

SECTION 4. COMMITMENTS AND LEGISLATION

INTRODUCTION

As noted in sections 2 and 3, Canadians value their forests for a wide range of uses. They expect forests to be managed so that valued goods and services are provided over the long term. This section describes existing Canadian commitments and legislation regarding the sustainable management of forests. It responds to GFW's mandate to 1) monitor the implementation of laws and regulations established in the interest of forest stewardship and 2) identify the actors—including companies, individuals, government agencies, and others—engaged in development.

In this section, we set out to answer the following questions:

- What government legislation and commitments are in place to support forest stewardship?
- To what extent have these laws and commitments been implemented?
- What types of voluntary initiatives are under way?

We focus specifically on international commitments made by the federal government; federal and provincial legislation; national and provincial initiatives and commitments; and voluntary initiatives.

It is beyond the current scope of GFW Canada to assess the adequacy of existing legislation. We limit ourselves to reporting on existing key commitments, legislation, and initiatives.

Summary of Progress in Commitments and Legislation

In recent years, Canada has put in place a host of new, often high-profile initiatives and policies to promote forest stewardship. These include signing many international agreements; launching a National Forest Strategy and Forest Accord; initiating a criteria and indicators process to measure progress towards sustainable forest management; and developing a model forest network to apply new management approaches in 11 forests. Canada also has expanded its system of protected areas to now include 7.6 percent of the nation's forest area, though many natural regions are still not represented in the current system. These efforts indicate an increasing commitment to manage forests for a range of environmental goods and services rather than simply for timber production.

In this section, we list examples of such initiatives. We also provide partial information—largely derived from independent reviews commissioned by various government agencies—on progress in implementing new policies and agreements. In no way do these results constitute a comprehensive review of compliance. Rather, they highlight possible trends that may warrant further monitoring.

According to several study panels, there has been relatively little progress in implementing key international agreements such as the Convention on Biological Diversity, which could help protect forest species and ecosystems. At both the federal and provincial levels, deep budget cuts have drawn down the staffing and resources required to implement and enforce new policies and legislation. In response to these cuts, several panels have said that Canada's current federal forestry effort is in jeopardy.

Independent audits by Global Forest Watch Canada partners in Ontario and British Columbia identified numerous violations of existing management norms, which may be linked to poor enforcement. Increasingly, government agencies are transferring oversight responsibilities to industry, in the process potentially abdicating their responsibilities and obligations to First Nations. Several voluntary initiatives are under way to promote better harvesting practices, but data from Alberta and British Columbia indicate that voluntary efforts are less effective than active oversight by relevant government agencies, which are charged with managing 94 percent of Canada's forests.

Because of the difficulty of systematically assessing these areas, we have focused on short descriptions of each issue and examples of progress and problems with implementation. We have relied, to a large degree, on assessments carried out by major agencies and panels in Canada, including the Commissioner of the Environment and Sustainable Development, the Federal Standing Senate Committee on Agriculture and Forestry, the House of Commons Standing Committee on the Environment and Sustainable Development, and the National Round Table on the Environment and the Economy. Audits by environmental groups are also referenced.

INTERNATIONAL COMMITMENTS

Canada has signed over 230 international environmental agreements

The Canadian Government has now signed more than 230 international environmental agreements.¹⁰⁷ These agreements include commitments to protect forests around the Great Lakes, reduce greenhouse gases, arrest transboundary air pollution, and preserve wetlands. Canada has made several international commitments to protect its forests and was one of the first signatories of the UN Convention on Biological Diversity at the Earth Summit in 1992. This agreement obliges Canada to protect its biological resources and respect aboriginal rights to use those resources.

Canada also participates in international sustainable forest management initiatives, including the Montreal Process, which in 1995 committed parties to the tracking of progress toward sustainable management through a series of common criteria and indicators.¹⁰⁸

Canada actively promotes international forest product trade liberalization initiatives, such as the recent round of negotiations at the World Trade Organization meeting in Seattle, Washington; the Asia-Pacific Economic Cooperation (APEC); and bilateral trade accords. Canada is also an active promoter of an international forest convention¹⁰⁹ and was a key player in the initiation of the Costa Rica Initiative to build global support for a forest convention.¹¹⁰

Implementation of global commitments is weak

Brian Emmett, Canada's Commissioner of the Environment and Sustainable Development, has examined Canada's progress in implementing international agreements.

In a 1998 report to the House of Commons, Emmett reported that "far too often" the government of Canada was failing to meet the promises made to Canadians and the international community in environmental matters; that many of these failures could be traced to poor management; and that the government had a great deal of work to do to handle the environmental challenges of the 21st century.¹¹¹

His office examined two key international agreements, the United Nations Framework Convention on Climate Change and the United Nations Convention on Biological Diversity, both signed at the Earth Summit in Rio in 1992. His findings were:

- *Canada will not meet its commitment to curb greenhouse gas emissions.* Under the Climate Change Convention, Canada agreed to reduce greenhouse gas emissions. Canada's national response to the Convention has been to develop the National Action Program on Climate Change. Initially, Canada had committed to stabilize greenhouse gas emissions at 1990 levels by the year 2000. The Commissioner found that there was no implementation plan and that federal, provincial, and territorial roles have not been clearly defined. Initial assessments indicate that Canada will not be able to keep this promise, and that it will in fact exceed its stabilization target for the year 2000 by at least 11 percent.¹¹²

- *Canada has no overall strategy for implementing its Biological Diversity Strategy.* Under the Convention on Biological Diversity, Canada committed to creating and implementing a biodiversity strategy. Canada's national strategy was initially drafted in 1994, was released in November 1995, and received ministerial endorsement in April 1996. The Commissioner on the Environment and Sustainable Development reported that it was too early to undertake a complete assessment of implementation. He did

state, however, that Canada was behind in its commitments. He concluded that better management was needed; a federal implementation plan was essential; and future reporting must reflect progress against measurable targets.¹¹³

Other reviews have noted that a significant part of the problem with implementation of international agreements, is that the federal government signs agreement but responsibility for implementation often rests with provinces.¹¹⁴ Implementation by the federal government continues on both of these agreements. Updates on climate change can be found at http://www.ec.gc.ca/cc/CoP5/index_e.htm and on biodiversity at http://www.bco.ec.gc.ca/index_e.htm.

NATIONAL AND PROVINCIAL LEGISLATION

There are over 15 forest management laws in Canada

The Canadian Constitution gives authority over natural resources, including forests, to the provinces. Because of the complex ownership of forests in Canada, a number of laws are in place to oversee Canada's forests. (These are listed and described on our web-site at <http://www.globalforestwatch.org>). The provincial laws are the primary laws for forest management. Legislation increasingly reflects the public's interest in managing forests for a variety of uses rather than simply for timber supplies. New laws

have been passed in recent years in a number of provinces, including British Columbia, Ontario, and Saskatchewan.

A number of environmental laws affect forests

A number of federal environmental laws also affect activities in forested areas.¹¹⁵ These include, but are not limited to:

- The Fisheries Act, which provides for the protection of fish and fish habitat. This law's provisions must be considered when assessing major development activities, including activities in forested areas.
- The Canadian Environmental Protection Act, which provides for environmental protection and pulp and paper mill regulations.
- The Canadian Environmental Assessment Act, which requires assessments of federally funded and managed projects as well as projects on federal lands.

There are also a wide range of provincial and territorial environmental and resource laws that affect forests and how they are managed.

There has been no systematic evaluation of Canada's environmental and forestry laws and their implementation. This section provides examples of some reported implementation problems.

The national forestry budget has been reduced by 58 percent

The Canadian Forest Service (CFS), now a sector of the federal department of Natural Resources Canada, has been in existence since 1899. In recent years, CFS has experienced dramatic reductions in budget and staff. From 1995 to 1998, the annual operating budget of the CFS declined from \$219 million to \$93 million.¹¹⁶

Several reports have been critical of these changes. The Blue Ribbon Panel reports that many senior forestry officials now believe that "Canada has fallen well below a minimum safe level of core competence in all aspects of forestry research including research on forest ecosystems."¹¹⁷ In 1996, the Canadian Institute of Forestry, a society that represents the nation's professional foresters, issued a statement that a strong federal presence should be maintained and that Canada's forests are too vital "to allow any further reduction in the size and effectiveness of Canada's federal forestry effort."¹¹⁸

Federal environmental enforcement capacity is hampered by budget cuts

Budget and staffing cuts have weakened the application of federal environmental laws. The House Standing Committee on Environment and Sustainable Development has noted that Environment Canada, the federal department with responsibilities for environmental protection, had

its budget reduced by 40 percent and was actively moving toward voluntary compliance with environmental laws as a result. Their key findings include:

- There are only 8 full-time federal enforcement officers in Quebec and only 15 inspectors in northern and western Canada.¹¹⁹
- Polluters routinely escape prosecution or conviction because of government paperwork mistakes.¹²⁰
- In 1996, 20 pulp and paper mills in Quebec discharged toxic effluents above legal standards without being prosecuted.¹²¹
- Environment Canada does not have comprehensive, standardized, and readily accessible data on enforcement budgets and expenditures.¹²²
- The Fisheries Act is not enforced in some parts of the country because of lack of staff or jurisdictional disputes.¹²³
- When provincial governments fail to uphold federal laws under bilateral agreements—a process known as harmonization—“the federal government has not intervened and taken enforcement action.”¹²⁴

Enforcement has been shown to raise compliance levels

Data compiled by Environment Canada on British Columbia’s pulp mills illustrate the weakness of solely relying on voluntary compliance. From 1983 to 1991, the province’s pulp mills and other industries tried to reduce the release of toxic wastes through a voluntary program. With voluntary compliance, most industries only achieved an average 60 percent implementation rate of best management practices. As a consequence, the salmon-bearing Fraser River still experienced chronic pollution. After Environment Canada targeted six mills for investigation and prosecution under the Fisheries Act, the discharge of toxic effluent decreased by over 90 percent and compliance rates climbed to 94 percent. These studies suggest that a strong enforcement program is necessary to provide incentives for voluntary initiatives.¹²⁵

Ontario has reduced forestry staff and enforcement

As discussed earlier, every province has its own set of forestry laws, codes, and systems for compliance auditing. GFW Canada has focused on two key forestry provinces, Ontario and British Columbia, and examined compliance and enforcement issues.

In Ontario,

- In the last 4 years, more than 40 percent of staff at the Ministry of Natural Resources (MNR)—the department responsible for forests—has been laid off. Staff cuts particularly affected forestry branches dealing with compliance, monitoring, and policy.¹²⁶
- Funding for forest management activities fell by \$45.9 million in 1997–98.¹²⁷
- Responsibilities for planning, inventories, monitoring, and silviculture have been transferred to the forest industry. The ministry now relies on company reports as its primary source of information on the state of the province’s forests.¹²⁸

Concerns are expressed in a number of recent reports:

- An audit of compliance with forestry guidelines in the Algoma Highlands in northern Ontario found that logging activities had threatened waterways, damaged fish-bearing streams, and left piles of garbage in remote areas. Violations were found in 55 percent of the sensitive sites designated for protection as Areas of Concern and Riparian Reserves.¹²⁹ An independent MNR field investigation later confirmed 10 specific contraventions and recommended enforcement action in three cases.¹³⁰

- In 1998, the Ontario Divisional Court declared the Elk Lake, Upper Spanish, and Temagami forest management plans to be “of no force and effect.” The court found that the Ministry of Natural Resources had failed to comply with the Crown Forest Sustainability Act with respect to work schedules, sustainability indicators, and timetable extensions.¹³¹
- The Environmental Commissioner of Ontario “raised concerns about forestry monitoring and compliance” in annual reports for 1996 and 1998.¹³²

British Columbia’s enforcement practices require further improvement

In June 1995, British Columbia enacted the Forest Practices Code.¹³³ The Ministry of Forests and the Ministry of Environment, Lands, and Parks acknowledged that implementation of the code has not been completed. Environmental nongovernmental organization (ENGO) audits of British Columbia’s forest practices, based on government data, highlight the following:

- In 1996, 83 percent of forest streams were being clearcut to both banks, a potentially damaging practice permitted under the code for many streams.
- Approximately 40 percent of streams were not identified or were misclassified on forestry plans.¹³⁴

- Fish streams in U.S. National Forests in the Pacific Northwest receive better protection than streams in British Columbia under the code.¹³⁵
- Although 54 months have passed since the code was enacted into law, none of the three promised on-the-ground mechanisms intended to protect wildlife and biodiversity in British Columbia have been implemented.¹³⁶
- British Columbia government documents note that biodiversity conservation is in jeopardy and recent staffing and budget cuts make it difficult to enforce the code.¹³⁷
- Forest Development Plans that propose clearcutting on landslide-prone terrain are approved in violation of the code.¹³⁸
- From 1995 to 1996, the British Columbia government laid no charges under the code.¹³⁹

The Ministry of Forests and the Ministry of Environment, Lands, and Parks did a follow-up review of the ENGO report on stream-side forestry practices. This review looked at a subset of the streams audited by the ENGO and determined that 30 percent of streams were misclassified and 14 percent were not identified at all.¹⁴⁰ The review team’s finding largely substantiates the ENGO audit conclusions; small differences are explained by the review team’s smaller sample size. As a result of the problems it documented, the review team made 10 recommendations for improvements

in stream-side management; however, few if any of the recommendations have been implemented in the ensuing 34 months.

In mid-1998, the Forest Practices Board conducted a special investigation of stream-side logging practices in British Columbia. The board found that 39 percent of all streams were misclassified and more than 50 percent of the smallest fish streams were misclassified.¹⁴¹ Mirroring the findings of the Sierra Legal Defence Fund’s (SLDF) audit, the board concluded that “the identification and classification of smaller fish streams (less than five meters wide) was considered the most significant problem area encountered during the investigation.”¹⁴² The board found that less than 5 percent of timber remains along the banks of approximately 20 percent of fish streams and 56 percent of non fish-bearing streams.¹⁴³ Neither the joint ministry review nor the board’s special investigation specifically addressed the primary issue raised by SLDF, that of the total percentage of streams clearcut to their banks.

Box 9 looks at cases of noncompliance under the code.

INITIATIVES

In Canada in the last 10 years, there have been a number of forestry initiatives involving government, industry, First Nations and Métis, environmental groups, and others. A few of the key initiatives are reviewed below.

BOX 9 The British Columbia Forest Practices Code

Examining Enforcement of Forestry Law

In theory, British Columbia has one of Canada's most sophisticated legal regimes designed to ensure sustainable forestry. The law is known as the Forest Practices Code of British Columbia Act. When the code came into effect in 1995, the provincial government promised "tough enforcement."¹

The Ministry of Forests has assumed the lead role in enforcement of the code.² The ministry's main objective is "to help the British Columbia forest industry carry out sound forest practices." This has led the ministry to focus its efforts on ensuring compliance, primarily through its inspection regime.³ According to the ministry, "enforcement, by itself, is an inefficient and ineffective way to protect British Columbia's forests."⁴

For the past four years, the forest practices board, an independent government body, has been monitoring and reporting on compliance with and enforcement of the code. Despite significant improvements in forestry practices since enactment of the code, the board found there was "a need for better compliance with code requirements."⁵

The board raises questions about the quality of the inspections carried out by Ministry of Forests

staff and subsequent enforcement actions. During an investigation of compliance and enforcement activities at Homesite Creek, the board found that over the course of six days, Ministry of Forests staff had conducted 1 pre-operational meeting and 12 logging inspections, yet the ministry failed to note the fact that logging was seasonally prohibited.⁶

In 16 random audits completed by May 1999, the board identified a total of 19 cases of "significant noncompliance" with the forest practices requirements of the code. These cases placed environmental values at risk in six forest districts.⁷ The cases included inadequate protection of streams and fish habitat; poor road building and maintenance; and failure to comply with government-approved land use plans.⁸ In 13 of the 19 cases, Forest Watch of British Columbia found that the Ministry of Forests failed to identify the significant noncompliance prior to the board's random audit. In every instance, after the Ministry of Forests had been informed of the board's finding of significant noncompliance with the code, they had not taken any enforcement action.⁹

The code allows for fines of up to \$1 million a day to penalize poor forestry practices. Despite this, there has been a reported total of \$2.3 million in tickets and penalties collected

under the code between June 15, 1995 and July 14, 1998.¹⁰ In comparison, during this same time period, the Vancouver Public Library collected \$3.5 million in library fines.¹¹ In the case of a recent landslide, a penalty of \$7,500 was issued for failure to adequately construct a logging road.¹² This penalty is the largest penalty that has been issued under the code in the Arrow Forest District. However, the costs of repair to the highway damaged by the slide, excluding the cost of damage to the soil, trees, transmission lines and lake, was \$73,000.¹³

The Ministry of Forests' accounting practices create difficulties in generating accurate figures for program activity expenditures on enforcement.¹⁴ Since the code took effect, the reported total expenditures on enforcement by Ministry of Forests staff at the regional and district level has been \$25,000.¹⁵ While the reported budget may not accurately reflect the true level of program activity, there have been only two prosecutions of a major forestry company in this time period.¹⁶

The Forest Crimes Unit of the Royal Canadian Mounted Police has reported that there is a substantial amount of [forestry related] crime that currently does not receive any attention due to manpower and budget restraints.¹⁷ Ministry of Environment, Lands and Parks staff, who play a

lesser role in monitoring and enforcement of the code, agree with the statement that “permits are not adequately inspected, monitored, or enforced.”¹⁸

¹ Ministry of Forests, *The British Columbia Forest Practices Code Discussion Paper* (Victoria: Ministry of Forests, 1993). See also: *Forest Practices Code of British Columbia Act*, RSBC 1996, c.159, ss.45(1)(3)(4) and 96(1).

² Ministry of Forests–Compliance and Enforcement Branch, *The Annual Report of Compliance and Enforcement Statistics for the Forest Practices Code 1995-1996* (Victoria: Ministry of Forests, 1996), p. 1. Online at: <http://www.for.gov.bc.ca/tasb/legregs/fpc/ann96/Fpc-toc.htm> (January 24, 2000).

The Ministry of Environment, Lands and Parks, the Ministry of Energy and Mines, the Ministry of Employment and Investment and the Royal Canadian Mounted Police (primarily through their Forest Crimes Unit) share enforcement obligations with the Ministry of Forests.

³ Ministry of Forests–Compliance and Enforcement Branch, *The Annual Report of Compliance and Enforcement Statistics for the Forest Practices Code 1995-1996* (Victoria: Ministry of Forests, 1996), pp. 1-2. Online at: <http://www.for.gov.bc.ca/tasb/legregs/fpc/ann96/Fpc-toc.htm> (January 24, 2000). See also: Ministry of Forests, *The Annual Report of Compliance and Enforcement Statistics for the Forest Practices Code 1997-1998* (Victoria: Ministry of Forests, 1998). Online at: <http://www.for.gov.bc.ca/tasb/legregs/fpc/ann98/index.htm> (January 24, 2000).

There were 31,183 inspections in 1995/1996 and 47,265 inspections reported in 1997/1998.

⁴ Ministry of Forests–Compliance and Enforcement Branch, *DRAFT Basic Law (1998) Course Manual* (Victoria: Ministry of Forests, 1998), p. 17.

⁵ Keith Moore, “Speaking Notes from a 10-minute Presentation.” Paper presented to House of Commons Standing Committee on Natural Resources and Government Operations, Vancouver, BC, May 14, 1999.

Online at: <http://www.fpb.gov.bc.ca/background/MPs.htm> (January 24, 2000).

Keith Moore, Chair of the Forest Practices Board, has also acknowledged that forestry practices have improved since the Code came into effect.

⁶ Forest Practices Board, *Logging Plan Approval and Enforcement at Homesite Creek: Complaint Investigation 980142 (FPB/IRC/14)* (Victoria: Forest Practices Board, 1999).

⁷ At the time of writing, May 1999, the Forest Practices Board had released 16 audits. This report examined the six audits in which cases of “significant noncompliance” with forestry practices requirements were identified. A case of “significant noncompliance” may constitute a particular event or a significant collection of related events. Cases of “nonsignificant noncompliance” were identified in other audits.

⁸ Instances of significant noncompliance in forestry practices were identified by the Forest Practices Board in the following six audits: *South Island Forest District Small Business Forest Enterprise Program - Audit of Forest Planning and Practices; International Forest Products TFL 45 - Audit of Road and Timber Harvesting Practices; Cattermole Timber Forest Licence A19202 - Audit of Operational Planning and Forest Practices; Pretty's Timber Co. Forest Licence A19207 - Timber Harvesting and Road Construction, Maintenance and Deactivation; Plateau Forest Products - Audit of Road and Timber Harvesting Practices; Finlay Forest Industries Inc. Forest Licence A15385 - Audit of Road and Timber Harvesting Practices.*

⁹ G.L. Kennah, R.P.F., District Manager Chilliwack Forest District, private communication, June 25, 1999.

¹⁰ Ministry of Forests, *The Annual Report of Compliance and Enforcement Statistics for the Forest Practices Code 1997/1998* (Victoria: Ministry of Forests, 1998), pp. 2-3. Online at: <http://www.for.gov.bc.ca/tasb/legregs/fpc/ann98/comp2.htm> (January 24, 2000).

¹¹ Eric Smith, Corporate Services Director, Vancouver Public Library administration department, private communication, June 2, 1999.

¹² B. Simpson, District Manager, Arrow Forest District, letter to R. Augustin, Kalesnikoff Lumber Co. Ltd., November 30, 1998.

¹³ R. Valentine, Area Manager, Ministry of Transportation and Highways letter to C. Pettitt, Regional Coordinator, West Kootenays Forest Watch, June 18, 1999.

¹⁴ Roberta Reader, Director, Ministry of Forests Compliance Enforcement Branch, private communication, July 1, 1999. Ministry of Forests, Compliance and Enforcement Branch, indicates that utilizing full time equivalents a true assessment of Ministry of Forests expenditures on its compliance and enforcement program work is \$32,238,000.

See also: Ministry of Forests, *Annual Report 1996-1997* (Victoria: Ministry of Forests, 1997), Table C-3. Online at: http://www.for.gov.bc.ca/pab/PUBLCTNS/AN_RPTS/9697/table_c3.htm (January 24, 2000).

The Ministry of Forests publicly reports total expenditures on “Monitoring, Enforcement and Audit” of \$15,619,000 Ministry of Forests.

¹⁵ Ministry of Forests, *Annual Report 1995/1996* (Victoria: Ministry of Forests, 1996), Table C-3. Online at: http://www.for.gov.bc.ca/pab/publictns/an_rpts/9596an/c-3.htm (January 24, 2000). See also: Ministry of Forests, *Annual Report 1996/1997* (Victoria: Ministry of Forests, 1997), Table C-3. Online at: http://www.for.gov.bc.ca/pab/PUBLCTNS/AN_RPTS/9697/table_c3.htm (January 24, 2000).

¹⁶ The only criminal prosecution under the code of a major forest licensee in British Columbia is underway in Penticton against Weyerhaeuser Canada Ltd. There are various enforcement options available to the Ministry of Forests to help it ensure compliance with the law, civil remedies, administrative remedies, quasi-criminal and criminal remedies, criminal prosecutions being the most serious available action.

¹⁷ RCMP Forest Crimes Unit. *Annual Report 1997/1998*.

¹⁸ British Columbia Government, *Environmental protection and management in British Columbia: a report from the men and women who safeguard our environment* (Victoria: British Columbia Government and Service Employees Union, 1999), p. 8.

Ninety percent of respondents to the poll agreed with the statement.

Canada has a National Forest Strategy and Forest Accord

In 1992, Canada's first National Forest Strategy—*Sustainable Forests: A Canadian Commitment*—was released and a National Forest Accord was signed by more than 200 groups.¹⁴⁴ The goal of the strategy was to maintain and enhance the “long-term health of forest ecosystems for the benefit of all living things, both nationally and globally, while providing environmental, economic, social, and cultural opportunities for the benefit of present and future generations.”¹⁴⁵ The strategy also includes a commitment to the creation of a set of criteria and indicators to guide sustainable development of forests.

In 1998, a Second National Forest Strategy and Canada Forest Accord (1998-2003) were released. The second National Forest Strategy expands on the promises made in the 1992 version. It commits various governments to conducting broader forest inventories (that is, to include nontimber values), standardizing criteria for testing and monitoring sustainability, and expanding protected areas. In addition, the new strategy requires Canada to pay special attention to the issues of aboriginal (First Nations and Métis) forestry. As part of the Second National Forestry Strategy, participants at the National Forest Congress signed the second Canada Forest Accord. The accord is intended to put into action the vision for sustainable forestry outlined in the National Forest Strategy.¹⁴⁶

The Blue Ribbon Panel's evaluation of progress in implementing the strategy and moving towards sustainable forest management found that Canada has made some progress in moving towards better forestry practices, but there is still much to be done. (*See below.*)

Canada has a Criteria and Indicators Process

The Canadian Council of Forest Ministers (CCFM) launched the Criteria and Indicators for the conservation and sustainable development of Canada's forests in 1993. The government describes the criteria and indicators as “a toolbox containing concepts and measures to describe sustainable forest management.”¹⁴⁷ A framework of domestic criteria and indicators was released in 1995. The framework identifies 6 criteria, 22 elements, and 83 indicators.

A 1997 technical report identified a significant number of data gaps that hinder the ability to report on these indicators. In general, the greatest ability to report is in the area of traditional timber harvesting and economic factors. In other areas, national and quantitative data do not exist.¹⁴⁸ The CCFM has agreed to report on Canada's progress toward sustainability to the UN Commission on Sustainable Development in April 2000.¹⁴⁹

Canada has a Model Forest Network

In June 1992, the government established a network of 10 model forest sites representing 6 of the forest regions. The Canadian Forest Service launched this program to address the challenge of balancing the extensive range of demands on the forest.¹⁵⁰ The initiative focuses on building partnerships locally, nationally, and internationally to generate new ideas and on-the-ground solutions to sustainable forest management issues. A model forest is a partnership between individuals and organizations sharing the common goal of sustainable forest management. There are now 11 model forests. The program also has an international component.¹⁵¹

The model forests have been well-received and are considered largely successful. Participants in the National Round Table Rio+5 session noted some process-oriented issues.¹⁵²

Canada has committed 7.6 percent of forests to protected status
8.2 percent of natural regions are adequately protected
40 percent of natural regions are unrepresented

In 1992, Canadian governments committed to completing an ecologically representative network of legally protected areas in Canada by the year 2000 under the Canada Forest Accord.¹⁵³ The federal government reports that 83 million hectares, or 9 percent of Canada's total land area, are protected. Of this protected land area,

32 million hectares are forested, representing 7.7 percent of Canada's forested land base.¹⁵⁴

World Wildlife Fund Canada (WWF) annually reports on nationwide progress toward the year 2000 goal based on a national system of 484 terrestrial natural regions. Of these 484 regions, 388 are forested. WWF reports that 32 of Canada's 388 forested natural regions are adequately represented in protected areas as of July 1999. For these natural regions, protected areas capture the diversity of ecological features characteristic of the region and are of sufficient size and spatial configuration to maintain viable populations of native species and to sustain natural processes.¹⁵⁵

According to WWF, a further 75 forested regions are moderately represented and 122 regions are partially represented. Forty per cent of Canada's forested natural regions remain unrepresented within protected areas.¹⁵⁶

Many new protected areas have been established in recent years

Although large gaps in ecological representation remain to be filled in all provinces, some significant progress has been made. For example, in March 1999, the government of Ontario set aside 2.4 million hectares in 378 new protected areas, the largest single expansion of protected areas in Canadian history.¹⁵⁷ One of the largest new parks is Wabakimi Wilderness Park. (See Box 10.)

British Columbia protects the Northern Rocky Mountains

Since 1991, the British Columbia government has established more than 200 new parks, including Khutzeymateen Provincial Park, home to the highest known concentrations of grizzly bears on the British Columbia coast; the Northern Rockies; and the Kitlope Heritage Conservancy, the largest intact coastal temperate rainforest in the world.¹⁵⁸ As of April 1998, there were 679 Provincial Parks, Recreation Areas and Ecological Reserves. These total over 10 million hectares, or 10.2 percent of the province.¹⁵⁹

In 1997, the Province of British Columbia announced that 1.2 million hectares of the Muskwa-Kechika area in the northern Rocky Mountains would be legally protected. Located in northeastern British Columbia, the Muskwa-Kechika contains high concentrations of large mammals, including caribou, elk, moose, Stone's sheep, Plains bison, black bear, and grizzly bear. The British Columbia government's decision to protect the Muskwa-Kechika followed from consensus recommendations that were submitted to government by a local, multistakeholder round table that included members of the public, interest groups, and government, which met over several years to develop a land use plan.¹⁶⁰

Canada does not yet have endangered species legislation

Canadians also support comprehensive federal legislation to protect endangered species and their habitats. According to polls, 98 percent of Canadians believe the protection of a species habitat is either very (77 percent) or somewhat (21 percent) important. About 9 in 10 Canadians believe the federal government should protect endangered species on all lands in Canada.¹⁶¹

The Canadian government has been working with provincial and territorial governments, comanagement boards, aboriginal groups, and various other stakeholders for the last five years to create a national endangered species act. After a failed attempt to develop a bill in the mid-1990s, a new bill is slated to go through the legislative process in the winter of 2000.¹⁶²

VOLUNTARY INITIATIVES

Two certification processes are used in Canada

Certification processes involve the use of independent organizations certifying that products originate from sustainably managed forests. There are two major certification processes in place in Canada: the Canadian Standards Association (CSA) and the Forest Stewardship Council.

BOX 10 Protecting the Caribou of Wabakimi

The need to conserve area-demanding, sensitive species like large ungulates and carnivores is often in conflict with the interests and activities of the forest and mining industries. The province of Ontario, however, showed that it could be done when they expanded Wabakimi Wilderness Park. In the early 1990s, park advocates felt that the 1983 boundaries of Ontario's Wabakimi Wilderness Park were inadequate for the conservation of woodland caribou. This species was supposed to be one of the primary considerations in the park's establishment, since it contained some winter and summer habitat and calving sites.

Most woodland caribou in Ontario live north of the northerly extent of roads and timber harvesting. Wabakimi lies near the southern edge of the line of continuous caribou distribution and has an unusually high concentration of caribou. The size of the caribou population within the immediate region is about 500 animals. Some scientists have indicated that to avoid extinctions in the long term, a minimum of 500 breeding animals may be required. Therefore, despite its large size and relatively high caribou populations, a larger protected area could be at or below the lower limits of long-term caribou viability, despite exchanges of genetic material with populations to the west, east, and north.

From 1993 to 1995, the government of Ontario conducted a decisionmaking process to expand the park. Local and regional representatives were given a mandate to review the existing boundary and develop a single, consensus-based recommendation. The 16-member committee consisted of First Nations, government, tourist outfitter, angler and hunter, conservation organization, mining and forest industry, rural community, and outdoor education representatives.

The committee examined options for a range of values, including preservation of woodland caribou. Other values included traditional use, recreation, economic minerals and timber, tourism, and others. Early on, the committee considered an undefined study area of roughly a million hectares that surrounded the current park of 155,000 hectares. The difficulty of dealing with the complexity of such a vast landscape resulted in defining 60 landscape assessment units of 10,000–50,000 hectares each. Each unit roughly coincided with sub-watersheds. These units were then subjected to a ranking system with respect to “goodness” for different values, including caribou habitat. High-value habitats for lichen-rich winter range, calving areas free from predators, and migration corridors linking winter range and calving areas dominated the assessment of habitat importance for caribou.

The committee generated some options, which were discussed in public forums and reviewed by members of an invited scientific panel. These options incorporated from 45 to 95 percent of the critical caribou habitat considered within the approximately 1.2 million-hectare study area.¹ In 1995, the government of Ontario announced an expansion of Wabakimi Park to an area of approximately 891,500 hectares. This area included 475,000 hectares of critical woodland caribou habitat, or 71 percent of the critical habitat within the larger study area.

¹ P.N Duinker, Ted Armstrong, Bruce Hyer, and Bruce Petersen. 1996. “Using caribou knowledge in expanding the Wabakimi protected area.” *Rangifer* Special Issue 10: 183-193.

In early 1994, industry associations from Canada's forest sector requested that the Canadian Standards Association, now CSA-International, create standards for sustainable forest development. CSA-International developed a Sustainable Forest Management (SFM) protocol that requires companies to develop a functioning SFM system that includes public participation. Objectives of the SFM plan must include critical elements of the Canadian Council of Forest Ministers' criteria and indicators process. In addition, companies must adopt an adaptive management style to continually evaluate their impact both on the forest ecosystem and the community. A third-party CSA audit evaluates the SFM system, including an on-site audit of the forest itself. Certification is only valid for five years.¹⁶³

The Forest Stewardship Council (FSC) is an international body that accredits certification organizations. FSC Canada, founded in January 1993, is working on the development of regional performance-based standards to implement and refine global principles. FSC's goal is to promote environmentally responsible, socially beneficial, and economically viable management of the world's forests. To receive certification, a company must adhere to 10 principles of forest stewardship. These principles require companies to obey all applicable laws, respect indigenous peoples, contribute to the well-being of the community, and use the forest in the best economic and environmental fashion. In addition, companies are expected to devise a management plan that will conserve and enhance the ecological health of the

forest. The FSC has certified three clients in Canada that own a total of 211,013 hectares of forestland.¹⁶⁴

A WWF-Canada discussion paper found several problems with the CSA forest certification effort. The key concern relates to the CSA claim that its initiative will result in sustainable forest management. This claim is difficult to make because it involves projections of the impacts of current management practices. WWF also noted some tensions between government representatives and other groups over the extent to which certification might usurp the authority of provincial governments over forest management. WWF noted that the CSA-SFM system did not respect a fundamental principle of standardization, which is that standard-setting activities be separated from auditing against the standard.¹⁶⁵

Industry has created voluntary programs

In recent years, several industrial associations have created their own voluntary codes of conduct that aim to address, if not surpass, management goals set out in government legislation. One such program of self-assessment is ForestCARE in Alberta. Established by the Alberta Forest Products Association (AFPA), ForestCARE sets standards of performance for all companies that have joined the program. The guiding principles of ForestCARE include sustainable harvests, proper reforestation, watershed protection, and community welfare. About half of AFPA's 67 members now belong to ForestCARE. A 1997

ForestCARE audit of member companies typically reported that "care of the environment" and "care of the forest" exceeded industry standards 90 percent of the time.¹⁶⁶

50 percent of ForestCARE Companies have been fined for breaking laws

GFW Canada compared the membership of ForestCARE with companies fined by Alberta Environmental Protection for breaking forest-related laws in 1997 and 1998.¹⁶⁷ GFW Canada found that half of all ForestCARE members were fined at least once for breaking the law in those two years. In 1997, 9 of 18 companies fined were members of ForestCARE. (See Table 15.)

FINDINGS OF KEY FORESTY REVIEWS

Since 1997, three independent reports have commented on Canada's progress towards sustainable forest management.

The Blue Ribbon Panel

In 1997, the National Forest Strategy Coalition formed a Blue Ribbon Panel of experts to evaluate progress in attaining the 96 commitments in the 1992 National Forest Strategy. The panel's report suggests that Canada has made progress in achieving the goals it outlined in the National Forest Strategy and is moving toward sustainable forest management. But the panel also found that gains

Table 15. Forestry Violations in Alberta				
FORESTCARE MEMBERS	VIOLATIONS 1997	FINES 1997	VIOLATIONS 1998	FINES 1998
Alberta-Pacific Forest Industries, Inc.	Excessive road clearing	\$17,000	None	
Ainsworth Lumber Co, Ltd.	None		Excessive soil disturbance	\$2,000
Blue Ridge Lumber	Oversized topping	\$300	None	
Buchanan Lumber	None		Inadequate stream buffer	\$7,500
Canadian Forest Products, Ltd.	Unauthorized operations	\$500	Damage to watercourse	\$3,000
DMI International, Ltd.	None		Removal of buffer on water course	\$1,000
High Level Forest Products/DMI	None		Contravention of operating conditions	\$800
La Crete Sawmill, Ltd.	Incomplete records	\$450	None	
Northland Forest Products, Ltd.	None		Unauthorized timber harvest	\$2,000
Spray Lake Sawmills	Failure to reforest	\$3,670	None	
Weldwood of Canada, Ltd.	Unauthorized operations	\$1,000	None	
Weyerhaeuser Canada, Ltd.	Unauthorized timber/damage to creek	\$4,500	Damage to watercourse/damage to watercourse	\$6,000
Zeidler Forest Industries, Ltd.	None		Overcutting/contravention of annual plan	\$78,510 \$1,500

Sources: Alberta Land and Forest Service Contravention Site. Online at: <http://www.gov.ab.ca/env/forests/fmd/contra99.html>. See also: ForestCARE, *1997 Annual Report* (Edmonton: ForestCARE, 1998). Online at: <http://www.abforestprod.org/ar97/8.htm> (February 9, 2000).

have been inconsistent across the country and that there is still much work to do. According to the report, 13 percent of the strategy's commitments were fulfilled. There was substantial progress on 38 percent of the commitments, some progress on another 38 percent, little or no progress on 8 percent, and insufficient information to evaluate 2 percent of the commitments. Most gains were made in areas related to timber value rather than nontimber values. Of 13 commitments considered fulfilled, 11 were related to economics, the work force, and global issues. In the two forest stewardship categories, 1 commitment was fulfilled and 9 showed substantial progress. In the forest environment section, 9 of 11 commitments were considered to have made little or some progress.¹⁶⁸

The panel noted four issues of particular importance that required special effort: completion of an ecological classification of forest lands; completion of a network of protected areas representative of Canada's forest; establishing forest inventories, including nontimber values; and developing a system of national indicators of the sustainability of forest management.¹⁶⁹

The National Round Table Report

In 1997, the National Round Table on the Environment and the Economy (NRTEE), an independent federal agency with a mandate to promote sustainable development, invited 16 forestry experts (including members from industry, academia, environmental organizations, and

aboriginal groups) to discuss progress in Canada's forestry sector since 1992.¹⁷⁰ The group identified both setbacks and progress at the national level and made recommendations for action. In terms of setbacks, participants noted that the federal government had abdicated leadership in forestry policy and had little political will to support sustainable forest management principles. Some participants also felt provinces were handing their responsibilities for sustainable forest management over to industry, which included an abdication of the governments' obligations to First Nations and Métis. This report also found that there was no one standard or even a convergence for sustainable principles across the country and that international agreements were not being implemented at a local level.¹⁷¹

In terms of progress, the development of the National Forest Strategy, the creation of Model forests, the Clayoquot Sound Science Panel, Forestry Stewardship Councils, and comanagement agreements are all listed as examples of interesting experiments. The visibility of First Nations has increased in areas such as land use, decisionmaking, and constitutional rights.¹⁷² Participants agreed in general that while progress has been made, there is still much to be done. Recommendations by participants included: developing institutional and regulatory processes to support sustainable forest management; ensuring consistency between international commitments and domestic actions; recognizing and incorporating the value of the traditional

ecological knowledge of First Nations and Métis; developing new measures for performance and progress; and including all values when setting harvest levels.¹⁷³

The Senate Subcommittee on the Boreal Forest

In 1999, the federal Senate Subcommittee on the Boreal Forest released a report on Canada's boreal forests. The report states that these forests face real threats and that Canada "must develop strategies that can ensure the survival of our threatened boreal forests while enhancing traditional forest use and preserving economic and industrial benefits."¹⁷⁴ The subcommittee also reports that Canada has "reached the point where potentially transforming concepts are widespread. Yet institutions, management planning, and forestry practices 'on the ground' have not, in most cases, seen significant change."¹⁷⁵ The report recommends developing a system of natural landscape-based forest use regimes that apportion the boreal forest into three distinct management categories. Up to 20 percent of total boreal forest area would be intensively managed for timber and fiber production, while another 20 percent would be set aside as protected areas. The remaining 60 percent would be managed to retain a natural mixture of tree species and ages but also provide some long-term leases that would be audited regularly by community groups assisting forestry experts. This category would attempt to accommodate the full range of forest users and communities.¹⁷⁶