 2015. An interview was then conducted in a semi-structured format, and lasted approximately 2 hours.

Topics addressed in the interview included:

Capacity building: the rationale and techniques behind institutional and community capacity building undertaken by the MFNM.

Cooperation and unity: Conflicts and successes in establishing unity and cooperation amongst MNFN members regarding directions for development and planning.

Collaboration and multi-level governance: the collaborative relationship between the MFNM and the Government of Ontario, and also the MFNM and private industry, including both conflicts encountered and successes achieved.

FNAct and CBLUP development: general MFNM reflections of the FNAct and MFNM member experience with implementing the CBLUP mandate.

Decision-making: general feelings about the distribution of decision-making power amongst the FNs, government, and industry within the Far North.

Benefits and burdens: general feelings about the benefits and burdens that the MFNM has and will encounter during planning and development in the Far North, and expectations for the outcomes of these activities.

4.4. Study limitations

The original intent of this study was to (1) perform a policy analysis of documents related to the FNAct, (2) perform a stakeholder analysis based on the assessment of public records (see **Appendix B**), (3) conduct interviews with multiple stakeholders (see **Appendix C**), and (4) survey a community that participated in the CBLUP development process, to infer levels of satisfaction with the CBLUP development process itself, and the function of the aboriginal right to self-govern within this context. The scope of the study was to include any FNs who have initiated the CBLUP development process pursuant to the FNAct, to give a comprehensive view of the impact of the FNAct. To satisfy component (2), public commentary records were located and reviewed, however,

the volume of comments submitted during the public consultation periods for the CBLUPs and TORs were limited, and consequently, could not be relied on as a representative data set for the FN communities of the Far North. To complete components (3) and (4), correspondence was undertaken with the FN leaders in order to secure approval for such primary data collection, however, the timeframe available to complete this research was not agreeable for all parties involved. Given these limitations, the scale of the study was reduced to a smaller region of the Far North - that managed by the MFNM.

5. Data Analysis and Research Findings

5.1. Policy review outcomes

For all data referenced, see **Appendix A**

Historical legislative context:

Several key pieces of legislation directly and indirectly influence the development of the Far North, as they define the aboriginal right to self-govern and the abilities and exclusions of Governmental and Ministerial bodies in the region. The most consequential piece of legislation for FNs in the region is the Indian Act (which was created in 1876, but underwent major amendments in 1985), which defines the aboriginal right to self-govern, and prescribes the organization of individual FNs, tribal councils, reserves, and bands. The FNs of the Far North also fall under jurisdiction of two separate treaties between themselves and the Government of Canada – the James Bay Treaty – Treaty no. 9 (1905), and Treaty no. 5 (1875), which defines the FN and governmental use and ownership of lands within the territories they apply to. Consequently, these pieces of legislation provide the structural basis for what and where FNs and the government have decision-making power over, from a definitional point of view.

In addition to these governmental documents, the Assembly of First Nations (encompassing FNs Canada-wide) and the Nishnawbe-Aski Nation (encompassing the FNs of Treaty no. 9, and all the FNs of the Far North) have their own declarations of self-governance and territory (made in 1985, and 1977, respectively). Both of these

documents assert the aboriginal right to self-govern, self-determine, and occupy their traditional lands in the ways that are suitable to them culturally and spiritually. These documents thus provide the ideological basis for FN and MFNM action in the Far North, although the declarations in these documents do not have legal standing in the governments' eyes.

Progress of planning and development in the Far North:

The establishment of the FNAct was preceded by the creation of one full CBLUP (2006) and three terms of reference to create CBLUPs (2008-2009) in five different FN communities in the Far North (one is a joint effort between two communities). The ascension of the FNAct was also preceded by a report released by the Far North Planning Advisory Council in 2009, addressed to the Minister of Natural Resources and Forestry on how regulate and manage development and planning in the region. Interestingly, this particular document makes explicit mention of the need for capacity building and community-based decision-making in FNs, though is primarily focused on the application of these techniques to support land use planning. In early 2010, prior to the final ascension of the FNAct, another advisory body known as the Far North Science Advisory Panel released a 112-page report of the environmental and ecological concerns for developing the region, but also makes mention of a need to develop practices reflecting the specificities of collaborating with FNs.

The FNAct itself is explicitly about planning in the Far North, and since its ascension, the four FNs who had established terms of reference with the Government of Ontario to create a CBLUP have completed that entire process, and seven more FNs in

the Far North have established a terms of reference to create a CBLUP. Subsequent to the completed CBLUPs, the Ontario Minister of Natural Resources and Forestry has put forth 12 separate orders pursuant to clauses in the FNAAct to create planning areas for FNs or approve development projects for infrastructure and industry, indicating a clear advancement of Ontario's planning and development agendas for the region. The FNAAct itself has 27 sections, outlining its purpose of CBLUPs, the means to create and implement them, and the extents of the acts application. Regarding the specific role FNs play in planning in the Far North under the FNAAct, section 5 outlines the objectives for land use planning, naming "a significant role for FNs in the planning" process and "enabling sustainable economic development that benefits the FNs" in sub points 1 and 4. Additionally, section 6, addresses the contribution of FNs to the process states that "First Nations may contribute their traditional knowledge and perspectives on protection and conservation for the purposes of land use planning under this Act."

Working in tandem with the FNAAct, CBLUPs, and minister's orders, the OMNRF has been developing a Far North Land Use Strategy ("the Strategy") began in 2008, and is supposed to provide the foundation upon which FNs and the OMNRF develop CBLUPs together. Through an introductory paper and a discussion paper, the Strategy discloses the purpose and process for FNs and the OMNRF to develop CBLUPs together, and discusses the topics the plans should address (primarily infrastructure, economic development, and environmental protection). At the same time that the Strategy was developed, the Regional Framework Agreement between the MFNM and Ontario was also, however, the level of equality in decision-making the MFNM achieved

in that arrangement is not present in the Strategy documents. In the Strategy, FNs are clearly posed as one consideration within of a larger set of goals Ontario has for the region – actors that will be consulted for certain stages of decision making, namely land use – as opposed to being treated as constituting pillars of the Strategy's formation and structure.

In section a, the Regional Framework Agreement indicates an agreement between Ontario and the members of the MFNM to “participate in a community-based process of negotiation related to mineral and other related developments in the area known as the Ring of Fire.” The Agreement addresses the nature and conduct of negotiations, and focuses on principles of respect and mutual understanding as a basis to inform decisions impacting infrastructure, economy, and community development, as well as capacity building, revenue sharing, and land management.

The exertion of the right to self-govern:

The most significant exertion of the right to self-govern within planning and development activity in the Far North has been the MFNM's establishment of the Regional Framework Agreement (2014) with the Government of Ontario (discussed in more detail in sections 5.2 and 5.3), which requires consultation of the MFNM on all planning and development activities in the region.

A FNs decision not to opt-in to the CBLUP development process should also be recognized as an exertion of the right to self-govern, since this is a voluntary process. It should also be noted that, in section 12 of the FNAct, there are protocols for what kind of development and planning is permissible in areas where a CBLUP has not been

established. Section 12.1 of the FNAAct described the limitations placed on development in these areas, however the remainder of section 12 describes exceptions to these restrictions – namely through the application of Minister's orders under certain circumstances. But, this clause does offer some land protection for FNs who chose to remain fully outside of the development process.

The presence of multi-level governance in legislation:

Though the central tenants for implementing the FNAAct, the Strategy, and the CBLUP mandate are participatory, they do not truly constitute a multi-level governance framework. These Acts and mandates have a predetermined place where FN input and participation fits in to a broader scheme for planning and development. In this sense, the FNAAct and CBLUP process still represent a top-down, or hierarchical arrangement for participation with stakeholders.

The establishment of the Regional Framework Agreement between the MFNM and the Government of Ontario represents, essentially, an augmentation of the FNAAct, though it has not been legislated this way. The Agreement requires consultation of the MFNM for any development or planning activities that may occur in and around their territories, thus providing these nine FNs to have an impact on broader regional agendas. For the members of the MFNM, a theoretical MLG arrangement has been achieved in their territories, though given the recentness of the Agreement few outcomes have resulted from it. Unfortunately, this augmentation of the decision-making process does not extend to the other 26 FNs in the Far North, so it is not possible to

suggest that an MLG exists in the Far North region, but an instance of it has occurred between the MFNM members and the Government of Ontario.

5.2. Case study outcomes

Progress of planning and development in the Far North:

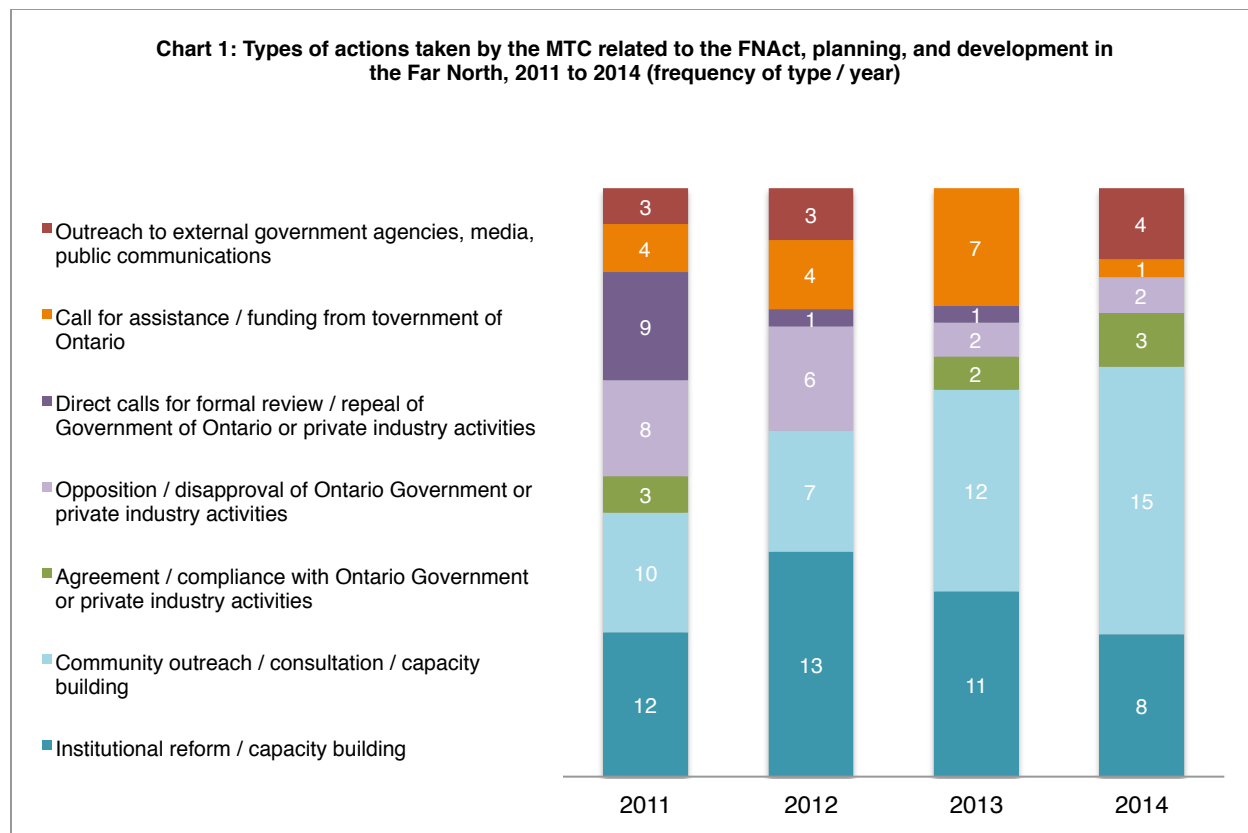
The MFNM have responded to planning and development activity in the Far North in several ways, but most frequently relied on self-led, development supportive practices (see **Table 5**). Together, the actions taken by the group between 2011 and 2014 changed the position the MFNM holds within negotiation and governance in the region, and has increased their ability to influence decision-making in the Far North. This change is taken as a sign of an improving ability for the MFNM to exert their fundamental right to self-govern, and is discussed more in section 5.3 based on the stakeholder interview findings.

The content analysis revealed 151 actions related to planning and development in the Far North taken between 2011 and 2014 (see **Table 6**). The vast majority of these actions fell under the categories of internal institutional reform and capacity building; or internal community (member) outreach, consensus building, consultation, knowledge transfer, and capacity building activities. These types of actions occurred 44 times each, constituting 58% of the total actions observed. The least frequent action observed were declaration or acts of agreement with, satisfaction with, compliance with, or collaboration in planning, negotiation, development, or communication decisions and

activities undertaken by the Government of Ontario and private industry. These types of actions were only observed 8 times, constituting 5% of the observations made. This is taken to indicate preference of the MFNM for self-led planning practices. When broken down by time period, similar distributions of action types still appear, indicating a consistent prioritization of internal institutional reform, and institutional and community level capacity building throughout the period observed (see **Chart 1**).

Table 6: Types of action taken by the MFNM in response to FNAAct or Far North development related activities			
<i>Source: compiled by author from publicly available documents posted on the MFNM website⁷⁴</i>			
<i>Action description</i>	<i>Instances Counted</i>	<i>% of Total</i>	<i>Action function</i>
Internal institutional reforms and capacity building	44	29%	Supportive, self-led
Internal community (member) outreach, consensus building, consultation, knowledge transfer, and capacity building activities	44	29%	Supportive, self-led
Declaration or acts of agreement with, satisfaction with, compliance with, or collaboration in planning, negotiation, development, or communication decisions and activities undertaken by the Government of Ontario and private industry	8	5%	Supportive, externally driven
Declarations of disapproval or dissatisfaction with, or acts of opposition to, planning, negotiation, development, or communication decisions and activities undertaken by the Government of Ontario and private industry	18	12%	Unsupportive, externally driven
Direct calls to review or repeal actions and decision made by the Government of Ontario or private industry	11	7%	Unsupportive, externally driven
Calls for increased funding, assistance, or intervention from the Government of Ontario	16	11%	Alternative seeking, externally driven
External outreach, event organization, public communications, and media engagement	10	7%	Alternative seeking, mixed
TOTAL	151		

⁷⁴ All documents posted on the MFNM website titled newsletters, media releases, reports, or chiefs council resolutions were collected from the following pages: <http://www.matawa.on.ca/department/communications/matawa-messengers/>; <http://www.matawa.on.ca/department/communications/media-releases/>; <http://www.matawa.on.ca/reports/>; <http://www.matawa.on.ca/62-2/resolutions/>



Source: compiled by author from publicly available documents posted on the MFNM website

*Consolidated with data from 2010 (October-December), which only included 2 observations of interest

**Consolidated with data from 2015 (January-March), which only included 2 observations of interest

Table 7: Characteristics indicating multi-level governance between the MFNM and Government of Ontario
(reproduced from Alcantara & Nelles, 2014: 186)

Characteristic	Criteria	Present in MFNM-government relations?
<i>Actors</i>	Involves at least one constitutionally recognized government in partnership with nongovernmental and/or quasi-governmental actors.	Yes – several Government of Ontario agencies, the Premier of Ontario, and MFNM working directly on several issues related to planning and development in the Far North; the MFNM frequently negotiates with and engages industry and development actors; MFNM itself is a constitutionally recognized body (a tribal council) that governs nine First Nations communities.
<i>Scales</i>	At least one actor is embedded at a different political/territorial scale from the others in the partnership.	Yes – MFNM members are local level, the MFNM is a regional body, and the Government of Ontario of a provincial body.
<i>Decision-making processes</i>	Decision-making is the result of bargaining and negotiation between actors rather than top-down or hierarchical determined relationships (i.e. negotiated order, governance).	Yes – the MFNM consistently negotiate with the Government of Ontario and industry actors, and several issues and actions have been debated back and forth, where bargaining and consensus building has occurred.

The exertion of the right to self-govern:

The high degree of internally focused actions and self-led planning taken by the MFNM indicate a strong agenda to exert their right to self-govern. Furthermore, the lack of action in agreement and compliance with government and industry led planning and development activities may be interpreted as another means by which the MFNM is exerting its right to self-govern, since they want to be centrally involved in all relevant decision making processes.

The presence of multi-level governance:

The actions observed were considered within the Alcantara & Nelles (2014) framework for identifying multi-level governance system, as a means to identify if meaningful collaboration is ongoing between various stakeholders, and to what degree decision making is being done through bargaining and negotiation as opposed to top-down hierarchical processes (see **Table 7**). Overall, the progressive integration of the MFNM as a key stakeholder and negotiating partner in Far North related decision-making indicates strong evidence that an instance of MLG has occurred in this scenario.

Discussion:

Analysis of the actions taken by the MFNM reveal a strong and consistent approach to planning and development in the Far North of Ontario and Ring of Fire region. The MFNM emphatically and unwaveringly assert their right to self-govern, and frequently invoke this right in their communications internally and externally, in negotiations with government agencies and private industry, and as the foundation of

their own decision-making. The content analysis revealed that the majority of planning and development related actions the MFNM have undertaken since the ascension of the FNAct in 2010 have been designed to improve and expand their own capacity as a governing body, and also build capacity, consensus, and unity amongst the FN members and peoples.

According to the multi-level governance framework, the MFNM are indeed operating within such a paradigm. As a governing body, the MFNM has inserted themselves firmly and effectively within the negotiation process regarding decision-making in the Far North. In this sense, it appears that the MFNM is strong in their right to self-govern within the collaborative context. Initial analysis suggests that, particularly with the implementation of the Regional Framework Strategy, the MFNM, Government of Ontario, and private industry are now very much working together in a multi-level governance framework where all entities are consulted on planning and development decisions. As will be reviewed in section 5.3, these relationships are still problematic and the timelines associated with such decision-making remain a source of conflict. However, the level of negotiation and consultation now occurring between the MFNM and the Government of Ontario through these new arrangements constitutes much more substantial collaboration than the CBLUP mandate provides alone.

The CBLUP process does not figure largely into the MFNMs approach to planning and development in the Far North. They have engaged many planning type processes that have a much broader community scope, and appear not to be in any kind of rush to complete the CBLUP process. In fact, it appears that much of what the

MFNM is focused on is capacity building within their institution and communities so they can leverage this government provided opportunity the most effectively. Based on the actions observed, an issue such as land use planning in and around FN reserve lands appears to be less of a concern to the MFNM at the present than capturing factions of the emerging job markets, as well as economic gains that can be driven back into services and resources for their communities.

5.3. Stakeholder interview outcomes

Capacity building: the rationale and techniques behind institutional and community capacity building undertaken by the MFNM.

The interviewee spoke extensively about the strategies and techniques the MFNM developed to build their own institutional capacity, and also community-level capacity within in its nine member nations. In reaction to the government led planning and regulatory actions taken in the Far North – including the FNAct and its CBLUP mandate – as well as private industry activity, the members of the MFNM collectively expressed a desire for grassroots, bottom-up planning practices. The communities came to this initial consensus after being inundated by exploration activity, particularly around 2007, and felt unequipped to learn about the sequence of mining exploration, extraction, and economic development in a way where they could engage with it and impact the direction it took. To begin developing capacity, the MFNM applied for funding from a federal agency - Aboriginal Affairs and Northern Development Canada – and

received initial support of CAD\$2 million. This funding was used to launch an environmental service department and a Ring of Fire secretariat.

This capacity-building and funding acquisition has catalyzed a substantial expansion in size and scope of the MFNM since the creation of the FNAct. Today the organization has 12 departments, and in the last five years the MFNM staff has expanded from roughly 40 to 100 employees. During this time, the MFNM also opened a Department of Economic Development, and hired a dedicated negotiator (former Ontario Premier Bob Rae) to deal with Ring of Fire activity.

The respondent pointed out two central areas the MFNM has focused capacity-building efforts on: their health services, and as well as an education and training corporation. Investments in health services were viewed as extremely necessary to stabilize their communities, many of whom are currently experiencing epidemics with drug addiction and suicide. Providing education and training services have been the largest undertaking of the MFNM, which focus on preparing FN peoples to enter the new job markets created by development and industry expansion through applied skills training, and providing services to help adults of all ages achieve high school-equivalency education. These services are available to both on and off reserve FN peoples from their member communities, and are deployed through learning centers, and curriculums developed by the MFNM. The training programs have been developed in a federal agency, Employment and Social Development Canada - a partnership the respondent described as an unprecedented and "unique service delivery agent in Northwestern Ontario." By developing a partnership with a local college and resource

development company, the MFNM was able to obtain CAD\$5.9 million over three years to provide these training services.

Cooperation and unity. Conflicts and successes in establishing unity and cooperation amongst MNFN members regarding directions for development and planning.

The MFNM is primarily an advisory body and manages mandates put forward by its members to obtain funding from both the provincial and federal governments to support their initiatives. The organization is led by a board of directors and a Chief's Council, both of which have representatives from each member nation. The Council ratifies mandates discussed by the group, and fundamentally operates under an ethos of consensus building. Thus, in order to implement capacity building activities, the MFNM had to create formal unity and consensus amongst its members specifically on how to strategize and proceed within the Ring of Fire development context.

The respondent identified this unity building as one of the greatest challenges the group has faced in dealing with planning and development in the Far North. Each of the nine member FNs have their own priorities and concerns about development, and visions for the future of the region. Furthermore, these groups sometimes must compete with each other for potential benefits from development (for example, the location of a road, infrastructure corridor, or refinery), creating pressure and conflict within the organization that's stalls consensus building.

The individual member communities have different on-reserve population sizes (500-1200 people), and thus have different levels of resources and capacities to engage in MFNM planning processes. They also have different priorities for development based

on specific community needs – for example, some communities are currently on boil water advisories, and another has a failing sewage and water treatment facility, and thus may be more focused on remedying these issues before having discussions about building roads or other infrastructure projects. For these reasons, the 2011 Unity Declaration and 2014 Regional Framework Strategy have been crucial for mobilization, which both make commitments for no individual member FNs to make decisions – particularly regarding infrastructure development – without consulting each other.

Collaboration and multi-level governance: the collaborative relationship between the MFNM and the Government of Ontario, and also the MFNM and private industry, including both conflicts encountered and successes achieved.

The respondent began the interview by discussing the unavoidable reality that the future of the Far North will not be solely determined by its FNs. Reflecting on how to prioritize strategies for self-led planning and collaboration with outside entities, the respondent stated:

“...large resource development projects that are going to be impacting our community’s...traditional way of life...for the next seven generations...[those are] the tough decisions that our communities are entangled with now...the government legislation [puts our] communities...inside a framework that they didn’t create, and a framework that was placed upon them...they now have to react to...the pressures of

industry, the pressure from the general public, and the pressure from investors.”

The respondent mentioned tension with the Government of Ontario several times, specifically over the success of MFNMs development efforts, and the path for moving forward. For example, the respondent disclosed that the MFNM feels government financial support will eventually be rescinded, indicating conflicting interpretations of development priorities in the region:

“The challenge with that is that the government sees [our actions] as empire building, and has been, in the last few years, clawing back not only our core funding for tribal councils, but our [Strategic Partnership Funding from Aboriginal Affairs and Northern Development Canada] for the Ring of Fire, and, you know, they’re mentioning that we need to have this exit strategy because they don’t want to keep funding this for the next 10 years. But they don’t realize that it takes time to build capacity and there’s no cookie cutter approach to it as well. Some things get tried and some things take longer to implement in our communities, and we have to have the right relationship [with the government and industry] and [they must have] right understanding about these projects.”

The respondent explained that the relationship between the Government of Ontario and the MFNM is in a period of major change and that a mutual understanding of each other’s’ goals are still not clear. This has created tensions between the two groups,

though the respondent did not express feelings that these tensions that could not be resolved, but rather that they just needed more time to be clarified. For example, speaking about the Regional Framework Agreement signed in March 2014, the respondent stated:

“Ontario feels we’re not moving fast enough...and they kind of don’t understand what they’ve gotten themselves into with the framework agreement ...[they need to have] respect for understanding the community’s own process and protocols and understanding that...the minerals aren’t going to be going anywhere, they’re still in the ground, but, [the] communities...[the chiefs] and council are having to deal with issues at the community level that take a priority over the Ring of Fire when the community is in a crisis.”

However, the respondent also expressed that in some realms, government support has increased since the beginning of development in the Ring of Fire in both symbolic and tangible ways. For example, the Government of Ontario invested CAD\$5 million to support the Regional Framework Strategy development. Even with this funding support, one of the biggest points of conflict has been establishing timelines for action and development that works for all parties – private industry included – that is realistic about market pressures, but still respects FN protocols for decision-making. The respondent cited the short timelines used for carrying out Environmental Assessments, writing Terms of Reference for development projects, and the bureaucratic processes for funding applications as particularly difficult for the MFNM to cope with.

FNAct and CBLUP development: general MFNM reflections of the FNAct and MFNM member experience with implementing the CBLUP mandate.

Throughout the interview, the respondent did not discuss the FNAct or the CBLUP mandate, except when asked directly about it, although these topics were explained as key issues of the research. It appeared that, in their eyes, the function of this legislation was not viewed as being very consequential to the future of the Far North – at least in terms of issues the MFNM is prioritizing. The respondent was quick to point out that the FNAct only applies to five of their nine members due to their geographic location, but that most of its members are engaging their own land use planning processes in different ways. They also expressed an overall unhappiness with the FNAct and implementation of the CBLUP process, stating:

“...when that process started a few years ago, most of our communities didn't support the FNAct and when they started to engage in the land use planning process, they participated in it because they [saw] it as an opportunity where they could have capacity and resources to look at where their traditional areas are...”

The respondent also mentioned that the OMNRF (who administer the CBLUP process) do not share information with the MFNM about their progress with the member communities, and the MFNM has found it difficult to work with the ministry. The respondent then quickly segued into a discussion of not only the difficulty they have experienced in collaborating with the OMNRF, but also other agencies (for example, the

Ontario Power Authority) and private actors who are continuously bring different planning frameworks to FNs to advance their own projects. The respondent claimed that their members expressed feelings of being overwhelmed by all of the concurrent planning and development initiatives they are being pulled into and that the situation has been chaotic at times, and would like these planning efforts to be centralized so they do not have to keep going through the same process repeatedly. One of the intentions of the Regional Framework Agreement is to do just that and streamline these processes, where the MFNM will take a more central role in administering planning practices for the whole group.

Decision-making: general feelings about the distribution of decision-making power amongst the FNs, government, and industry within the Far North.

The respondent was hesitant to quantify how decision-making power is being distributed in this context, but did express that the FNs have had increasing amounts of impact on decision-making processes as the MFNM has expanded, particularly regarding infrastructure development, and that this is an important change. In the past, FNs have had to negotiate all decisions regarding infrastructure development in their own communities through government frameworks. The respondent felt that FNs should have full control over any development activity within their own communities, but in surrounding regions and regarding industry development, that it is fair for decisions to be made by an equal collaboration of FNs, government, and private industry. The respondent also expressed that the distribution of decision-making power regarding development outside their communities is not yet equally distributed, but that this is

something that will be addressed with the Regional Framework Strategy as it continues to be developed and refined.

Benefits and burdens: general feelings about the benefits and burdens that the MFNM has and will encounter during planning and development in the Far North, and expectations for the outcomes of these activities.

Regarding outcomes from the planning and development process, the respondent expressed that the ultimate goal of the MFNM is leverage these opportunities to facilitate self-sufficiency in all of their member communities. In their words, the goal of the MFNM is:

“...[to] be in a position where we are working the tribal council out of a job... our goal is for our communities to be self-sustaining and self-governing, and have the capacity themselves to pursue economic development and community infrastructure projects... That is our main intent... to work so our communities can get to that point [where] they will no longer need the tribal council. And that takes time.”

In more quantifiable aspects, there is a great expectation for employment to be a benefit of development. The respondent disclosed that unemployment rates of 80-90% are common in remote FNs, and this lack of opportunity in the region is an incredible barrier standing in the way of an improved quality of life in these communities. They described one proposed project in the ROF that could result in 1000 permanent jobs, and 500 temporary construction jobs. With an on reserve population of 4000 between

the nine MFNM members, such a boom in the labor market would be transformative for the region. However, gaining access to these jobs is not a guarantee – private industry does not have a ‘duty to consult’ FNs on their development decisions as the Government of Ontario is required through the Indian Act. These companies can locate operations wherever they believe will be most logical and profitable for them, which is often in proximity to existing infrastructure and more diverse labor markets (i.e. in proximity to municipalities or larger FN communities). This is part of the reason why the MFNM has focused more on establishing the Regional Framework Strategy with the Government of Ontario than engaging private industry – to ensure upfront investments are made in the FNs territories to attract companies to locate in these locations. The respondent also mentioned the need to develop community benefits agreements with private industry, facilitated by the Government of Ontario, to ensure FNs access to new job markets.

The respondent also discussed the political tensions that have manifested within the FN community – not just between MFNM members, but also between the FNs of the Far North and the 49 NAN FN members (who are all governed by the same treaty). These outside FN communities are suggesting that the benefits the MFNM members are poised to receive should be spread amongst all 49 NAN members. The respondent felt that it would be detrimental to the negotiation process to allow voices from these broader networks to become involved. They also recounted previous instances where other FNs in the region engaged development activities (mostly the establishment of mines) and did not consult the MFNM on these decisions, nor share the benefits they received from this. This was not to suggest that they necessarily had to, but rather, that

this is the reality of resource development – that a community's opportunity is defined by its geography. The respondent also added that they MFNM is not opposed to sharing benefits in the future, but that while such lucrative negotiations are ongoing in these nascent stages of development it is best to limit stakeholder involvement to their membership only.

The negative effects of such political turmoil not only impacts negotiations but also communities and individuals. Activity in the Ring of Fire has been widely covered in the media, and initiates gossip and misinformation about the development process and decisions being made by the MFNM. Given that, culturally, consensus building and community dialogue is very important to decision-making, this can have negative impacts on the unity and trust the MFNM has worked so hard to establish among its members. The respondent explained that on multiple occasions MFNM leaders have had to carefully but publicly address such gossip with their communities, even when they know that it has no bearing on actual decision-making, because FNs have become suspicious of other FN members based on misinformation they have received from not only media, but also government agencies and private actors they have had contact with. Given the very small scale of these communities, the dissemination of even the smallest pieces of information can be rapid and widespread, and is something MFNM leadership has to be constantly aware of.

Discussion:

The interview indicated a complicated but improving scenario for FN development and planning in the Far North. While the MFNM is still dissatisfied with

many aspects of these processes, they have been able to effectively increase the level of influence over decision-making processes, and effectively assert their right to self-govern in several instances by taking control of development activities and bringing projects back to the negotiation stage (for example, by initiating the Regional Framework Strategy, or by taking a mining company to court to dispute the findings of their Environmental Assessment).

The success the MFNM has had in both exerting their right to self-determination and self-govern and continuously supporting growth of their institutional and community capacity appears to be based in two main tactics: (1) working diligently to establish a shared vision for the region amongst their nine member nations and presenting all their decisions and activities under a unified and singular decision-making process, and (2) taking advantage of any and all support they can access from both provincial and municipal governments and private industry, including funding opportunities and strategic partnerships with organizations and agencies. As the respondent indicated, the result of these efforts has been a distribution of decision-making power amongst stakeholders in the region that is not yet fully equal, however, it appears to be sufficient to achieve meaningful multi-level governance in the region, particularly with the implantation of the Regional Framework Strategy guiding negotiations in the future.

In this context, it seems like the value of unity as a basis of capacity building, exerting self-governance, and influencing decision-making cannot be overstated. The FNs of the Far North are small, disparately located, and generally under-resourced to a degree that they cannot easily convene for discussions, meetings, or visits to each

other's' locations to assess on the ground activity. Thus, establishing trust amongst each other and a mutual set of goals allows these groups to react in real time to government and private industry outreach to their groups with the confidence that the decisions they are making will be 'backed up' by a group of allies. Furthermore, such unity and coordination gives individual FNs a pool of resources and support to reach to when they encounter plans, projects, or activities that are beyond their immediate capacity to interpret and respond to.

It is also critical to note that the MFNM's success in transforming their planning and development experience from a one directional, government and industry led participatory process to one of multi-level governance is predicated on a fundamental acceptance of development in the region. While the MFNM has engaged in activist type activities - such as staging a blockade on local airport tarmac to prevent mining company planes from entering the region in 2010 – their focus has been on exerting their self-governance rights and having stakes in decision-making processes. The MFNM do not oppose development of the region on principle, and more so, are focused on getting their fair share of the benefits associated with development if it should occur. FNs who oppose the principle of developing their traditional territories at all will need to position themselves very differently within government and industry negotiations about benefits and impacts.

6. Recommendations

6.1. *Continued and increasing government support for institutional and community capacity building in FNs*

Capacity building at both the institutional and community level has been a major focus for the MFNM. This focus has provided the tribal council with a strong foundation consisting of broad institutional scope, cross-community organization, access to expertise, and a consensus built vision for the future of the region, each of which now critically guide the way they navigate planning and development processes. With these new capacities, the MFNM can negotiate and engage with government and private industry on more equal ground, making them more influential stakeholders in decision-making processes. Furthermore, by increasing the scope of their organization (in their services offered, and scale of operation, and the coordination between members), the MFNM can now effectively respond to aspects of planning and development processes presented to them, has to confidence to request augmentation of these processes, and create alternatives for prioritizing their own agendas. Yet, while these efforts have been internally driven in their conception and delivery, they have also been critically supported with both provincial and federal government funding and resources. Thus, it is recommended that *the MFNM and all FNs receive continued and increasing government support specifically for institutional and community capacity building activities.*

Justification: While planning and development activities in the Far North have been active for nearly a decade, there is still much to come. No major projects have been built

out yet, though major infrastructure investments are expected. Navigating the decision-making regarding these plans will be a new undertaking for the MFNM. Furthermore, the Regional Framework Strategy is only in its initial stages of development, and is slated to go through many more rounds of negotiation. Such major planning projects will demand new skills, more personnel, and dedicated resources from the MFNM to engage effectively, on top of their regular administrative responsibilities. Given the positive outcomes capacity-building has had for the MFNM already, and these anticipated activities, continued support of these initiatives are necessary to ensure continued planning and development progress in the ROF region.

Actors:

- Aboriginal Affairs and Northern Development Canada (federal agency) – this agency is the primary provider of general funds for the MFNM and its members, and the source of a major grant called the Strategic Partnerships Initiative for supporting economic development opportunities in FNs, which the MFNM has received in the past.
- Ontario Ministry of Natural Resources and Forestry / Ontario Ministry of Northern Development and Mines – these agencies are both key in resource and service provision for FNs, with the former facilitating the CBLUP process, and the latter facilitating and funding the Regional Framework Strategy development, and would need to advocate for further funding such initiatives within the provincial budget.

- MFNM – the organization should actively continue to pursue grant opportunities at the federal and provincial level and continue to forge partnerships with provincial service agencies (like they have done to build their skills training programs) to support comprehensive capacity building efforts.

Steps and goals:

- The MFNM should set priority areas for institutional capacity building – particularly which departments they feel would most benefit from increased staff and programming.
- Individual FNs should focus on local-level capacity – training more community members for planning, development, and negotiation processes so they can handle projects like CBLUP development more independently.
- Given the unprecedented nature of implementing such activities in these communities, the timelines for building out these projects that comes with grant money should be flexible, and project agendas should be revisable.

Expected benefits:

- Progress towards individual FN autonomy and self-sufficiency.
- A more efficient environment for negotiation for all stakeholders, as FNs will be more prepared for such endeavors, and will ideally be able to 'keep up' with ongoing planning and development processes more effectively.

6.2. Expanding the scope of all planning considerations to include community needs beyond land use issues

One of the clear misalignments between the FN and government development goals for the region is over what is necessary to support successful and sustainable development in FN communities. The Government of Ontario has thus far focused on land use and infrastructure as a means to facilitate industry location in the region, while FNs are concerned with capacity building and community level needs such as healthcare provision, education opportunities, and access to the labor market, to prepare their members for changes and opportunities coming to the region. FNs of the Far North disproportionately experience deficits in these sectors, which exacerbates the community instability that stalls consensus building and decision-making processes necessary for planning and development.

Using the same framework and rationales provided in the preceding recommendation, FNs and the government should prioritize expanding services that will stabilize local communities. In other words, critical service provision should be considered as part of the capacity-building agenda. Furthermore, as development projects advance and negotiations between private industry and FNs accelerate regarding benefits and provisions required for development, FNs should push for support and funding from private developers to continue to improve these services through Impact and Benefits Agreements. It will be important that the Government of Ontario offers support for these inclusions, and demonstrate an understanding of the need for these foundational investments to be made in the FNs of the Far North.

6.3. Regional knowledge transfer practices and regional FN benevolence

Overall, the MFNM has experienced unprecedented success in capacity building and participating in planning and development practices. FNs elsewhere in the Far North and Canada could greatly benefit from learning about the MFNMs process, approach, and challenges faced in developing a self-led planning agenda, especially as they prepare to enter these processes themselves. These lessons may also be of value to marginalized groups at large who would benefit from learning how engender group autonomy and decision-making capacity. Thus it is recommended that the *MFNM develop a system of regional knowledge transfer, with the potential to disseminate information products to an even wider audience.*

Justification: First, while communication does exist between the 31 FNs of the Far North and they all participate in a centralized grand council (the Nishnawbe-Aski Nation), knowledge transfer is not necessarily easily or fluid in these remote regions where communications technologies are limited, and travel between communities is costly. Thus it will take a concerted effort to collect and disseminate information on the MFNM experience to other FNs and a wider audience. Second, the experiences of the MFNM are unique and have much to contribute to literature on participatory planning and capacity building. Creating an accessible body of information on the MFNM experience could greatly enrich this discourse without burdening MFNM members themselves with having to repeatedly provide firsthand information.

Actors:

- MFNM – there will need to be willingness by MFNM member communities and staff members to recount and reflect on their experiences.
- A local college or university program, researcher, or non-profit entity – a voluntary partner may be very valuable to assist in collecting and consolidating the information, and producing and disseminating the output.
- A benevolent funder (also potentially an educational institution or non-profit agency) - this project is not intended to be a revenue generating service to be provided by the MFNM, and thus some financial support for the production and distribution of this document would be required.

Steps and goals:

- Consolidate and review the MFNMs experience with planning and development in the Far North to date, focusing on successes and challenges, lessons learned, and areas for improvement.
- Summarize this information in user-friendly documents that individual community members can engage.
- Disseminate this information through online platforms, or through presentation at aboriginal, industry development, or planning focused conferences.
- Distribute the document to MFNM negotiation partners – both government and industry.

Expected benefits:

- Assisting other FNs to prepare for their own engagement with planning.
- General awareness of the issue, with the potential for its study to be taken up further.
- Sensitizing government and industry to FN approaches to planning and development.

7. Conclusion

This thesis has forwarded an initial exploration of the relationship between the aboriginal right to self-govern, institutional and community-level capacity building, participatory practices and multi-level governance in the context of planning and development in the Far North of Ontario. A dissection of the legislative and regulatory environment specific to the Far North, and an examination of the MFNM tribal council's management of development activity in their communities and territories have revealed the necessity for FN formulated planning practices as the foundation of equitable decision-making and project outcomes from a perspective of FN welfare. This research also revealed many disparities amongst stakeholders regarding their priorities for development outcomes and their conception and operationalization of what constitutes equitable and collaborative co-governance. The reconciliation of these differences must be approached through continued, transparent, and inclusive negotiation of planning goals and agendas.

The focus on this thesis has primarily been on the MFNM tribal council, whose nine members are located most closely to the regions government and private industry are targeting for development. However, there are 31 FNs in the Far North region that fall within the jurisdiction of the FNAAct, and already have or will experience planning activity in and around their territories. Consequently, further research must be undertaken to assess how such activity will impact these individual FNs given their own unique geographic, resource, and institutional constraints and realities. While the conclusions presented in this thesis regarding the need for capacity-building and multi-

level governance as opposed to top-down, general participatory planning (as offered by the CBLUP mandate of the FNAct) are intended to be universal to the region, the actual implementation of these principles will require attentive adaptation to be effective. The benefits and burdens associated with undertaking planning and development will vary in each individual FN. Each FN, the Government of Ontario, and any other collaborators must thus be willing and able to invest both the time and resources necessary to fully explore all possible arrangements to make sure a balance is struck between the two. The success of the MFNM thus far indicates the clear value of equitable and meaningful negotiation practices, and the Government of Ontario's (eventual) support of their practices show that such collaboration can be part of the modern development agenda.

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Appendix A: Legislation, policies, reports, orders, and plans informing and pursuant of the FNAAct

Chronology of legislation and policy impacting administration and development in the Far North of Ontario (all levels of government and FN organizations)					
<i>Category</i>	<i>Type</i>	<i>Main Actor(s)</i>	<i>Title</i>	<i>Date Introduced</i>	<i>Last Amendment</i>
1	Treaty	Province-First Nation	Treaty no. 5	1875	1909
1	Bill	Federal	Indian Act	1876; 1985	2013
1	Treaty	Province-First Nation	James Bay Treaty – Treaty no. 9	1905	1930
1	Declaration	First Nation	*A Declaration of Nishnawbe-Aski (The People and the Land)	1977	-
1	Charter	First Nation	Charter of the Assembly of First Nations	1985	2003
1	Bill	Federal	Indian Lands Agreement Act	1986	2009
1	Bill	Province	Public Lands Act	1990	2012
1	Bill	Federal	The First Nations Governance Act	Oct 2002	2003
1	Bill	Province	First Nations Resource Revenue Sharing Act	Sept 2004	-
2	CBLUP	Province-First Nation	**Keeping the Land – A Land Use Strategy for the Whitefeather Forest and Adjacent Areas (Pikangikum First Nation)	2006*	-
2	Terms of Reference	Province-First Nation	Terms of Reference, Cat Lake-Slate Falls Community-based Land Use Planning	June 2008	Nov 2008
2	Report	Province-advisory body	Far North Planning Advisory Council: Consensus Advice to the Ontario Minister of Natural Resources	Mar 2009	-
2	Terms of Reference	Province-First Nation	Terms of Reference for a Community-based Land Use Planning Process for the Little Grand Rapids First Nation Traditional Land Use Planning Area in Ontario	April 2009	-
2	Terms of Reference	Province-First Nation	Terms of Reference for a Community-based Land Use Planning Process for the Pauingassi First Nation Traditional Land Use Area in Ontario	April 2009	-
2	Report	Province-advisory body	Far North Science Advisory Panel: Science for a Changing Far North	April 2010	-
1	Bill	Province	Bill 191 – The Far North Act	Oct 2010	-
3	Order	Province	MINISTER'S ORDER made under subsection 9(4) of THE FAR NORTH ACT, 2010 Order # 01–2011–P Cat Lake and Slate Falls Land Use Planning Area	June 2011	-
2	Agreement	First Nation	Mamow-Wecheekapawetahteewiin Unity Declaration	July 2011	-
2	CBLUP	Province-First Nation	Cat Lake – Slate Falls Community Based Land Use Plan	July 2011	-
3	Order	Province	MINISTER'S ORDER made under clause 9(14)(a) of THE FAR NORTH ACT, 2010 Order # FN–04–2011–P Cat Lake and Slate Falls Community Based Land Use Plan	July 2011	-
2	CBLUP	Province-First Nation	Little Grand Rapids Community Based Land Use Plan	July 2011	-
3	Order	Province	MINISTER'S ORDER made under subsection 9(4) of THE FAR NORTH ACT, 2010 Order # FN–02–2011–P Little Grand Rapids Planning Area	July 2011	-
3	Order	Province	MINISTER'S ORDER made under clause 9(14)(a) of THE FAR NORTH ACT, 2010 Order # FN–05–2011–P Little Grand Rapids Community Based Land Use Plan	July 2011	-
2	CBLUP	Province-First	Pauingassi Community Based Land Use Plan	July 2011	-

		Nation			
3	Order	Province	MINISTER'S ORDER made under clause 9(14)(a) of THE FAR NORTH ACT, 2010 Order # FN-06-2011-P Pauingassi Community Based Land Use Plan	July 2011	2014
3	Order	Province	MINISTER'S ORDER Made under clause 12(6) of the FAR NORTH ACT, 2010 – The construction of a winter road from the Marten Falls Reserve 65 south to the Ogoki Forest Painter Lake Road ORDER FN-01-2012-D	Jan 2012	-
4	Repeal	Province	An Act to repeal the Far North Act, 2010 and to make consequential amendments to other Acts*	Mar 2012	*struck down
3	Order	Province	MINISTER'S ORDER Made under clause 12(6) of the FAR NORTH ACT, 2010- Category 9 aggregate pit for the construction of a new school ORDER FN-02-2012-D	May 2012	-
3	Order	Province	MINISTER'S ORDER Made under clause 12(6) of the FAR NORTH ACT, 2010 – The construction of a winter road from the Weagamow Lake 87 reserve south-west to the Northern Ontario Resource Development Road near Windigo Lake ORDER FN-05-2013-D	May 2013	-
2	Terms of Reference	Province-First Nation	Eabametoong & Mishkeegogamang First Nations Community Based Land Use Plan: Taashikaywin Terms of Reference	July 2013	-
2	Terms of Reference	Province-First Nation	Terms of Reference for a Community Based Land Use Planning Process for the Deer Lake First Nation	Dec 2013	-
2	Terms of Reference	Province-First Nation	Marten Falls First Nation Community Based Land Use Plan Terms of Reference	Dec 2013	-
2	Report	Province	An Introduction to the Far North Land Use Strategy	Dec 2013	Sept 2014 – discussion paper released
2	Terms of Reference	Province-First Nation	Constance Lake First Nation Terms of Reference Community Based Land Use Plan February 2014	Feb 2014	-
2	Terms of Reference	Province-First Nation	Terms of Reference Wawakapewin Community Based Land Use Plan February 26 2014	Feb 2014	-
2	Agreement	Province-First Nation	Regional Framework Agreement (between MFNM members and the Government of Ontario)	Mar 2014	-
3	Order	Province	MINISTER'S ORDER made under clause 9(4) of THE FAR NORTH ACT, 2010 Order # FN-03-2014-P Pauingassi Planning Area	Mar 2014	-
3	Order	Province	MINISTER'S ORDER Made under subsection 12(6) of the FAR NORTH ACT, 2010 – The construction of a winter road from the Weagamow Lake 87 reserve north-west to an existing winter road south of Muskrat Dam Lake reserve ORDER FN-07-2014-D	Mar 2014	-
2	Terms of Reference	Province-First Nation	Webequie First Nation TERMS OF REFERENCE Community Based Land Use Planning Initiative 2014	July 2014	-
3	Order	Province	MINISTER'S ORDER made under clause 9(14)(a) of THE FAR NORTH ACT, 2010 Order # FN-06-2014-P Pauingassi Community Based Land Use Plan	July 2014	Amendment to 2011 order
3	Order	Province	MINISTER'S ORDER made under clause 12(5)(b) of THE FAR NORTH ACT, 2010 – category 11 aggregate quarry, including clearing of land, at Collishaw Lake #3 for upgrades at the Pickle Lake airport and maintenance of the Northern Ontario Resource Trail ORDER FN-08-2015-D	Feb 2015	

Source: compiled by author through public records made available online through the Ontario Legislative Assembly, Ontario Ministry of Natural Resources and the Canadian Library of Parliament

*Made by the Nishnawbe-Aski Nation and delivered to the Government of Ontario

**The Pikangikum CBLUP was created well before the FNAct, and was minaly created to address forest preservation, although it appears to be the first FN CBLUP in Ontario. For more information, see <https://whitefeatherforest.ca/>

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Appendix B: List of legislation, orders and plans directly related to the FNAct given public consultation opportunities

Public consultation opportunities regarding the development of the FNAct and CBLUP plans in the Far North according to public records collected by the Environmental Bill of Rights Registry (EBR), organized by groups of actors									
*N/A indicates not yet made available through the online registry									
Actors	Notice type	Notice title	EBR #	Ministry #	Public Consult Period	# of comments	Outcome	Decision Date	Related policy
OMNRF	Act decision	An Act with respect to land use planning and protection in the Far North	010-6624		2/6/09 – 4/8/09	10 written 54 online	Approved	25/10/10	Bill 191
OMNRF	Regulation proposal notice	Development of a Minister's Regulation for Provisional Protection under the Far North Act, 2010 (S.O. 2010, Chapter 18)	011-8933	MNR REG 02/13	30/4/13-2/7/13	N/A	-	-	-
OMNRF	Policy proposal	Far North Land Use Strategy – Stage 1	012-0598	MNR POL 33/13	13/12/13 – 27/1/14	6	-	-	Far North Land Use Strategy: Discussion Paper published in September 2014 based on feedback and evaluation
OMNRF	Policy proposal	Far North Land Use Strategy – Stage 2	012-0598	MNR POL 33/13	29/9/14-28/11/14	Period still open (11/11/14)	-	-	-
Cat Lake-Slate Falls FN OMNRF	Policy decision	Cat Lake - Slate Falls Community-based Land Use Planning	010-4061	FSD NWR 01/08	9/11/10-14/1/11	0	Approved	11/7/11	Crown Land Use Amendment # 2010-009
Cat Lake-Slate Falls FN OMNRF	Policy decision	Amendment to Crown Land Use Policy Atlas for the Cat Lake - Slate Falls Community-Based Land Use Plan	011-1603	MNR POL 34/10	9/11/10-14/1/11	6 written 4 online	Approved	11/7/11	Crown Land Use Amendment # 2010-009
Cat Lake-Slate Falls FN OMNRF	Notice	Preliminary Input for Seeking Approval under the Environmental Assessment Act for Forest Management on the Cat-Slate Forest	012-1366	MNR INF 15/14	16/4/14-6/14/14	N/A	-	-	Declaration Order MNR-71 Amending Order MNR-71/2 Declaration Order MNR-74
Constance Lake FN OMNRF	Policy proposal	Constance Lake First Nation Community Based Land Use Plan	012-2229	MNR POL 16/14	23/7/14 – 8/9/14	N/A	Expected Fall 2015	-	-
Deer Lake FN OMNRF	Policy proposal	Deer Lake First Nation Community Based Land Use Plan	011-8118	MNR POL 3/13	9/4/13-5/13/13	N/A	Expected Fall 2013	-	-
Eabametoong FN Mishkeegogamang FN OMNRF	Policy proposal	Eabametoong First Nation and Mishkeegogamang First Nation Community Based Land Use Plan	011-9461	MNR POL 16/13	7/7/13–20/9/13	N/A	Expected Spring / Summer 2014		
Little Grand Rapids FN OMNRF	Policy decision	Little Grand Rapids First Nation Community-based Land Use Plan	010-7368	FSD RLD 03/09	23/11/10 – 14/1/11	0	Approved	12/7/11	Land Use Amendment # 2010-011
Little Grand Rapids FN OMNRF	Policy decision	Amendment to Crown Land Use Policy Atlas for the Little Grand Rapids Community-based Land Use Plan	011-1605	MNR POL 35/10	23/11/10-14/1/11	0	Approved	11/7/11	Crown Land Use Amendment # 2010-011
Marten	Policy	Marten Falls First Nation Community Based Land Use	012-	MNR POL	14/1/14-	N/A	Expected Spring /	-	-

Falls FN OMNRF	proposal	Plan	0783	1/14	28/2/14		Summer 2015		
Pauingassi FN OMNRF	Policy decision	Pauingassi First Nation Community-based Land Use Plan	010- 7334	FSD RLD 02/09	23/11/10- 14/1/11	0	Approved	12/7/11	Crown Land Use Amendment # 2010-010
Pauingassi FN OMNRF	Policy decision	Amendment to Crown Land Use Policy Atlas for the Pauingassi Community- based Land Use Plan	011- 1601	MNR POL 33/10	23/11/10- 14/1/11	0	Approved	11/7/11	Crown Land Use Amendment # 2010-010
Wawakape win FN OMNRF	Policy proposal	Wawakapewin First Nation Community Based Land Use Plan	012- 0715	MNR POL 12/14	14/7/14- 28/8/14	N/A	Expected Winter 2015	-	-
Webequie FN OMNRF	Policy proposal	Webequie First Nation Community Based Land Use Plan	012- 2120	MNR POL 14/14	28/7/14- 11/9/14	N/A	Expected Winter 2015	-	-

Source: compiled by author through public records made available online through the Ontario Environmental Bill of Rights Registry

Appendix C: Table of relevant stakeholders, actors, and agencies involved in community based land use planning with First Nations in the Far North of Ontario

Stakeholders, actors, and agencies involved in community based land use planning with First Nations in the Far North of Ontario (governmental, First Nations, non-governmental and community-based)		
<i>Actor type</i>	<i>Organization</i>	<i>Role in Far North land use planning</i>
Christine Kaszycki	Ring of Fire Secretariat – OMNDM	
Agency	OMNDM	- Administrator of Orders pursuant to the FNAct
Agency	OMNRF	- Facilitator of all CBLUP processes pursuant of the FNAct
Susan Thorne, Communications Planner	OMNRF	- Administrator of the FNLUS Online Collaboration Tool
Elaine Hardy, Senior Policy Advisor	Regional Operations Division, Far North Branch – OMNRF	- Administrator of the Far North Act consultation provided on EBR website
Erin Sutherland, Strategic Issues and Stakeholder Coordinator	Regional Operations Division, Far North Branch – OMNRF	- Administrator of the FNLUS consultation provided on EBR website
-	Northwest Regional Office – OMNRF	- Administrative government contact for Marten Falls CBLUP plan provided on EBR website
-	Northeast Regional Office – OMNRF	- Closest regional administrative government contact for Constance Lake
-	Nipigon District – OMNRF	- Administrative government contact for Marten Falls CBLUP plan provided on EBR website - Administrative government contact for Eabametoong & Mishkeegogamang CBLUP plan provided on EBR website
-	Red Lake District – OMNRF	- Administrative government contact for Deer Lake CBLUP plan provided on EBR website
-	Sioux Lookout District – OMNRF	- Administrative government contact for Wawakapewin CBLUP plan provided on the EBR website - Administrative government contact for Webequie CBLUP plan provided on EBR website - Administrative government contact for Eabametoong & Mishkeegogamang CBLUP plan provided on EBR website
Mike Petit, Far North Planner	Sioux Lookout District Office – OMNRF	- Government contact for Cat Lake-Slate Falls CBLUP plan provided on EBR website
Steve Winsor, Far North Planner	Sioux Lookout District Office – OMNRF	- Project Manager Cat Lake – Slate Falls Planning Initiative - Government contact for Webequie First Nation CBLUP plan provided on EBR website - Government contact for Wawakapewin CBLUP plan provided on EBR website
Chris Marr, Far North Planner	Regional Operations Division, Far North Branch – OMNRF	- Government contact for Constance Lake CBLUP plan provided on EBR website
Lee Gerrish, Far North Planner	Red Lake District Office – OMNRF	- Government contact for Pauingassi CBLUP plan provided on EBR website - Government contact for Little Grand Rapids CBLUP plan provided on EBR website

Jill Entwistle	Regional Operations Division, Northwest Region – OMNRF	- Government contact for Marten Falls CBLUP plan provided on EBR website - Government contact for Eabametoong & Mishkeegogamang CBLUP plan provided on EBR website
Michelle Schlag, Resource Liason Specialist	Red Lake District – OMNRF	- Government contact for Deer Lake CBLUP plan provided on EBR website
Simon Frogg, Land Use Planning Coordinator	Wawakapewin FN	- Non-government contact for Wawakapewin CBLUP plan provided on EBR website
Bertha Sutherland, Land Use Planning Coordinator	Constance Lake FN	- Non-government contact for Constance Lake CBLUP plan provided on EBR website
Henry Wabasse, Band Councillor Travis Spence, Community Land Use Plan Coordinator	Webequie FN	- Non-government contact for Webequie CBLUP plan provided on EBR website
Harry Baxter, Land Use Planning Coordinator Elizabeth Achneepineskum, Community Based Land Use Planner	Marten Falls FN	- Non-government contact for Marten Falls CBLUP plan provided on EBR website
Andy Yesno, Taashikaywin Liason	Eabametoong FN	- Non-government contact for Eabametoong & Mishkeegogamang CBLUP plan provided on EBR website
David Maskeyash, Taashikaywin Liason	Mishkeegogamang FN	- Non-government contact for Eabametoong & Mishkeegogamang CBLUP plan provided on EBR website

Source: compiled by author through public records made available online through the Ontario Environmental Bill of Rights Registry, the Ontario Ministry of Natural Resources, and independent online search queries

Appendix D: Sample questions designed for semi-structured interviews with policy experts, government planners, FN planners and FN leaders

Interview Theme: Planning outcomes in the Far North of Ontario

1) The need for planning in the Far North of Ontario

- a) What are the biggest planning concerns in the FNO and its FN communities, in your opinion?
- b) Do you feel that the new planning process (via the FNAAct) being implemented in the FNO is beneficial? To whom? For what reasons?
- c) What role do you believe the Ontario Government should play in planning the FNO at this time?
 - i) Should the government hold the same planning role in the FNO as in FN communities?
 - ii) Should FN communities have a less strong, equal, or stronger hand than the Ontario Government in planning the future of the FNO?
- d) What would be the ideal outcome of planning processes in the FNO and its FN communities?
 - i) Who should these outcomes best serve? FN communities? The FNO? All of Ontario? All of Canada?

2) Economy of the FNO

- a) How do you envision the economy of the FNO in relation to the rest of the Province in 10 years? In relation to FN communities?
- b) Do you believe the development of the FNO will provide the Provincial economy as a whole with direct economic benefits?
- c) Do you believe the development of the FNO will provide FN economies with direct economic benefits?
- d) Do you believe that the economic benefits of FNO development will outweigh the costs incurred by the Province of Ontario to develop the region?
- e) Do you believe that the economic benefits of ROF development will be distributed evenly amongst all constituents in the province? Should they?
 - i) Do you believe economic benefits of development in the FNO should be distributed equally between FN and non-FN residents of Ontario?

3) The CBLUP process

- a) What is the value of the CBLUP process:
 - i) According to yourself?
 - ii) According to the Ontario government?
 - iii) According to FN communities?
 - (1) Do you believe that these two main actors are deriving the same amount of value from the CBLUP process?

- b) How do you believe FN communities perceive the organization of the CBLUP process?
- c) Do you feel the amount of FN input integrated in the planning process is sufficient?
- d) Do you think the CBLUP process is equitable to all actors (FN communities, Ontario Government)
- e) Do you believe that these two main actors derive the same amount of value from the CBLUP process?
- f) How would you characterize the Government of Ontario / Ministry of Natural Resources and Forestry's role, and each FN community's role, in the CBLUP process?
- g) Why do you think the FN communities who have participated in the CBLUP process chose to do so?
- h) Why do you think the FN communities who have not participated in the CBLUP process have thus far chose to do so?
- i) Do you feel the CBLUP process will create planning outcomes that never would have occurred without it? These can be both positive and negative.

4) *Issues outside the CBLUP process*

- a) Do you believe that the CBLUP process will address the biggest needs within the FNO and FN communities?
- b) What issues facing the FNO and its FN communities have not been addressed in the CBLUP process?
- c) If the FNAct hadn't been created, do you believe CBLUP processes would still be of benefit to the FNO and its FN communities? If yes or no, how and why?

5) *Community benefits (for FN community leaders who have undertaken the CBLUP process ONLY)*

- a) Do you feel the CBLUP negotiation process provided benefits to your community?
 - i) Were there any negative consequences from participating in the process?
- b) Do you feel that CBLUPs have effectively addressed the primary needs in your community?
- c) What issues facing your community weren't addressed in the CBLUP process, if any?
- d) Do you feel confident the CBLUP will be executed as discussed in negotiation processes?
- e) If the FNAct hadn't been created, would you still desire to have a CBLUP type participatory planning process implemented in your community?