

**'PLAYING BY THE RULES'  
ENVIRONMENTAL JUSTICE AND LAND USE PLANNING IN ONTARIO  
THE LANDS FOR LIFE CASE STUDY**

**A Thesis Submitted to the Committee on Graduate Studies**

**in Partial Fulfilment of the Requirements for the**

**Degree of Master of Arts**

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## **ABSTRACT**

**'Playing by the Rules'  
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The Lands for Life Case Study**

**Tullia Marcolongo**

Global economic forces and neo-liberalism are transforming Ontario's political landscape, altering the relationship between citizens and their government. Emphasis on the deregulation, privatization, underfunding, and devolution of responsibilities since 1995 has affected the way environmental issues are addressed. As contested perspectives over the allocation of Crown lands continue to define natural resource politics, the Lands for Life planning initiative was introduced at a time when natural resource extraction is irreversibly damaging the province's ecosystems. Ostensibly intended to complete a provincially-protected natural areas and park system, Lands for Life also sought to enhance industrial and recreational uses in an effort to ensure economic certainty and investor confidence. Why did Lands for Life move from a public consultation process to closed door negotiations and what does this mean for the future of environmental justice in Ontario? This thesis analyzes the intersections between environmental justice and natural resource policy-making to understand the government's changing role in resource allocation and management. As long as sustainability discourses are set within an economic development context, questions of justice and equality will remain at the periphery of decision-making.

## ACKNOWLEDGMENTS

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# CHAPTER ONE

## **Introduction: Who Owns the Natural Resources?**

In Canada, tensions over the ownership, accessibility, and management of natural areas are on the rise. These so-called *resource wars* are being waged to determine who controls development discourses and how natural resources are to be allocated. Competing views, and often incompatible activities on natural landscapes are set against a backdrop of rapidly declining renewable and finite resources as over-consumption and international economic demands continue to define society's relationship with nature.

In Ontario, contested perspectives over the distribution of public lands recently came to the fore during the Lands for Life land use planning initiative. Intended to complete a provincially-protected natural areas and park system, the program was launched by the Progressive Conservative government in February 1997. During a two-year process, the Lands for Life project revealed important questions pertaining to public involvement and representation in a liberal democracy. Most importantly, it demonstrated how a presumably comprehensive strategy ended up excluding policy actors—most notably indigenous interests—previously involved during the first stages of the initiative. Heralded as an example of a successful public consultation, the Lands for Life outcomes were determined by policy instruments such as roundtables, a public environmental review registry, and private negotiations leading to a contractual agreement and side deals with natural resource industries. Public participation throughout the process was mediated by inaccessibility to information, tight deadlines, and the presence of a strong business/industry lobby. In a

province where political, economical, and cultural realities have been defined by natural resource development, the Lands for Life exercise and its conclusive Ontario Living Legacy announcement confirmed industry's continuing influence on land use policy-making.

The central question of this thesis is based on discovering why the Lands for Life process moved from a public sphere to private negotiations and secondly, what this means for the future of environmental justice in Ontario. Analyzing the intersections between land use planning and environmental justice is an innovative approach, increasingly relevant in the wake of the tense political climate enveloping the province regarding natural resource allocation. As more interests are demanding rights to participate in environmental decision-making and resource management, exploring whether social, cultural, and ecological considerations are factored in policy-making processes is a pressing issue.

Because the search to further exploit natural resources is currently being mitigated by looming supply crises, considering issues pertaining to the representation, exclusion, and accommodation of interests in environmental decision-making is critical to understanding the present and future health of ecosystems across the province. The emphasis on the economic contributions of productive forces in land use planning invites the need to integrate issues of equity and fairness to analytical frameworks. Policy-making, therefore, is more than "simply the struggle over the distribution of costs and benefits involved in production. It also involves a related struggle in which actors ... clash over the accumulation and application of knowledge."<sup>1</sup> Addressing non-material preferences and realities such as equality, quality of

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<sup>1</sup>Melody Hessing and Michael Howlett, *Canadian Natural Resource and Environmental Policy: Political Economy and Public Policy* (Vancouver: UBC Press, 1997), 12.

life, and affirmation of civil rights—including Aboriginal and treaty rights—within a policy context helps to understand whether existing political structures and policy-making processes can respond to alternative and marginalized voices. For the purpose of this study, the role of public participation and the ability to articulate demands were employed as variables to measure the existence social justice principles and environmental values in land use planning. Using the Lands for Life initiative as a case study highlights the contentious nature of ecological protection and the importance of citizen involvement in environmental decision-making. It provides an insight into the current political situation in Ontario; more specifically, the changing relationship between the provincial government and Ontarians.

Definitions of nature have been reduced to a polarized debate between ideas of nature as an exploitable resource versus nature possessing inherent value. More recently however, there have been renewed discussions pertaining to the cultural construction of the natural world. Questions dealing with the interaction between humans and nature, including what nature *is*, what it *ought* to be, as well as what nature *was*, have become more prominent as Canadian society attempts to deal with proliferating environmental problems. Issues of control and of power are increasingly relevant as debates arise regarding which narratives count and



who gets to relate them. Consequently, there is a struggle over the definition and representation of nature; most importantly, this is a struggle over the possession of nature.<sup>2</sup>

Discourses on the state of the natural environment have permeated the Canadian consciousness since the late 1960s. The influence of environmentalism is situated within a broader framework of social movements, entities questioning accepted social and cultural assumptions. Reacting against the perceived post-World War II societal consensus, a mass movement of citizens began challenging the dominant scientific/technological paradigm pervading political decision-making structures. Within the context of environmental issues, anthropocentric assumptions of nature—that ecosystems are subordinate and exist for utilitarian purposes to maximize economic wealth—were increasingly contested as the unabated exploitation of natural resources, along with increasing air and water pollution, hazardous waste, and nuclear armament became a threat to the natural environment. Although not a cohesive or homogenous entity, the environmental movement works on different levels and in varied political realms articulating some of the links between adverse ecological impacts and health problems, social dislocation, and economic inequity.

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<sup>2</sup>Authors who have written extensively on this matter are Neil Evernden, *The Social Creation of Nature* (Baltimore: John Hopkins University Press, 1992); Arran Gare, *Postmodernism and the Environmental Crisis* (London: Routledge, 1995); Max Oelschlaeger, *The Idea of Wilderness* (New Haven: Yale University Press, 1991). The anthologies by W. Cronon, ed., *Uncommon Ground: Toward Reinventing Nature* (New York: W. W. Norton & Company, 1995); J. Bennett and W. Chaloupka, eds., *In the Nature of Things: Language, Politics, and the Environment* (Minneapolis: University of Minnesota Press, 1993); B. Braun and N. Castree, eds., *Remaking Reality: Nature at the Millennium* (London: Routledge, 1998); and M. Soulé and G. Lease, eds., *Reinventing Nature? Responses to Postmodern Deconstruction* (Washington: Island Press, 1995), have also contributed to, and expanded, the debate regarding the construction, appropriation, and representation of nature.

Expanding conventional definitions of the political, environmentalists and their social movement counterparts such as feminists, gays, peace activists, and Aboriginal rights proponents, have pushed for inclusiveness and added alternative voices to institutions previously believed to be in the realm of the private. Largely based on integrating identity politics into the public fold, contemporary social movements are viewed as ‘democratizing agents’ or ‘agents of social change’ calling for more openness and accountability in decisions that personally affect citizens. Attempting to address the root causes of inequality, social movements contextualize and link social, economic, political, and cultural dimensions demanding a more democratic society. Attributing the potential for injustice to decisions made in closed, élitist environs, social movements construct new meanings, build networks, frame issues, and take action.<sup>3</sup> New social movements, reflecting post-materialist values, have “often been forced to operate on the margins of politics”.<sup>4</sup> Despite this, they have had a significant impact on a variety of political, regulatory, and legal decisions affecting public policies forcing governments and private interests to acknowledge the benefits of consulting a wide range of opinions in order for decisions to be legitimized by the public.

The environmental movement specifically, has been credited for democratizing decision-making processes whereby “environmental issues in many jurisdictions have quite

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<sup>3</sup>Susan D. Phillips, ‘New Social Movements in Canadian Politics: On Fighting and Starting Fires,’ in *Canadian Politics*, eds. J. P. Bickerton and A.-G. Gagnon (Peterborough: Broadview Press, 1994), 196.

<sup>4</sup>*Ibid.*, 189; and Claude Galipeau, ‘Political Parties, Interest Groups, and New Social Movements: Toward New Representations?’ in *Canadian Parties in Transitions: Discourse, Organization, Representation*, eds. A.-G. Gagnon and A. B. Tanguay (Scarborough: Nelson Canada, 1989), 405.

consistently led to, or at least sought, an expansion of democratic opportunities and an opening of bureaucratic decision making to public participation. Environmentalists have highly valued the protection and indeed the further development of democratic institutions.”<sup>5</sup> This change however, is offset by the constant push toward the privatization of the public sphere. It has become increasingly clear that environmentalism, regardless of its ideological and political variants, has been for the most part unable to “resist dominant ecocapitalist ‘technocratic’ and market-oriented discourses.”<sup>6</sup>

As political and economic issues are increasingly being framed within a neo-liberal capitalist paradigm, there is a greater opportunity for environmental interests to become co-opted. While the transformative project of the movement has had an impact on political institutions, it has increasingly been forced to define and promote its objectives in an expanding private sphere. This became obvious in the late 1980s and early 1990s whereby renewed interest in the deteriorating state of the planet found its way into the corporate mainstream, reinforcing the “demise of the environment as a site of genuinely political contestation.”<sup>7</sup> Here, business has not only appropriated the concept of sustainable development in an attempt to reconcile unfettered economic growth with ecological considerations, but it has tapped into a largely unexploited demand for environmentally-

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<sup>5</sup>Robert Paehlke, ‘Democracy, Bureaucracy, and Environmentalism,’ *Environmental Ethics* 10:4 (Winter 1988), 304.

<sup>6</sup>Catriona Sandilands, ‘Is the Personal Always Political? Environmentalism in Arendt’s Age of ‘the Social’,’ in *Organizing Dissent: Contemporary Social Movements in Theory and Practice*, 2<sup>nd</sup> Edition, ed. William K. Carroll (Toronto: Garamond Press, 1997), 78.

<sup>7</sup>*Ibid.*, 77.

friendly products. The result is the commodification of environmental action, or *green consumerism*, where consumer insecurities and emotions are targeted by mass marketing strategies. In this way, the focus on individual action over corporate, governmental, and societal responsibility diminishes and depoliticizes environmental concerns as they are displaced from political, or public domains, to private realms.

It is argued that some environmental interests have contributed to these circumstances: in their attempt to find solutions within existing political and corporate bureaucracies, “environmental issues – their ability to foster collective discussion and contestation over meanings and relations – are swallowed up by instrumental, technocratic orientations.”<sup>8</sup> Critics contend that environmental activism is no longer posited as a viable opposition force to the dominant capitalist discourse. Relegated to the status of ‘special interest’, environmentalism, both as practice and ideology, is a contested term between those advocating a mainstream, more institutionalized approach to environmental politics and those opposing any form of co-option. The word *environment* itself is being challenged from within the movement since

[i]t constitutes nature as a terrain that simply reflects human interests and has already been colonized and routinized by the language of planning and impact assessment. In other words, the environment has ... come to inhabit a murky realm of the social, of administration and bureaucracy, of markets, experts, and consumers, which narrows the possibility for both genuinely public, and genuinely private, appearances. The spaces of (public) politics and (private) wonder are both being colonized.<sup>9</sup>

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<sup>8</sup>*Ibid.*, 78.

<sup>9</sup>*Ibid.*, 88.

Socio-cultural struggles over meanings of, and actions toward and on behalf of, the natural environment continue to be a source of contention between forces advocating restrictive versus expansionary visions of the political.

While the environmental movement has widely contributed to the politicization of the environment by employing a variety of mechanisms from direct action, research, intervention in hearings, and effective use of the media, it has struggled to have its voice heard within the policy-making arena. The movement's gains have partly been "proscribed by fundamental features of Canadian political-economic reality, most notably the continuing economic importance of resource extraction, and the continuing political strength of concatenations of public-private power premised on 'business as usual' exploitation of natural resource wealth."<sup>10</sup> The fact that broad public support for environmental issues has not been directly translated into comprehensive policies is due to the nature of environmentalism: it has been difficult to convince and mobilize citizens around issues where action does not necessarily bring direct and personal benefits. However, linking the degradation of ecosystems with negative health impacts, and taking local action to address environmental problems, exemplified by the catch-phrase 'act locally, think globally', has made it easier for activists to bring conceptualized issues into fruition as concrete action.

As a country whose cultural identity is characterized by the exploitation and export of natural resources, Canada's political and economic matrix is configured to support and maintain development rhetoric and practices. This reality has relegated environmental

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<sup>10</sup>Jeremy Wilson, 'Green Lobbies: Pressure Groups and Environmental Policy,' in *Canadian Environmental Policy: Ecosystems, Politics, and Process*, ed. R. Boardman (Toronto: Oxford University Press, 1992), 110.

discourses—emphasizing holistic approaches to management—as an appendage to the political agenda which is greatly influenced by economic cycles and swaying public interest in ecological issues.<sup>11</sup> Moreover, government bureaucracies tend to define environmental and natural resource management according to rules and priorities which do not account for, and are ultimately undermined by, unpredictable environmental forces.<sup>12</sup> Rationalization, as well as an impetus towards industrialization essentially oppose environmental values. In other words, conventional politics is unresponsive to alternative ideas and forms of governing that might be beneficial to ecological sustainability—centralized and hierarchical characteristics of bureaucracies are believed to be antithetical to effective solutions.<sup>13</sup> First, centralization is at odds with local participation and local initiatives whereby the person or group and geographical area become anonymous to administrators. And second, the detachment of

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<sup>11</sup>See for example, R. Brian Woodrow, 'Resources and Environmental Policy-Making at the National Level: The Search for Focus,' in *Resources and the Environment: Policy Perspectives for Canada*, ed. O. P. Dwivedi (Toronto: McClelland & Stewart Ltd., 1980), 24-25; and Anthony Downs, 'Up and Down with Ecology—The 'Issue-Attention' Cycle,' *The Public Interest* 27 (1972): 38-50.

<sup>12</sup>See for example, G. Bruce Doern and Thomas Conway, *The Greening of Canada: Federal Institutions and Decisions* (Toronto: University of Toronto Press, 1994), 6-7.

<sup>13</sup>Robert Paehlke and Douglas Torgerson, eds., 'Environmental Administration: Revising the Agenda of Inquiry and Practice', in *Managing Leviathan: Environmental Politics and the Administrative State* (Peterborough: Broadview Press, 1990): 7-16.

bureaucrats ignores the need for regional attention and consideration of local traditional knowledge in policy development and implementation.<sup>14</sup> The natural environment then, is approached from a technical, reductionist manner, reflecting the prevailing paradigm in which “wilderness in whatever guise is effectively reduced to an environment, a stockpile of matter-energy to be transformed through technology, itself guided by the market and theoretical economics, into the wants and needs of the consumer culture.”<sup>15</sup>

### **Situating the State Within Policy Analyses—**

Current interpretations of the policy-making system are challenging widely-held notions that economic growth and political stability are inherently positive elements. More specifically, the focus on nation-building, which in the Canadian context has often been associated with the role of natural resources, is facing opposition from both activists and academics critiquing modernist assumptions of development. Among the most influential theoretical modes of inquiry questioning social democratic thought are post-modernism of

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<sup>14</sup>Douglas Torgerson, ‘Obsolescent Leviathan: Problems of Order in Administrative Thought,’ in *Managing Leviathan: Environmental Politics and the Administrative State* eds. R. Paehlke and D. Torgerson (Peterborough: Broadview Press, 1990): 17-33.

<sup>15</sup>Oehlschlaeger, *The Idea of Wilderness*, 286-287.

which post-structuralism is a prominent stream, as well as neo-institutionalism, neo-Marxism, and feminism.<sup>16</sup>

As an “interplay among ideas, structure, and process”,<sup>17</sup> public policy-making measures how the state prioritizes its goals in relation to societal demands. The relationship between state and society is largely gauged according to how ideas, perceived needs and demands are articulated and processed into a body of laws, regulations, guidelines, and policies. The weight put on various elements comprising the policy-making system, such as the actors, institutions, economic and political realities, have been at the center of theoretical debates vying to explain the complex node of social interactions in relation to culturally constructed institutions. New ways of thinking about power within the discipline of political science, mainly exploring its foundations and expressions, have been influenced by postmodern responses to structural-functionalism. Based on descriptive analyses of functions and structures of political systems such as interest articulation and aggregation, political socialization and recruitment, and communication, structural-functionalist theories have been widely perceived as being value-free and a “noncontentious analytical basis”<sup>18</sup> for conducting political studies. This perspective however, has been challenged by discourses on power

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<sup>16</sup>Jane Jenson, ‘All the World’s a Stage: Ideas, Spaces and Times in Canadian Political Economy,’ *Studies in Political Economy* 36 (Fall 1991), 43. Environmentalism also challenges dominant worldviews and encompasses the foundations for an alternative ideology. See Robert Paehlke, *Environmentalism and the Future of Progressive Politics* (New Haven: Yale University Press, 1989), 1-10.

<sup>17</sup>G. Bruce Doern and Richard W. Phidd, *Canadian Public Policy: Ideas, Structure, Process*, 2<sup>nd</sup> Edition (Scarborough: Nelson Canada, 1992), 3.

<sup>18</sup>Rand Dyck, *Canadian Politics: Critical Approaches* (Scarborough, Nelson Canada, 1993), 6.



unraveling how accepted, so-called objective, worldviews actually perpetuate dominant and often privileged points of reference at the expense of voices that have been historically excluded from decision-making processes. In this way, post-positivism “tends to unsettle policy discourse in prevailing technocratic and administrative forms while reinforcing policy discourse as a form of commentary in broader social and political contexts.”<sup>19</sup> The dispersion of power does not exclusively flow from existing political and economic institutions, but is also

co-extensive with the social body; there are no spaces of primal liberty between the meshes of the network; that relations of power are interwoven with other kinds of relations ... for which they play at once a conditioning and a conditioned role; that these relations don't take the sole form of prohibition and punishment, but are of multiple form; that their interconnections delineate general conditions of domination, and ... one should not assume a massive and primal condition of domination, a binary structure with 'dominators on one side and 'dominated' on the other, but rather a multiform production of relations of domination which are partially susceptible of integration into overall strategies; that power relations do indeed 'serve', but not at all because they are 'in the service of' an economic interest taken as primary, rather because they are capable of being utilised in strategies; that there are no relations of power without resistances; the latter are all the more real and effective because they are formed right at the point where relations of power are exercised.<sup>20</sup>

The analytical framework has gradually expanded to posit critical questions related to the intersections of power, mainly how it is distributed; how it is sought and maintained by

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<sup>19</sup>Douglas Torgerson, 'Power and Insight in Policy Discourse: Post-Positivism and Problem Definition,' in *Policy Studies in Canada: The State of the Art*, eds. L. Dobuzinskis, M. Howlett, and D. Laycock (Toronto: University of Toronto Press, 1996), 267.

<sup>20</sup>Michel Foucault quoted in William Carroll and Robert Ratner, 'Master Frames and Counter-Hegemony: Political Sensibilities in Contemporary Social Movement,' *Canadian Review of Sociology and Anthropology* 33:4 (1996), 407-409.

different actors; and how it is translated into political action, or lack thereof. While postmodern modes of inquiry have focused on the importance of language, texts, and discursive practices, theoretical policy orientations based on empirical research have tended to downplay the role of rhetoric emphasizing technocratic and organizational goals.<sup>21</sup> Contemporary pluralist, rational, elitist, public choice, state-centered, and neo-Marxist approaches emphasize both institutional and human behaviour in policy-making processes—external rather than covert meanings have instructed these popular political science methodologies.

Mirroring the significant impact of social movements on the status quo, theoretical models have focused on the role of societal players driving policy-making processes. Here, the state is defined as a neutral entity processing demands and releasing them as a series of regulatory, policy, and legislative outputs. As attention has turned to studying the influence of power structures on the formulation and transformation of ideas, there has been a reconceptualization of the role of ideology on the reproduction of social relations.<sup>22</sup> By extension, theoretical responses to the transformative projects of social movements largely displaced the state as an important actor in policy-making processes. Recognizing the state as an autonomous body and reintegrating it in current policy analyses, therefore, is an integral step to understanding the complex interaction between different players in policy communities and networks.

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<sup>21</sup>Torgerson, 'Power and Insight in Policy Discourse', 267-268.

<sup>22</sup>Jenson, 'All the World's a Stage', 45.

Structuralist-functionalist perspectives along with pluralist interpretations have emphasized government as an “arena within which economic interest groups or normative social movements contended or allied with one another to shape the making of public policy decisions.”<sup>23</sup> This rather simplistic view has given way to models stressing organizational and institutional differences among competing interests; their struggle to acquire and maintain access to decision-making power across space and time; and the consideration of hierarchical and privileged positions of certain interests within policy domains. Taking their cue from neo-institutionalism and its different political undercurrents such as post-Marxism, a growing number of studies have reintroduced the state in policy analyses while simultaneously considering society’s influence in political decision-making. Here, references to state autonomy and capacities have informed how it relates to societal demands and perceived needs.<sup>24</sup> Autonomy is based on the degree of a state’s ability to generate policy objectives independent of societal interests. Capacity, on the other hand, refers to the availability of institutional resources for the state to implement policies, largely influenced by bureaucratic goals and coordination skills, as well as accessibility to financial resources and human

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<sup>23</sup>Theda Skocpol, ‘Bringing the State Back In: Strategies of Analysis in Current Research,’ in *Bringing the State Back In*, eds. P. Evans, D. Rueschemeyer, and T. Skocpol (Cambridge: Cambridge University Press, 1985), 4.

<sup>24</sup>The concept of *state* and *government* are interchangeable, though the term *state* encompasses a “set of *organizing principles* that give totality, or an underlying structural coherence (at an abstract level), to the myriad and diverse agencies and institutions of governance.” See, for example, R. Benjamin and R. Duvall, ‘The Capitalist State in Context,’ in *The Democratic State*, eds. R. Benjamin and S. L. Elkin (Lawrence: University Press of Kansas, 1985), 23.

personnel.<sup>25</sup> The role of the state then, becomes imperative to policy-making processes since “organizational configurations, along with their overall patterns of activity, affect political culture, encourage some kinds of group formation and collective political actions (but not others), and make possible the raising of certain political issues (but not others).”<sup>26</sup> In many ways, the state has become “ubiquitous and activist, with the result that most aspects of daily life have become politicized.”<sup>27</sup>

The concept of ‘embeddedness’ suggesting that state and society are inextricably tied by virtue of past decisions and actions, is based on a “simultaneous process wherein the state increasingly penetrates and organizes civil society, even while this penetration binds the state ever more tightly and constrains its manoeuvrability.”<sup>28</sup> In turn, this interplay has made the state a “sprawling diffuse assemblage of uncoordinated power and policies, while the society with which it interacts is increasingly plural, fragmented and multiple in its allegiances and identities.”<sup>29</sup> It is important, therefore, to analyze how interests organize themselves in

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<sup>25</sup>William D. Coleman and Grace Skogstad, ‘Policy Communities and Policy Networks: A Structural Approach,’ in *Policy Communities and Public Policy in Canada: A Structural Approach*, eds. W. D. Coleman and G. Skogstad (Mississauga: Copp Clark Pitman, Ltd., 1990), 15-16.

<sup>26</sup>T. Skocpol, ‘Bringing the State Back In’, 21.

<sup>27</sup>Michael M. Atkinson and William D. Coleman, *The State, Business, and Industrial Change in Canada* (Toronto: University of Toronto Press, 1989), 186.

<sup>28</sup>Leslie A. Pal, ‘From Society to State: Evolving Approaches to the Study of Politics,’ in *Canadian Politics*, eds. J. P. Bickerton and A. G. Gagnon (Peterborough: Broadview Press, 1994), 47.

<sup>29</sup>Alan C. Cairns, ‘The Embedded State: State-Society Relations in Canada,’ in *State and Society: Canada in Comparative Perspective*, ed. K. Banting (Toronto: University of Toronto Press, 1986), 55.

relation to governmental and institutional orientations. In this way, policy-making processes have been captured within the conceptual framework of policy communities and networks—the former generally referring to the wide range of actors with direct or indirect interest in a particular policy field, while the latter appertains to the relationships among actors within the community.<sup>30</sup>

### **Finding the Links Between Public Policy and Environmental Justice—**

Providing a greater understanding of the matrices of power, policy analyses are essentially a “window on politics.”<sup>31</sup> The focus on the practical aspects of decision-making processes—finding ways to conceptualize state-society orientations and explaining patterns of relationships between actors throughout the formulation and implementation of programs—have been emphasized in these types of studies. Here, questions addressing how, and by whom, power and knowledge is used and maintained; who benefits and who pays; and how social relations are affected by policy-making development are becoming increasingly relevant. This is an important starting point for studying environmental and natural resources management policies since the influence of business, or productive interests, along with state

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<sup>30</sup>W. D. Coleman and G. Skogstad, ‘Policy Communities and Policy Networks’, 25-26. See also, Michael M. Atkinson and William D. Coleman, ‘Policy Networks, Policy Communities, and the Problems of Governance,’ in *Policy Studies in Canada: The State of the Art*, eds. L. Dobuzinskis, M. Howlett, and D. Laycock (Toronto: University of Toronto Press, 1996): 193-218; A. Paul Pross, *Group Politics and Public Policy* (Toronto: Oxford University Press, 1986), 84-107; and Leslie A. Pal, *Beyond Policy Analysis: Public Issue Management in Turbulent Times* (Scarborough: Nelson Canada, 1997): 188-192, for a discussion of different disciplinary interpretations of these terms.

<sup>31</sup>Michael M. Atkinson, *Governing Canada: Institutions and Public Policy* (Toronto: Harcourt Brace Jovanovich Canada Inc., 1993), 20.

institutions, have been a defining force in both federal and provincial policy-making processes.<sup>32</sup>

Analytical traditions informed by political economy have attempted to explain how states and sub-states are effective instruments facilitating the accumulation of wealth, privileging the status of the business community. Acknowledging that political realities are formed by economic transactions, this line of inquiry situates the “exploration of policy in a dynamic context of evolving material and ideological interests.”<sup>33</sup> Recognizing the multiplicity of actors within the policy field, both contradictory and complementary, this perspective reveals how interest articulation is not centered on equal opportunity, but that is rooted in potentially antagonistic, even incompatible, demands.

This study’s premise recognizes the role of corporate and governmental connections that manifested themselves in Lands for Life, a reality largely contested by protectionist and conservation advocates. In an era defined by an acute privatization of the public sphere, issues relating to justice in policy-making are becoming increasingly relevant. While lack of

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<sup>32</sup>It is important to keep in mind that business is a heterogeneous entity. For studies on industry as an environmental policy actor see, for example, M. Paul Brown, ‘Target or Participant? The Hatching of Environmental Industry Policy,’ in *Canadian Environmental Policy: Ecosystems, Politics and Process*, ed. R. Boardman (Toronto: Oxford University Press, 1992): 164-178; Doug Macdonald, ‘Business as an Environmental Policy Actor,’ Background paper (October 1999): 1-17; Jeremy Wilson, ‘Wilderness Politics in BC: The Business Dominated State and the Containment of Environmentalism,’ in *Policy Communities and Public Policy in Canada: A Structural Approach*, eds. W. D. Coleman and G. Skogstad (Mississauga: Copp Clark Pitman Ltd., 1990): 141-169; and Ted Schrecker, ‘Resisting Regulation: Environmental Policy and Corporate Power,’ in *Alternatives* 13:1 (December 1985): 9-19.

<sup>33</sup>Hessing and Howlett, *Canadian Natural Resource and Environmental Policy*, 11.

communication, prejudice, and racism defined interactions among interests in the Lands for Life policy network, state initiatives also played an important role in determining the relationship between actors. The current provincial Progressive Conservative government's adherence to neo-liberal convictions, particularly its lack of environmental consciousness and general anti-Aboriginal stance, along with the Ministry of Natural Resources' choice of policy-making instruments, have influenced the course of Lands for Life, leading it from a public to private process. Accordingly, in a political environment characterized by language evoking fear and alienation, invariably relaying a sense of urgency to allocate rapidly dwindling natural resources, players worked diligently to pursue their own demands within the policy game according to rules set up by a neo-liberal government—resulting in increased tensions between both divergent and complementary interests.

The pluralist system—encompassing the variations of pressure and clientele networks, and recognized as the dominant form of interest representation in Canada—emphasizes the voluntary, competitive, and relatively equal involvement of pressure groups vying for attention and influence in governmental institutions. Lands for Life illustrates a different reality: only the voices of a very narrow constituency—both industrial and environmental—were privileged, an approach reminiscent of a corporatist policy style whereby the state invites divergent interests to formulate a policy compromise in a closed system.<sup>34</sup> This, in light of the government's refusal to deal with indigenous concerns on a nation-to-nation basis. The following analysis will address issues surrounding accessibility to

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<sup>34</sup>Coleman and Skogstad, 'Policy Communities and Policy Networks', 28.

decision-making processes and evaluate whether justice and equity are recognized within existing the policy design.

### **Scope of Study, Methodology and Sources—**

The Lands for Life case study outlines a complex policy community and network system characterized by layered, sometimes overlapping, and conflicting interests. Taking a critical analysis approach guided by theoretical elements rooted in political economy, this thesis is an introductory research project into an evolving land use planning system set in the wake of growing supply shortages and rising tensions over land rights. Providing a window on provincial environmental policy-making with the objective of demonstrating whether principles of justice figured in the planning exercise, this project reveals how natural resources are allocated and managed at the cusp of the 21<sup>st</sup> century.

As a qualitative study—an “inquiry process of understanding a social or human problem, based on building a complex, holistic picture formed with words, reporting detailed views of informants, and conducted in a natural setting”<sup>35</sup>—background research was based on secondary sources collected from Trent University, the University of Toronto, and the University of Guelph. Research was also done at the Northwatch resource centre in North Bay, the Ministry of Natural Resources headquarters in Peterborough, and the Canadian Environmental Law Association office in Toronto. Sources included books, journal articles, media clippings, government documents, academic and legal briefs, organizational minutes

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<sup>35</sup>John W. Creswell, *Research Design: Qualitative and Quantitative Approaches* (Thousand Oaks: Sage Publications, 1994), 1-2.



and reports, position papers, newsletters, correspondence, and internet websites; all used to recreate a sequence of events, to understand policy positions and directions, and also to provide a theoretical basis for analysis. For the purpose of original research the author attended an Ontario Environment Network conference in March and June 1999; a series of meetings dealing with provincial forestry issues throughout the latter part of 1999, and a workshop on environmental deregulation in Ontario held in July 2000. Interviews were also conducted with participants and observers of the Lands for Life process, approved by both the Trent University Committee on Human Research and the Trent University Aboriginal Education Council (Appendix A).

The first part of the study lays out the conceptual framework used to analyze land use planning in Ontario presenting a literature review of the theory and practice of environmental justice, followed by an overview of theories and practices associated with public participation in Canada. Chapter two ends with a brief outline of strategic land use planning in Ontario during the 1970s and 1980s. Chapter three contextualizes Lands for Life according to Ontario's position within the international economy in the 1990s. Outlining the current provincial government's approach to environmental and natural resource issues, reveals how neo-liberal policies promote deregulation, privatization, and devolution of power. Chapter four describes the Lands for Life consultation process looking at the political and economic intersections between governmental, environmental, forestry, mining, hunting and angling interests. Following, chapter five details how the Ontario Living Legacy announcement came about and how it is being legitimized by the Harris government and proponents of the agreement. The conclusion will answer why a seemingly public exercise moved behind closed

doors, analyzing the implications of private negotiations to the advancement of environmental justice in Ontario. Finally, chapter six will also include ideas for further research in the field of land use policy.

## CHAPTER TWO

### **Situating Environmental Justice Within the Praxis of Land Use Planning**

The purpose of this study is to analyze the intersections between land use planning and environmental justice. Examining why the Lands for Life initiative moved behind closed doors provides a better understanding of environmental/natural resources policy-making in Ontario; a structure that, as will be shown, has changed considerably since 1995. Situating Lands for Life and Ontario's Living Legacy within Harris' *Common Sense Revolution* allows observers to understand how land use planning has been shaped by current political and economic debates. More importantly, it unfolds questions related to environmental policy-making processes in the province, mainly how decisions are made; what factors are taken into account; who is involved; and how policies are legitimized. These inquiries are all the more pertinent at a time when accountability, transparency, and accessibility in decision-making are demanded, and being scrutinized, by an attentive public. In a broader sense, the principal issue is one of fairness and equity—whether Ontario's policy-making system incorporates democratic principles in its allocation and management of natural resources. Within this framework then, values espousing environmental justice—primarily openness and equity—are used as indicators to determine whether the Lands for Life/Living Legacy program actually dictates that Crown lands are administered in the interest of the public good.

This chapter introduces the conceptual foundations for analyzing land use planning according to environmental justice values. The first part is a literature review of the theory

and practice of environmental justice, locating it within scholarly and activist circles. Following is an outline explaining how the concepts of environmental assessment and sustainable development, although both an outgrowth of economic theory, have influenced the course of citizen participation in natural resource policy-making. The last part describes Ontario's land use planning history, a point of comparison for the recent Lands for Life process.

### **Environmental Justice: Race, Class, and Democracy—**

Major inroads have been made by environmentalists since the first Earth Day almost thirty years ago. Despite this, it has become increasingly clear over the past fifteen years that new ways of thinking and resolving environmental problems are needed to offset further damage to the Earth. Since the early 1970s, activists have tried, in one way or another, to raise awareness about the growing ecological crisis according to various philosophical and ideological interpretations. While ecological activism has focused on the impacts of materialist industrial society on endangered spaces and species, the plight of people within ecosystems has been relatively ignored. Since the early 1980s, many activists concerned with the recurring trends of pollution affecting racial minorities and the lower class in cities, as well as Aboriginal communities, began to draw attention to environmental racism and inequity as a source of ecological degradation. It is from this reality that a new environmental paradigm has taken hold, the idea of environmental justice. An important political force in the United States, the theory and practice of environmental justice is not clearly defined in Canadian

terms. This is in part due to the different historic and demographic contexts, though environmental justice questions are just as pertinent in Canada.

Looking at environmental justice as an emerging concept and practice, there are many interpretations circulating within the ecological movement and in academia, but it is generally understood to be an ethical idea that aims to incorporate social justice with environmental values. The realization that environmental issues can no longer be isolated from realities such as racism, poverty, sexism, and other forms of discrimination has prompted many advocates to call for a redefinition of the ecological discourse which has been historically dominated by debates on industrial society's impact on nature. Fueled by grassroots activism, environmental justice not only questions the impacts of ecological degradation on marginalized groups, it also attempts to analyze the root causes of inequitable decisions and practices motivated by exclusive political action and economic forces.

The struggle for environmental justice is associated with environmental racism and inequity, terms which have diverse connotations. Environmental inequity is considered to be the unequal enforcement of environmental laws and regulations, ultimately affecting those lacking political resources. Discrimination then, occurs "regardless of the racial and economic composition of the community."<sup>1</sup> Environmental racism, on the other hand, is generally referred to as the unequal protection against any form of environmental degradation or

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<sup>1</sup>Bunyan Bryant, ed., 'Introduction,' in *Environmental Justice: Issues, Policies, and Pollution* (Washington: Island Press, 1995), 6. In 'Environmental Justice: Normative Concerns and Empirical Evidence,' in *Environmental Policy in the 1990s*, 3<sup>rd</sup> Edition, eds. N. Vig and M. Kraft (Washington: CQ Press, 1997), Evan Ringquist argues convincingly on the five causes of environmental inequity—scientific rationality, market rationality, neighbourhood transition, political power, and intentional discrimination—the lack of political and social power being the principal factors explaining environmental inequality.

pollution experienced by a racial minority.<sup>2</sup> It also encompasses the exclusion of minorities to decision-making processes affecting human lives. While low income plays a major role in environmental marginalization, race, irrespective of class is a major factor determining the siting of toxic products and other ecological destructive practices.<sup>3</sup>

The circumstances surrounding the call for environmental equity and justice arose from several incidents in the United States during the late 1970s and 1980s—Love Canal and Three Mile Island being the two prominent. While these events contributed to the awareness of dangerous chemical and radioactive materials, it was the controversy over toxic waste disposal in Warren County, North Carolina, that propelled the issues of environmental racism and inequity at the forefront of public debate, warranting concrete action.<sup>4</sup> In 1982, it was discovered that polychlorinated biphenyls (PCBs) were slated to be dumped in the poorest area of the jurisdiction, a region with a predominantly African American population. It

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<sup>2</sup>The term environmental racism was coined in the late 1980s by Reverend Benjamin Chavis, Jr., member of the United Church of Christ Commission for Racial Justice.

<sup>3</sup>Robert Bullard was instrumental in making this link in *Dumping in Dixie: Race, Class, and Environmental Quality* (Boulder: Westview Press, 1990) and later in 'Anatomy of Environmental Racism and the Environmental Justice Movement,' in *Confronting Environmental Racism: Voices from the Grassroots*, ed. R. Bullard (Boston: South End Press, 1993), 21. Bob Edwards also ties issues of class and race in 'With Liberty and Environmental Justice for All,' in *Ecological Resistant Movements: The Global Emergence of Radical and Popular Environmentalism*, ed. B. Taylor (Albany: State University of New York Press, 1995), 37.

<sup>4</sup>Some scholars identify the toxic waste incident at Love Canal as the culminating event for environmental justice, introducing class issues into ecological discourses prior to Warren County in the early 1980s. See, for example, Dolores Greenberg, 'Reconstructing Race and Protest: Environmental Justice in New York City,' *Environmental History* 5:2 (April 2000), 227-228.

became increasingly clear that a recurring theme was taking place—race and class, intentionally or not, became issues factored in environmental decision-making.

A concept denoting moral and ecological values, environmental justice has also evolved into a movement. Its defining moment was in 1991 at a gathering of the first National People of Color Environmental Leadership Summit where a “rainbow coalition of diverse people of color mobilized in a mass movement to remedy the deficits of democracy”;<sup>5</sup> a meeting where activists began a process of addressing the impacts of environmental racism and inequity on communities and natural environments on both the domestic and international levels.<sup>6</sup> As a broadly based collective, activists not only formed alliances, but attracted attention to a problem that had not necessarily been part of mainstream society’s consciousness. While the movement generally consists of individuals and groups facing racial and class alienation, it has expanded to include a host of social justice concerns including sexism, labour issues, and human rights, with the underlying premise that ecological sustainability cannot become a reality unless these matters are addressed.

It is widely held that the movement’s historical roots can be traced to civil rights advocacy. Two principal sources are described as influencing the evolution of the environmental justice movement; radicalism and the American civil rights movement. The first looks at the advent of radical populism as a force for mobilization. In this case, the emphasis is on the struggle against toxic contamination such as lead and mercury poisoning, pesticides,

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<sup>5</sup>*Ibid.*, 226.

<sup>6</sup>Andrew Szasz, paraphrased in Martin Melosi, ‘Equity, Eco-racism and Environmental History,’ *Environmental History Review* 19:3 (Fall 1995), 5.

and hazardous waste—a movement mainly led by women motivated to protect their families. As grassroots organizations having little experience began networking during a period of heightened awareness in the 1970s and 1980s, the eco-populist approach is considered part of a broader, largely American, ‘radical’ movement which ultimately questions the source of political authority.<sup>7</sup> Unfair legislation, as well as exclusive economic and political practices, became a rallying point for many individuals who realized that government was not on their side. Instead, it was irrevocably involved with the corporate sector. Some however, acknowledge that action was taken even earlier, since ecological problems, before the 1970s, were not expressed through an environmental framework, but rather a social one.<sup>8</sup> Focus on occupational hazards, for example, pointed to the impacts of industrial activities and urbanization on human health, an issue that came to prominence starting in the late 19<sup>th</sup> century.

Closely related is the impact of the civil rights movement on environmental justice activism. While civil rights leaders did not frame their arguments from an ecological standpoint, they did draw attention to the living conditions and health concerns of many African American communities and neighbourhoods. Tactics based on action taken by civil rights leaders such as civil disobedience, lobbying, litigation, and appeals to basic human rights are used by those within the environmental justice movement to challenge ecological

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<sup>7</sup>*Ibid.*, 4.

<sup>8</sup>Robert Gottlieb, ‘Reconstructing Environmentalism: Complex Movements, Diverse Roots,’ *Environmental History Review* 17:4 (Winter 1993), 13-14; and Bullard, ‘Introduction’, 9.



injustices and systemic racism in the political system.<sup>9</sup> By extension, it is argued that environmental justice is a way to promote African American civil rights issues which have been largely ignored by dominant political and economic forces since its apex in the 1960s and 1970s.<sup>10</sup> Environmental justice then, unlike the broader ecological movement, attempts to define environmental issues from an anthropocentric rather than an ecocentric perspective.

To further contextualize environmental justice, it is important to gauge its position vis à vis the broader ecological movement. Since its inception, activists have tried to differentiate themselves from the more mainstream or traditional views of environmentalism. There are two different, yet complimentary, perspectives that explain this position. The first one deals with liberal environmentalism as a source of tension. Characterized by highly institutionalized, hierarchical organizations with access to steady funding sources, including from private industry, this stream works within existing political channels focusing on the preservation of wildlife and natural areas. Its networking base is supported by established groups such as the Sierra Club (USA) and the National Audubon Society, dating back to the conservation movement, and others like Friends of the Earth, Greenpeace, and the Wilderness Society, products of the first wave of environmentalism.<sup>11</sup> Known for their influence in environmental

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<sup>9</sup>Edwards, 'With Liberty and Environmental Justice for All', 44-45.

<sup>10</sup>Bunyan Bryant and Paul Mohai, eds., 'Introduction,' in *Race and the Incidence of Environmental Hazards: A Time for Discourse* (Boulder: Westview Press, 1992), 1.

<sup>11</sup>There are different interpretations on this matter. Some scholars have identified Earth Day 1970, to signal the beginning of the first wave of environmentalism. Accordingly, the rise of environmental concerns during the late 1980s/early 1990s is considered to be the second wave. Others believe the conservation movement of the late nineteenth/early twentieth century to be the first wave, and 22 April 1970 to be the start of the second wave of environmentalism.

power brokering between government and business, these organizations have traditionally geared their attention on white, middle/upper classes, largely ignoring the problems and participation of marginalized groups.<sup>12</sup>

The second source of contention for environmental justice advocates are the philosophical perspectives of deep ecology, considered a radical stream of environmentalism. Similarly to liberal environmentalism, deep ecology focuses on the protection of green spaces and species—nature having intrinsic value, independent of human needs and desires—but espouses a new socio-political and economic paradigm that respects basic spiritual and human needs. Many environmental justice activists have been wary of such biocentric stances which usually ignore cultural continuities and the realities facing oppressed individuals and collectivities.<sup>13</sup> This is manifested by deep ecology's position on the rights of species rather than individual members, as well as its stance on population and immigration control methods to curb further ecological degradation; views that threaten those already affected by racist policies.<sup>14</sup>

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<sup>12</sup>Dorceta Taylor, 'Environmentalism and the Politics of Inclusion,' in *Confronting Environmental Racism: Voices from the Grassroots*, ed. R. Bullard (Boston: South End Press, 1993), 53; Richard Hofrichter, *Toxic Struggles: The Theory and Practice of Environmental Issues* (Philadelphia: New Society Publishers, 1993), 7; and Melosi, 'Equity, Eco-racism and Environmental History', 5.

<sup>13</sup>Sheldon Kamieniecki, *et al.*, 'The Effectiveness of Radical Environmentalists,' in *Ecological Resistance Movements: The Global Emergence of Radical Popular Environmentalism*, ed. B. Taylor (Albany: State University of New York Press, 1995), 320.

<sup>14</sup>Eugene Hargrove, 'Forward,' in *Faces of Environmental Racism: Confronting Issues of Global Justice*, eds. L. Westra and P. Wenz (Lanham: Rowman & Littlefield Publishers, Inc., 1995), ix-xiii.

Environmentalism then, has not been a promising alternative for many environmental justice activists. Instead, it is largely believed to be an oppressive agent which represents the system that environmental justice challenges. Although the broader ecological movement has been forced to be more inclusive in both its ideas and practices, environmental racism and inequity are not necessarily part of the agenda. This implies that the environmental movement has not effectively responded to the prevailing, and false notion that ethnic minorities and those living in poverty are not interested in environmental issues and values.<sup>15</sup> To compound this, the prevailing human versus nature rhetoric is formulated in a manner that does not explicitly link industrial pollution and urban issues to the environment. Rather, problems are perceived “primarily or exclusively in the struggle to reserve or manage extra-urban Nature”.<sup>16</sup> It is this underlying theme that environmental justice challenges, thereby popularly designating it as a radical stream within the broader environmental movement.<sup>17</sup>

Looking at the goals of the environmental justice movement, a distinction between philosophy and practice is discerned. Three aspects will be analyzed accordingly—the need for survival, the importance of democratic values, and the struggle against racism, are all underlying factors in the quest for justice. Framed in a manner that considers the well-being

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<sup>15</sup>Ringquist, ‘Environmental Justice: Normative Concerns and Empirical Evidence,’ 234; Taylor, ‘Can the Environmental Movement Attract and Maintain the Support of Minorities?’ in *Race and the Incidence of Environmental Hazards: A Time for Discourse*, eds., B. Bryant and P. Mohai (Boulder: Westview Press, 1992), 29; and Melosi, ‘Equity, Eco-racism and Environmental History’, 7.

<sup>16</sup>Robert Gottlieb, *Forcing the Spring: The Transformation of the American Environmental Movement* (Washington: Island Press, 1993), 7.

<sup>17</sup>This may be argued by many activists who do not consider themselves environmentalists. This is a question that is still not clearly defined in academic literature.

of humans, not only that of the natural world, environmental justice expresses basic aspects for survival. Justice in this sense, is based on the right to a healthy living ensured by a clean environment—an imperative emerging from public health prevention models—as well as real access to power in decision-making processes, not just token representation. In this way, environmental justice is based on individual and collective self-defence against a system which denies basic human rights; the claim to self-determination from negative ecological impacts is imbued with moral and spiritual values rather than financial, ideological or aesthetic motivations.<sup>18</sup>

Primarily aiming to safeguard the right and protection of individuals from harmful toxic substances and pollutants, activists have consistently called for the reorganization of a political sphere bent on market-driven economics, a system that disproportionately targets already discriminated social groups. Acknowledging that democratic values have been perversely distorted, ensuring more power to the political élite, environmental justice seeks a redefinition of democracy inspired by the original meaning and practice of the term.<sup>19</sup> In other words, real democracy stems from the power of individuals and communities who have a stake in a particular issue to have a direct opportunity to decide their fate—environmental justice empowers those lacking political clout to take action. Empowerment becomes the equal partnership between authorities and activists at every level of the planning stages

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<sup>18</sup>Bron Taylor, ed., 'Popular Ecological Resistance and Radical Environmentalism,' in *Ecological Resistant Movements: The Global Emergence of Radical and Popular Environmentalism* (Albany: State University of New York Press, 1995), 336; Edwards, 'With Liberty and Environmental Justice for All', 38; Hofrichter, *Toxic Struggles*, 5; and Gottlieb, *Forcing the Spring*, 388.

<sup>19</sup>Hofrichter, *Toxic Struggles*, 5; and Gottlieb, *Forcing the Spring*, 170.

including assessment, implementation, and evaluation, whereby local governance is critical to the process. Similarly, others look at participatory democracy as a tool not only to protect a community's interests, but a way to ensure the continuation of a culture.<sup>20</sup>

While environmental justice advocates a more inclusive form of decision-making, it also aims to explain the root causes of social injustice, including ecological degradation. Rather than looking at how regulation—a product of the oppressor—can solve or attempt to manage problems, activists look for ways to eliminate completely the source of pollution. Many view it as a pro-active approach that implicitly questions the accepted manners of production and management. Justice in this sense then, means that unwanted pollution, or locally undesirable land uses (LULUs), are not to be transferred to another site. The production of hazardous waste should not be considered in the first place thereby eliminating the threat before it occurs. This perspective has evolved from a Not in My Backyard

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<sup>20</sup>This position is argued by Al Gedicks in 'International Native Resistance to the New Resource Wars,' in *Ecological Resistant Movements: The Global Emergence of Radical and Popular Environmentalism*, ed. B. Taylor (Albany: State University of New York Press, 1995). Gedicks also attributes direct democracy to the protection of indigenous lands which have been persistently under attack for the purpose of development, mostly benefitting non-Natives at the expense of Aboriginal cultures. Other authors looking specifically at environmental justice and culture in North America are Tom Goldtooth, 'Indigenous Nations: Summary of Sovereignty and its Implications for Environmental Protection,' in *Environmental Justice: Issues, Policies, and Solutions*, ed. B. Bunyan (Washington: Island Press, 1995); and Jace Weaver, ed., *Defending Mother Earth: Native American Perspectives on Environmental Justice* (Maryknoll: Orbis Books, 1996). The study by Roy W. Perrett, 'Indigenous Rights and Environmental Justice,' *Environmental Ethics* 20:4 (Winter 1998): 377-391, addresses questions of environmental justice in relation to the Maori of New Zealand.

(NTMBYist) approach to a Nowhere On Planet Earth (NOPE)<sup>21</sup> rallying point, situating environmental justice as a major challenge to the status quo.

As the goals of environmental justice have become more prominent over the past decade, they have been a constant reminder of how power is distributed and managed in an affluent society. While the quest for survival and greater democratization are two important factors contributing to justice, the acknowledgment that the colonization process continues, expressed in the exploitation of land and individuals, becomes the defining idea explaining the perpetuation of injustice.<sup>22</sup> Here, colonialism is understood to be the force behind racial discrimination as well as political/economic domination both at the domestic and international levels.

The question of race influencing environmental decision-making becomes clear when defining racism which is “racial prejudice plus power. Racism is the intentional and unintentional use of power to isolate, separate and exploit others. Racism is more than just

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<sup>21</sup>Concerned for groups lacking political power, not only at the domestic level but around the world, activists use the idea of NOPE to draw attention to projects that propose the export of pollution to developing countries. The controversy of the 1991 ‘Summers Memorandum’ is a case in point. Lawrence Summers, a chief economist at the World Bank, called for the dumping of toxic waste in poor countries as an economic strategy to offset the cost of pollution of producer countries, mainly from the northern hemisphere.

<sup>22</sup>Bullard cites five principles explaining the process of colonization in *Confronting Environmental Racism: Voices from the Grassroots*. They are the forced entrance of a group into a ‘foreign’ economy; the destruction of native cultures; bureaucratic restrictions benefitting a specific minority; identifying the labour market based on race and ethnicity; and maintaining power through institutional racism.

a personal attitude; it is the institutionalized form of that attitude.”<sup>23</sup> The evidence suggesting a link between racism and environmental degradation has enticed activists to consider the real source, institutional racism. Many view political institutions, supported by the symbolic ‘neutrality’ of the economic system, being used as a smokescreen to ensure the preservation of colonial thought and practice.<sup>24</sup> The scientific/capitalist paradigm pervading institutional and bureaucratic structures has not only been resistant to the concerns of alienated groups, it has encouraged a fragmented and disjointed approach to environmental decision-making.<sup>25</sup> Similarly, this is also the case when considering the application of environmental laws which are structurally biased against those lacking political clout. In this way, arguing from a moral perspective, activists believe that laws should be applied unequally—even though the ideal is equity—because disadvantaged communities already face greater environmental risks.<sup>26</sup> Objective decision-making then, is not what it seems as it “operates at the juncture of science,

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<sup>23</sup>Rev. Benjamin Chavis, Jr. quoted in Charles Lee, ‘Beyond Toxic Wastes and Race,’ in *Confronting Environmental Racism: Voices from the Grassroots*, ed. R. Bullard (Boston: South End Press, 1993), 41. Chavis, Jr., was the co-author of *Toxic Wastes and Race*, a report completed in 1987 for the United Church of Christ Commission for Racial Justice, an organization studying the incidences between racial discrimination and environmental problems in the United States.

<sup>24</sup>Westra and Wenz, eds., ‘Introduction,’ and Bullard, ‘Decision-Making,’ in *Faces of Environmental Racism: Confronting Issues of Global Justice* (Lanham: Rowman & Littlefield Publishers, Inc., 1995), xvi, 2-3; and David Harvey, *Justice, Nature & Geography of Difference* (Cambridge: Blackwell Publishers, 1996), 371-376.

<sup>25</sup>This is especially evident in the United States where Bill Clinton’s administration implemented an executive order in 1994 forcing federal agencies and departments to integrate environmental justice concerns in their policies. Many activists believe this to be ineffective since the overall political structure is discriminatory.

<sup>26</sup>Troy Hartley, ‘Environmental Justice: An Environmental Civil Rights Value Acceptable to All World Views,’ *Environmental Ethics* 17:3 (Fall 1995), 288.

technology, economics, politics, special interests, and ethics and mirrors the larger social milieu where discrimination is institutionalized.”<sup>27</sup> It becomes clear to many activists that the priority is not the protection of the environment, nor the consideration of racial minorities and those living in poverty.

The colonization of the land too, is a concern for environmental justice. The exploitation of land by multinational corporations is considered to be a new form of colonialism; geographical boundaries are no longer considered restrictions. Stolen land by outsiders, in this case transnational industries supported by the political élite, is cited as the prevailing source of ecological degradation.<sup>28</sup> Both domestically and internationally, the poor and disenfranchised groups become potential victims. In fact, they are the predictable victims of waste produced by affluent societies. Here, business and the political bureaucracy often

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<sup>27</sup>Bullard, ‘Decision Making’, 4; and Frederick Buttel, ‘Rethinking International Environmental Policy in the Late Twentieth Century,’ in *Environmental Justice: Issues, Policies, and Solutions*, ed. B. Bryant (Washington: Island Press, 1995), 187-205.

<sup>28</sup>Taylor, ‘Popular Ecological Resistance’, 337-338; Gedicks, ‘International Native Resistance’, 106; and Hofrichter, *Toxic Struggles*, 3.



take advantage of the dire situation of many disadvantaged communities accentuating divisiveness between those who support and oppose a proposed land use project.<sup>29</sup> Bidding wars within and between communities occur as monetary and employment incentives offered by corporations or governments become the source of contention.<sup>30</sup> This form of cultural imperialism, tempered by the right to develop private and public property, has justified the continuation of ecological destruction distorting how North American society views the environment. Access to land, according to many activists, has been the propelling force for government and business to enforce the colonial paradigm. The reality that those who own the capital are able to control land use practices has “always reflected class and racial bias”.<sup>31</sup>

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<sup>29</sup>The Adams Mine controversy in northern Ontario is a case in point. For more than 10 years there has been an ongoing debate regarding the disposal of Toronto’s garbage as existing facilities are facing overflow capacity. Shipping the trash north by rail to the abandoned Adams Mine near Kirkland Lake was considered an ideal solution—not only would it create employment in an economically depressed region, but it would address Toronto’s garbage problem. Despite concerns regarding the technical aspects of leachate management, including possible ground water contamination, the project passed the province’s environmental assessment. It was also approved by Kirkland Lake area municipalities and Toronto City council. However, the plan was canceled in the fall of 2000 when the proponent, Rail Cycle North, refused to accept financial and environmental liability amendments set by Toronto’s municipal government. This proposal was mired in jurisdictional wrangling between municipal, provincial, and even federal domains, invariably exacerbating regional north/south cleavages. To ease pressure on Toronto’s landfill site, the city has been exporting its garbage to Michigan since 1998, recently increasing its load to the state in the wake of the failed Adams Mine proposal.

<sup>30</sup>Harvey, *Justice, Nature & the Geography of Difference*, 369. See also, James K. Boyce, ‘Equity and the Environment: Social Justice Today as a Prerequisite for Sustainability in the Future,’ *Alternatives* 21:1 (1995): 12-17.

<sup>31</sup>Cynthia Hamilton, ‘Coping With Industrial Exploitation,’ in *Confronting Environmental Racism: Voices from the Grassroots* ed. R. Bullard (Boston: South End Press, 1993), 69; and Winona LaDuke in *Toxic Struggles: The Theory and Practice of Environmental Issues* (Philadelphia: New Society Publishers, 1993), 101.

This is especially the case for indigenous peoples all over the world; the exploitation of their territorial land base has always been the focal point of demands for justice, central to the arguments of self-determination.

Another aspect of environmental racism is revealed through the patronizing attitudes toward minority communities, especially Aboriginal ones in both North America and around the world. The various attempts to assimilate and represent indigenous societies have invariably undermined their traditional forms of government.<sup>32</sup> This is not only a result of transnational corporations exercising their power, but also foreign governments and their development agencies supporting institutions like the World Bank and the International Monetary Fund (IMF), as well as non-governmental organizations (NGOs)—including environmental ones—asserting their views on communities in ‘need’. Clearly, not all foreign aid and environmental organizations have an agenda motivated by political or economic interests, though many indigenous peoples have expressed concern about the imposition of mostly ‘western’ ideas that tend to disregard the cultural contexts of communities. The notion

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<sup>32</sup>Larry Lohmann, ‘Visitors to the Commons: Approaching Thailand’s ‘Environmental’ Struggles from a Western Starting Point,’ and Yash Tandon, ‘Grassroots Resistance to Dominant Land-Use Patterns in Southern Africa,’ in *Ecological Resistance Movements: The Global Emergence of Radical and Popular Environmentalism*, ed. B. Taylor (Albany: State University of New Press, 1995).

that the 'west knows best' has proliferated in the attitudes and behaviours of many individuals working in international development.<sup>33</sup> The lack of respect for traditional knowledge systems has been a root cause of environmental racism and cultural imperialism. The racist history of North America, both abroad and internally,<sup>34</sup> continues today and must be acknowledged in order to fully understand the present context of class and race relations. The mobilization against racial and class oppression becomes a fight against constructed images and symbols creating false perceptions. The association of race and poverty with trash, and the resulting low self-esteem is a daunting task to reverse. Here, the course of research on environmental justice must be analyzed to see how, and if, it answers some fundamental questions.

As a relatively new idea and movement, the literature in the field of environmental justice tends to focus on empirical, descriptive approaches to research explaining the phenomenon of injustice. Empirical evidence helps researchers make general observations and conclusions about environmental racism and inequity as it pertains to marginalized groups and individuals. This methodological approach classifies the philosophical and ethical attributes

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<sup>33</sup>Comments made by Aldisson Anguita, coordinator general, Consejo Inter-Regional Mapuche, Chile, and Bruno Barras, Chamacoco leader, Paraguay, at the conference *In the Way of Development: Indigenous Peoples, Civil Society and the Environment* held at McMaster University, 19-22 November 1998. This view is mirrored by Xavier Grijalva, Institute Amazanga, Organization of Indigenous People of Pastaza (OPIP), Ecuador, who detailed how money raised abroad for OPIP by development agencies, in the name of environmental protection and solidarity, has never gone to indigenous communities in his area. He gave a lecture at Trent University, 1 October 1998.

<sup>34</sup>Bullard uses the term 'internal colonialism' to designate the "racial inequalities, political exploitation, and social isolation of African Americans" in *Confronting Environmental Racism: Voices from the Grassroots*, 16. This can also be extended to other ethnic minorities, including Aboriginal peoples, but also to those living in poverty.

of ecological justice, explaining how its goals question modernist ideas, as well as the scientific/technical paradigm prevalent in North American society.

New social movements theory is another method used to explore the emergence and effectiveness of the environmental justice movement. Studying the various interrelated dynamics within the movement and external factors influencing it, incidents occurring at both the macro- and micro-levels reveal the structural, organizational, institutional, as well as cultural components of the movement. In this aspect, much of the focus has been on the variables contributing to the rise of the environmental justice movement and how its ideas and philosophies have been maintained throughout the years. Models focusing on the movement's collective actions<sup>35</sup> have been used to explain its activities—as new ideas and challenges emerge from changing social, economic, and political contexts, the movement has had to adapt to remain a viable alternative. These frames, therefore, identify and allow for the constant revision of goals and ideals to fit the existing reality. The tactics used to promote environmental justice have been also extensively analyzed to demonstrate the growing maturity of the movement. These include direct action which is usually disruptive—a strategy resulting in extensive media coverage—as well as refining research techniques by gaining access to information, litigation, and lobbying through existing regulatory channels.<sup>36</sup>

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<sup>35</sup>Edwards in 'With Liberty and Environmental Justice for All,' expands on collective action frames as they pertain to the emergence of the environmental justice movement.

<sup>36</sup>*Ibid.*, 47-50; and Kamieniecki, *et al.*, 'The Effectiveness of Radical Environmentalists'.

While the impetus has been on empirical research demonstrating the urgency of the issues in question, there has not been much work done on the theoretical aspects of environmental justice per se. An attempt to demonstrate how justice is considered a fundamental value in all environmental worldviews is done by contrasting utilitarianism, Kantian, and Rawlsian views on social action.<sup>37</sup> Here, the Kantian perspective prescribing morality as a guiding rule for action explains how environmental justice activists view the struggle for justice; a struggle based on fairness that ensures a “a safe and clean environment as a basic right for all, regardless of race or color.”<sup>38</sup> This is compared to Jeremy Bentham’s and John Stuart Mill’s utilitarian praxis; that the greatest happiness derives from the least avoidance of pain, which assumes that when the losses outweigh the benefits, compensation for ecological damage becomes a motivating factor. The Rawlsian view, on the other hand, shows how individuals are placed under a ‘veil of ignorance’, by not knowing their fate. This, therefore, entices them to act honorably and fairly towards others despite their personal interests. But it becomes problematic, especially as the gap between the poor and wealthy is on the increase, further threatening ecological justice. As such, an “ethical system is inadequate if it cannot demonstrate a moral basis for justice.”<sup>39</sup> It is clear that more research needs to be done in this field; some possible work may involve the construction of images,

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<sup>37</sup>See, for example, Troy Hartley, ‘Environmental Justice: An Environmental Civil Rights Value Acceptable to All World Views,’ *Environmental Ethics* 17:3 (Fall 1995): 277-289. See also, Andrew Dobson, *Justice and the Environment* (Oxford: Oxford University Press, 1998).

<sup>38</sup>*Ibid.*, 285.

<sup>39</sup>*Ibid.*, 287.

including nature as a social construct, and how this affects the goals of the movement, as well as studying the philosophical links with the ecofeminist movement.

There is no doubt that as an ethical concept environmental justice has the potential to influence a broad spectrum of political and economic, as well as social structures. Despite this, it faces some major challenges from a society principally espousing a pervading scientific, market-oriented paradigm. This, coupled with the power of the state and business, is used to undermine local autonomy. Reinforcing this overall framework is the mainstream media.<sup>40</sup> The biased methods used to report environmental issues, in a fragmented and isolated manner, is also a problem for ethnic minorities, as well as the poor. Here, the focus on ecological crises does not encompass the failure of society as a whole; instead, issues are framed in a way that perpetuates the notion that disasters emerge from technological or regulatory mishaps, even deviant behaviour. Moreover, the emphasis on individual rather than collective action, tends to misrepresent and divide the broader environmental movement. For activists who are heavily involved in direct action, the media tends to view opponents as either special interests or extremists, undermining ecological values, especially those of the environmental justice movement.

As a movement supported by activists as well as scholars advocating a new paradigm, it has become increasingly clear that ecological problems cannot be isolated from other multi-faceted social justice issues. Despite this, the purpose and tactics of the environmental/social justice alliance are being questioned from both a sociological and political science perspective

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<sup>40</sup>See, for example, Hofrichter, *Toxic Struggles*. There has been very little done on the interplay between the media and the environmental justice movement per se.

suggesting that instrumentality plays a major role in the convergence of social and ecological activism. Most of the literature on environmental justice emphasizes the positive aspects of the movement. However, its unifying project is gradually being challenged since issue framing tends to reinforce the ‘us’ versus ‘them’ dichotomy—struggles are not necessarily defined by ‘the common man against big industry and government; it is society itself that is divided into the culprits and victims.’<sup>41</sup> As one observer eloquently states,

[i]n societies already severely divided on the basis of ethnicity, race, or other sub-group characteristics, reinforcement of fragmentary tendencies may threaten both sociopolitical stability and attempts to create a genuinely pluralistic society. Thus while utilisation of the environmental and social justice frame may enhance mobilisation on both environmental and social justice platforms, the possibility that the synthesis of the two causes may exacerbate existing societal divisions and destabilise the system must also be considered.<sup>42</sup>

While the encompassing moral objectives of environmental justice are ostensibly problematic, potentially enveloping or ignoring divergent voices, the movement has clarified links with human rights advocates, as well as the labour movement addressing occupational health issues—ties that invariably make the call for justice an ethical imperative.

### **Expanding the Policy Network: EA and Sustainable Development—**

In Canada, the concepts of environmental assessment and sustainable development have expanded environmental discourses, providing a forum for public participation in traditionally exclusionary decision-making processes. As seen in chapter one,

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<sup>41</sup>Jane I. Dawson, ‘The Two Faces of Environmental Justice: Lessons from the Eco-Nationalist Phenomenon,’ *Environmental Politics* 9:2 (Summer 2000), 25.

<sup>42</sup>*Ibid.*, 25.

environmentalism sparked a new debate examining the often detrimental relationship between humans and nature. Not only were groups popularly associated with mainstream environmentalism becoming important political forces within the Canadian polity, radical entities too, vied for attention within the environmental movement itself, as well as broader society. It was within this context that environmental activists attempted to open up a traditionally closed policy-making system, one associated with bipartite relations between business and government where ecological concerns were often an offshoot, even an afterthought, to industrial policy. While governments responded with new environmental policies and agencies during the 1970s, this was done without any major changes to policy styles. Despite having greater legislative and bureaucratic authority to deal with environmental matters, the state remained relatively weak due to a lack of resources, knowledge, and political will and industrial interests held the balance of power. In fact, the government-industry axis remained intact since environmental organizations were not able to penetrate inner decision-making circles due to their lack of institutionalization—they did not have political and legal clout or proper organizational and financial resources to influence the status quo—relegating environmental interests to the periphery of the policy network.<sup>43</sup> Devoid of a pluralist model, where private interest groups could lobby independently, appropriate governmental agencies indirectly represented environmental concerns in a closed system.

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<sup>43</sup>Wilson, 'Green Lobbies', 110; and George Hoberg, 'Environmental Policy: Alternative Styles,' in *Governing Canada: Institutions and Public Policy*, ed. M. Atkinson (Toronto: Harcourt Brace Jovanovich Canada Inc., 1993), 314. See also, Thomas Conway, 'Sustainable Development and the Challenges Facing Canadian Environmental Groups in the 1990s,' in *Democracy with Justice: Essays in Honour of Khayyam Zev Paltiel*, eds. A.-G. Gagnon and A. B. Tanguay (Ottawa: Carleton University Press, 1992): 276-288.



The quest for inclusion in decision-making became an integral part of environmentalism; the right-to-know and participate in decisions that affect the public could only strengthen the democratic process. Setting standards for consultation regarding a wide range of issues, environmentalists not only focused on environmental issues, but demanded

the extension of democratic principles and practice into economic decision making — the profoundly anti-democratic element within western liberal democracies — which includes both the general operation of the economy and specific private investment decisions with evident public implications. Moreover, they have begun to combine a questioning of how decisions are made, and who makes them, with a questioning of the taken-for-granted world. Already citizen pressure has forced an expansion of conventional assumptions about the natural world so that it now increasingly includes not only resources for human management and use, but also a primordial nature with which we tamper at our peril.<sup>44</sup>

The call for citizen participation must be placed within the context of a society increasingly being displaced by rapid technological transformations following World War II. The threat of nuclear war, along with the expanding military-industrial complex, as well as the rise of the automobile and urban sprawl, were increasingly being questioned for their effects on ecosystems. This, coupled with the failure of governments and corporations to integrate the environmental concerns of the public into decision-making fueled demands for inclusivity. Rejecting the notion that some decisions are, on one end of the spectrum purely political, and on the other, too technical or scientific to warrant public review,<sup>45</sup> environmental activists also questioned the accepted belief that the public interest, considered a single, or homogenous

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<sup>44</sup>Frank J. Tester, 'Reflections on Tin Wis: Environmentalism and the Evolution of Citizen Participation in Canada,' in *Alternatives* 19:1 (1992), 35.

<sup>45</sup>E. Paul Emond, 'Accountability and the Environmental Decision-Making Process: Some Suggestions for Reform,' in *Environmental Rights in Canada*, ed. John Swaigen (Toronto: Butterworths, 1981), 406.

entity, could be objectively defined and enforced by bureaucrats and experts.<sup>46</sup> The palpable discontentment experienced by a growing number of people actively demanding inclusion in a monopolized political domain<sup>47</sup> forced governments to introduce participation mechanisms in policy-making processes, which some argue was also done to control growing social activism.<sup>48</sup>

The advent of meaningful public participation is considered to be the apex of democracy, invoking full citizenship rights. Here, the redistribution of power to those traditionally excluded is seen as a way to “induce significant social reform which enables them to share in the benefits of the affluent society.”<sup>49</sup> The idea that public involvement is based on an evolutionary process of social and political change ultimately leading to egalitarianism, and by extension greater awareness, is seen as a mechanism for the reassertion of citizen power; a “systems transforming device that is regarded as revolutionary and potentially subversive

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<sup>46</sup>Richard Andrews, ‘Class Politics or Democratic Reform: Environmentalism and American Political Institutions,’ *Natural Resources Journal* 20 (1980), 228; Robert Paehlke, ‘Democracy, Bureaucracy, and Environmentalism’, 295; and Samuel P. Hays, ‘From Conservation to Environment: Environmental Politics in the United States Since World War Two,’ *Environmental Review*, 6 (Fall 1982), 16-17. See also, R. Paehlke, ‘Democracy and Environmentalism: Opening a Door to the Administrative State,’ in *Managing Leviathan: Environmental Politics and the Administrative State*, eds. R. Paehlke and D. Torgerson (Peterborough: Broadview Press, 1990), 38-39.

<sup>47</sup>Tester, ‘Reflections on Tin Wis’, 38.

<sup>48</sup>See, for example, René Parenteau, *Public Participation in Environmental Decision Making* (Ottawa: Federal Environmental Assessment Review Office, 1988), 63.

<sup>49</sup>Sherry R. Arnstein, ‘A Ladder of Citizen Participation,’ in *American Institute of Planners* (July 1969), 216. Arnstein developed a typology explaining the different levels of participation from manipulation, or non-participation, to citizen control encompassing varying degrees of citizen power.

by the elite.”<sup>50</sup> Questioning the existing distribution of power and wealth, proponents of inclusivity suggest that participation is both an educative and expressive component fostering cooperation between public and private interests, but also an ideal that does not identify individuals solely as consumers.<sup>51</sup> Believed to improve political culture,

in a pluralistic-elitist-equilibrium-democratic political system, public (involvement) is part of the ‘market’ process whereby political goods are supplied by candidates for elective office and demanded by constituents... Secondly, and still within the prevailing equilibrium democratic model, public involvement may help either to resolve conflicts or to make difficult political decisions more acceptable by pointing out the conflicting public views about complex issues. Thirdly, if one preferred a more participatory framework for decision-making... the participation process (is) part of ongoing personal and community development (and) a means for bringing about a more participatory democracy. Fourthly, to those who wish to abstain from the political-philosophical controversy but who wish to base policy decisions on better information, public (involvement) is one technique for improved planning.<sup>52</sup>

As environmentalism became institutionalized within academia and political life during the 1970s, critiques about ecological issues expanded to include ethical, social, political,

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<sup>50</sup>W. R. Derrick Sewell and Timothy O’Riordan, ‘The Culture of Participation in Environmental Decisionmaking,’ *Natural Resources Journal* 16:1 (January 1976), 16. See also, Jerry Delli Priscoli and Peter Homenuck, ‘Consulting the Publics,’ in *Integrated Approaches to Resource Planning and Management*, ed. R. Lang (Calgary: University of Calgary Press, 1986), 69-70.

<sup>51</sup>Robert Gibson, ‘The Value of Participation,’ in *Environmental Management and Public Participation*, ed. P. S. Elder (Toronto: CERLF), 31.

<sup>52</sup>A. P. Grima, ‘Participatory Rites: Integrating Public Involvement in Environmental Impact Assessment,’ in *Environmental Impact Assessment: The Canadian Experience*, eds. J.B.R. Whitney and V.W. MacLaren (Toronto: Institute for Environmental Studies, 1985), 36.

economic and cultural interpretations, gradually moving away from strictly scientific/technological analyses.<sup>53</sup>

The introduction of environmental assessment in policy-making processes relating to ecological issues, at least in theory, was designed to further cement citizen involvement. The first and probably the most comprehensive environmental assessment (EA) to date, was done through the auspices of the Berger Inquiry. Mandated in 1974 to study the impacts of a proposed oil and gas pipeline from the Beaufort Sea through the Mackenzie River Valley in western Canada, the inquiry established precedent-setting guidelines for development impact assessment whereby a proposed project had to take into account not only environmental, but also socio-cultural perspectives. Other proposals called for greater public participation in decision-making by promoting intervenor funding, use of different types of regulatory hearings, use of media for diffusion of information, and validating personal experience and concerns by giving them equal consideration to scientific and technical information.<sup>54</sup>

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<sup>53</sup>Donald Chant, 'A Decade of Environmental Concern: Retrospect and Prospect,' *Alternatives* 10:1 (Spring/Summer 1981), 4.

<sup>54</sup>L. Graham Smith, *Impact Assessment and Sustainable Resource Management* (New York: Longman Scientific & Technical, 1993), 108-109. Most importantly though, Berger provided a forum for Aboriginal peoples to demystify life in the north as being solely based on resource extraction. The inquiry offered Canadians "a glimpse of the 'land ethic' of [their] peoples, and by doing so helped further develop their own." Macdonald, *The Politics of Pollution: Why Canadians are Failing their Environment* (Toronto: McClelland & Stewart Inc., 1991), 109. In his report, Berger concluded that there should be a ten-year moratorium on the pipeline project which was eventually shelved for economic reasons—although renewed interest in a similar project has been expressed recently by corporate proponents and some Aboriginal peoples. See, Thomas Berger, *Northern Frontier, Northern Homeland* (Ottawa: DIAND, 1977).

Within this progressive framework, democratic values are enhanced since EA gives the public a voice in decision-making. Environmental assessment seeks to integrate scientific and social understandings regarding decisions potentially affecting the natural environment. EA is broadly defined as being an auditing instrument used in the first levels of planning to measure the impacts of projects or policies on ecosystems; an instrument used to make informed decisions simultaneously attempting to mitigate negative environmental damage. It is essentially considered a “democratic planning tool, [that] presents citizens with economic alternatives to the project. It also estimates costs and benefits. By its nature, an EA is both an evolving science and a predictive art.”<sup>55</sup> Because environmental assessment is based on measuring the costs and benefits of a project it is essentially an “outgrowth of economic decision-making theory.”<sup>56</sup> Even though EA entails a detailed analysis of environmental considerations, it is structurally based to take into account the merits of a project measured against its economic viability. Indeed, the inherent development paradigm informing EA arguably serves the ‘scientific economic model’ as project approval largely derives from scientific information which requires that “environmental costs be quantified and that development decisions be made on a rational objective basis.”<sup>57</sup> While in theory, environmental assessment calls for a holistic approach to development, in practice it tends to

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<sup>55</sup>Andrew Nikiforuk, *The Nasty Game: The Failure of Environmental Assessment in Canada* (Toronto: Walter & Duncan Gordon Foundation, 1997), 2.

<sup>56</sup>Steven Penney, ‘Assessing CEAA: Environmental Assessment Theory and the *Canadian Environmental Assessment Act*,’ *Journal of Environmental Law and Practice* 4 (1994), 250.

<sup>57</sup>*Ibid.*, 248.

ignore socio-cultural values attached to ecosystems.<sup>58</sup> Despite this, EA has provided an avenue for citizens to present their concerns over projects which have traditionally not been subject to public scrutiny—decisions historically made behind closed doors between governmental and private proponents.

Another concept theoretically enhancing citizen participation in environmental decision-making is sustainable development. It emerged at a time when the existing policy bipartite bargaining process was being challenged as impasses between actors were consistently impeding cooperation effectively addressing environmental problems. Here, the notion that the state “could adequately represent environmental interests now appeared to be a cloak concealing a system dominated by business interests.”<sup>59</sup> Representation then, had become an important issue by the 1980s, fueling debates over appropriate policy styles which led to the practice of multistakeholder consultations—sustainable development being the principal policy objective intended to accommodate a broad range of interests previously excluded from the policy community.<sup>60</sup>

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<sup>58</sup>There is a growing body of studies investigating the failure of environmental assessment in relation to Aboriginal peoples. See, for example, Susan Wismer, ‘The Nasty Game: How Environmental Assessment is Failing Aboriginal Communities in Canada’s North,’ *Alternatives* 22:4 (October/November 1996): 10-17; and Neil Burnham, ‘Environmental Assessment on the Canadian Frontier: Resource Decision-Making at Great Whale, Québec and Voisey’s Bay, Labrador’ (M.A. diss., Trent University, 2000).

<sup>59</sup>Hoberg, ‘Environmental Policy’, 316.

<sup>60</sup>*Ibid.*, 317. Hoberg notes that the multistakeholder process was first introduced as a policy style at the federal level by the mediation/negotiation firm, the Niagara Institute. In 1984, it brought together government, business, environmentalists, and labour to develop a new environmental policy process that largely remains in place today.

Sustainable development, evolving from the notion of eco-development, was popularized in *Our Common Future* published in 1987 by the World Commission on Environment and Development (WCED).<sup>61</sup> The Brundtland Commission attempted to reconcile economic development and protection of the environment without questioning the present rate of resource consumption or attempting to limit economic growth. The idea and practice of sustainable development considers technology to be the ultimate panacea to environmental problems as it entails society to 'make more with less'.<sup>62</sup> As a popular and ambiguous concept, sustainable development was readily adopted by both federal and provincial governments as a convenient tool to formulate environmental policies including environmental assessment legislation.<sup>63</sup>

The ambiguity of the term has appealed to a wide range of interests, and because of this, the concept of sustainable development became a policy objective relatively well accepted within the environmental decision-making network. While it is argued that there is no direct correlation between the emergence of sustainable development as a viable policy tool and the opening up of the bipartite system,<sup>64</sup> the "constructively ambiguous" concept

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<sup>61</sup>Michael Howlett, 'The Round Table Experience: Representation and Legitimacy in Canadian Environmental Policy-Making,' *Queen's Quarterly* 97:4 (Winter 1990), 581.

<sup>62</sup>Michael J. L. Clow, 'Sustainable Development Won't Be Enough,' *Policy Options* (November 1990), 7.

<sup>63</sup>See, for example, Rodney Northey and John Swaigen, 'Environmental Assessment,' in *Environment on Trial: A Guide to Ontario Environmental Law and Policy*, eds. D. Estrin and J. Swaigen (Toronto: Emond Montgomery Publications Ltd., 1993), 187.

<sup>64</sup>Hoberg, 'Environmental Policy', 318.

provided an intellectual rationale or conceptual framework for much of this newfound discourse between old foes”.<sup>65</sup> The aim to reconcile economic growth with ecological sustainability engendered cooperation and communication between traditionally opposed interests. As many environmental groups had become institutionalized, they became a political force that business and government could no longer marginalize, thus the move toward a multistakeholder consultation policy style.<sup>66</sup>

Based on consensus, this type of bargaining was instrumental to the formation of roundtables in response to the Brundtland Report. The creation of the National Task Force on Environment and Economy (NTFEE) and provincial counterparts such as the Ontario Roundtable on the Environment and Economy (ORTEE), were conducive to the analysis and promotion of sustainable development integrating a variety of interests such as labour, environmentalists, business sectors, and academics into the governmental fold. Roundtables, as the primary vehicle for multipartite bargaining, are “expected to give a voice to previously disenfranchised groups and to secure the societal consensus required for the formulation and implementation of integrated, long-term, environmental strategies.”<sup>67</sup> Observers contend however, that structural problems tend to pervade roundtable processes. Fragmented societal actors, manipulations over nomination and selection of roundtable members, lack of

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<sup>65</sup>Glen Toner, quoted in *ibid.*, 318.

<sup>66</sup>See, for example, Conway, ‘Sustainable Development’, 276-288; and E. W. Manning ‘Conservation Strategies: Providing the Vision for Sustainable Development,’ *Alternatives* 16:4/17:1 (1990): 24-29.

<sup>67</sup>Howlett, ‘The Round Table Experience’, 594.



information exchange, as well as the persistent dominance of certain interests during negotiations are obstacles in the wake of achieving common policy goals.<sup>68</sup>

A tool used to consolidate public participation and legitimization of governmental decisions, it is stipulated that the multistakeholder consultation style does not threaten the status quo as much as emerging legalist trends—an approach entailing a new relationship between citizens and governments. Here, the *Canadian Environmental Protection Act* (CEPA) and the *Canadian Environmental Assessment Act* (CEAA), introduced in 1988 and 1993, respectively, along with the *Charter of Rights and Freedoms* have contributed to a new form of environmental legalism in Canada. These statutes have brought about greater rights awareness in Canadian society and have given individuals and groups an opportunity for increased participation in environmental policy-making and protection.<sup>69</sup> As opposed to bipartite and multipartite bargaining, legalism entails a policy process “built on openness, distrust, and the assumption of conflict.”<sup>70</sup> In many ways judicialization has benefitted environmental interests since it has arguably made governments more accountable.

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<sup>68</sup>Jim Bruton and Michael Howlett, ‘Differences of Opinion: Round Tables, Policy Networks, and the Failure of Canadian Environmental Strategy,’ *Alternatives* 19:1 (1992), 32-33. See also, David Bennett, ‘Environmental Policy and the Failure of the Consultation Process,’ *Alternatives* 20:2 (1994): 47-49.

<sup>69</sup>Another example of the intersection between legal challenges and greater environmental participation is Ontario’s *Environmental Bill of Rights* introduced in 1994. Environmental Commissioner of Ontario, *Ontario’s Environmental Bill of Rights and You* (March 2000). See also, Paul Muldoon, ‘The Fight for an Environmental Bill of Rights: Legislating Public Involvement in Environmental Decision Making,’ *Alternatives* 15:2 (1988): 33-39; and Klaus Peter Rippe and Peter Schaber. ‘Democracy and Environmental Decision-Making.’ *Environmental Values* 8:1 (1999): 75-88.

<sup>70</sup>Hoberg, ‘Environmental Policy’, 327.

Furthermore, considered an alternative to negotiation initiatives, legal action has been used by groups as a tactic against industry and governmental inaction in the bargaining process.<sup>71</sup> In contrast, the advent of legalism in Canada has given corporate interests the impetus to challenge legislation favouring ecological protection. It may also shift policy-making responsibility to the judiciary, an appointed rather than elected body. Finally, not all citizens can have equal access to the legal system.<sup>72</sup>

### **Strategic Land Use Allocation and Provincial Park Planning in Ontario—**

Natural resources have been an integral part of Canada's identity, not only cementing its image as a leading exporter of raw materials, but also contributing to nation building experiments. The subsidization of mega-development projects such as hydro-electric dams, large-scale forestry initiatives, mining operations, and the trans-Canada railway system expanded markets while simultaneously attempted to tame and conquer the western and northern frontiers. As industrial development made its mark in the hinterland regions "[f]ew Canadians doubted that the frontier held the promise of potentially rich agricultural land, that it contained vast forests and mountain regions teeming with wildlife, cloaked in valuable

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<sup>71</sup>Ted Schrecker, 'Resisting Environmental Regulation: The Cryptic Pattern of Business-Government Relations,' in *Managing Leviathan: Environmental Politics and the Administrative State*, eds. R. Paehlke and D. Torgerson (Peterborough: Broadview Press, 1990), 182; and Paul Muldoon, 'The Fight for an Environmental Bill of Rights,' *Alternatives* 15:2 (1998), 35-36. See also, Kernaghan Webb, 'Between the Rocks and Hard Places: Bureaucrats, the Law and Pollution Control,' *Alternatives* 14:2 (May/June 1987): 11.

<sup>72</sup>Ted Schrecker, 'Of Invisible Beasts and the Public Interest,' in *Canadian Environmental Policy: Ecosystems, Politics, and Processes*, ed. R. Boardman (Toronto: Oxford University Press, 1992), 104-105.

timber stands, and concealing untapped mineral resources. The very presence of such frontier instilled in Canadians, and in Canadian politicians, the belief in a great national destiny based on the riches of natural resources.”<sup>73</sup> General assumptions that resources are abundant have become less pronounced as awareness about the negative ecological and economic impacts of unfettered development is increasingly challenging traditional land use practices. Like in other parts of Canada, debates surrounding the allocation and management of natural resources have defined environmental politics in the province.<sup>74</sup> A brief account of the Strategic Land Use Planning (SLUP) process demonstrates that the Lands for Life initiative was not formulated in a vacuum, but is firmly rooted in actions taken almost thirty years ago.

Attention brought to ecological disasters stemming from resource extraction, urban sprawl creeping into sensitive green spaces, increased air, soil, and water contamination, and more recreational activities forced the Progressive Conservative government under Premier Bill Davis into action. Issues such as the mercury poisoning of the English-Wabigoon waterway adversely affecting the Aboriginal communities of Grassy Narrows and Whitedog,

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<sup>73</sup>Janet Foster, *Working for Wildlife: The Beginning of Preservation in Canada*, 2<sup>nd</sup> Edition (Toronto: University of Toronto Press, 1998), 6. Foster quotes Lord Dufferin who eloquently reflected widely held nationalist sentiments declaring that the Dominion of Canada is not a “mere settler along the banks of a single river, but the owner of half a continent – in the magnitude of her possessions, in the wealth of her resources, in the sinews of her nation might – the peer of any power on earth.”

<sup>74</sup>Land use debates are not recent occurrences, but have been ongoing throughout Ontario’s history. For an environmental history account of the province, see H. V. Nelles, *The Politics of Development: Forests, Mines & Hydro-Electric Power in Ontario, 1849-1914* (Toronto: Macmillan Company of Canada, Ltd., 1974); and Richard S. Lambert and A. Paul Pross, *Renewing Nature’s Wealth: A Centennial History of the Public Management of Lands, Forests & Wildlife in Ontario, 1963-1967* (Toronto: Hunter Rose Company, 1967).

as well as the displacement of wildlife resulting from excessive logging and mining operations in areas such as Algonquin, Quetico, and Killarney were heralded by activists as examples of corporate and governmental irresponsibility. Focus on the negative aspects of resource consumption compelled the government to address looming shortage crises and increased tensions among competing land users.<sup>75</sup> More specifically, so-called 'stakeholders' called for a policy which would accommodate multiple uses on Crown lands while minimizing user conflicts and maximizing economic and recreational benefits.<sup>76</sup> Finally in 1972, the Ministry of Natural Resources, the lead agency responsible for resource allocation, introduced the Strategic Land Use Planning program, an exercise mandated to address comprehensively land use allocation, which until then, had been done in an ad hoc and disjointed manner. A more systematic approach, it was believed, would not only improve incoherent policy formulation and implementation, but would facilitate planning to meet the growing demands of an economy based on the export of natural resources.<sup>77</sup>

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<sup>75</sup>See Arlin Hackman, 'Shaping the Future of Ontario Parks: The Protagonists,' and 'Forum' *Seasons* (Summer 1982), 28-33, for an outline of the interests involved. Some voices included the Ontario Forest Industries Association, the Prospectors and Developers Association, the Ontario Federation of Anglers and Hunters, and the Northern Ontario Tourist Outfitters.

<sup>76</sup>A concept attempting to bridge economic and intrinsic interpretations of the land, multiple use was formally integrated into the SLUP process. As divergent interests began asserting claims to Crown land, including calls for preservation from a burgeoning environmental movement, accommodation through the form of multiple use theoretically reconciled fundamentally opposing land uses. Consecutive and even concurrent uses were promoted by actors such the forest and mining industries for whom multiple use ensures access to natural resources in an increasing volatile market while allowing for recreational and protection interests to pursue their activities.

<sup>77</sup>The MNR also introduced the short-lived Design for Development economic initiative during this time.

An extensive land use planning project encompassing a twenty-year objective, SLUP covered 87 percent, or approximately 1 million km<sup>2</sup>, of Ontario's Crown lands. Originally intended to take five years to complete, the program was extended several times until 1981 when it finally became a policy priority for the MNR.<sup>78</sup> After almost a decade of slow progress, primarily due to its magnitude and a lack of clear direction from senior bureaucrats,<sup>79</sup> the process was set on the fast track by the new MNR Minister, Alan Pope. Credited with providing new incentives to complete the program, he imposed strict deadlines aiming to complete the SLUP exercise in the space of two years. Under Pope, the Ministry's main goal was to integrate parks and protected areas planning with land use

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<sup>78</sup>The initiative involved three phases—preparation of background information to generate public discussion, public review and revision of proposed policy, and formulation of Strategic Land Use and District Land Use plans. See John Marsh, 'Carving up the Wilderness: Strategic Land Use Planning in Northern Ontario,' *Alternatives* 9:4 (Winter 1981), 20.

<sup>79</sup>The MNR took on a complex project, unprecedented in any provincial jurisdiction. Done on an ad hoc basis, planning became contingent upon the availability of expertise in long term land use planning, as well as the development of policies dealing with provincial parks, mineral aggregates, fisheries, and wildlife management. Moreover, the pressure to integrate public consultation throughout SLUP, and the need to manage resource conflicts in an increasingly decentralizing bureaucracy contributed to enormous delays. See Gerald Killan, *Protected Places: A History of Ontario's Provincial Park System* (Toronto: Dundurn Press Ltd., 1993), 326.

allocation strategies.<sup>80</sup> The release of the *Report of the Task Force on Parks System Planning*, also known as the Monzon Report, in March 1982 provided additional leverage for action. An inventory of the provincial park system, the report analyzed the status of both established and proposed parks in accordance with the 1978 parks policy, and identified potential user conflicts associated with the implementation of candidate parks. Having denoted 245 protected areas for consideration, the document became a vehicle for discussion, albeit a controversial one.<sup>81</sup> The ensuing debate was waged through education and lobbying

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<sup>80</sup>The current configuration of the provincial park system dates back to the *Provincial Parks Act* of 1954, although the first piece of legislation alluding to land conservation was first enacted in 1913 entrusting the provincial government to create parks from land deemed economically unviable. The 1954 Act consolidated the administration of parks under the Parks Branch of the Department of Lands and Forests, the MNR's predecessor. This new legislation also gave the impetus for the bureaucracy to integrate park planning which by 1959 was referred to as a system. The formalization of language and intent to protect green spaces led to a classification system implemented in 1967 and a comprehensive park policy in 1978. See Kevin McNamee, 'Preserving Ontario's Natural Legacy,' in *Environment on Trial: A Guide to Ontario Environmental Law and Policy*, eds. D. Estrin and J. Swaigen (Toronto: Emond Montgomery Publications Ltd., 1993), 280-292; and George Priddle, 'The Ontario Park System: Policy and Planning,' in *Parks and Protected Areas in Canada: Planning and Management*, eds. P. Dearden and R. Rollins (Toronto: Oxford University Press, 1993): 97-110.

<sup>81</sup>It became clear that the Monzon Report and its related announcements were products of a highly volatile era in natural resource politics forcing the government to appease divergent interests. While the Progressive Conservatives were publicly committed to protect more Crown land, Alan Pope introduced policies considered a potential setback to environmental protection. Prior to being regulated under the *Provincial Parks Act*, resource use within candidate protected areas would be subject to provisional guidelines ensuring the continuation of extractive and recreational activities, such as mining and tourism. Moreover, Minister Pope announced that the *Ontario Provincial Park Planning and Management Policies*, or the Blue Book, would be subject to public review, providing the opportunity for more industrial and recreational use within both new and existing parks.

campaigns by various interests, invariably delineating the different positions vis à vis resource management in the province.

Recognizing that they had to “play by Pope’s rules, or we don’t play at all”,<sup>82</sup> environmental activists were set to begin an extensive public awareness campaign throughout the consultation process. The creation of public support for protected areas became an important turning point for the environmental movement in Ontario. Taking the Minister’s word that “the additional weight of public support will ensure that parks considerations receive their full due”,<sup>83</sup> environmental groups organized themselves in a loose coalition divvying up responsibilities to proceed efficiently and effectively in the little time allocated for public participation. As will be demonstrated with the Lands for Life analysis, the same environmental actors played a major role in the SLUP process including the World Wildlife Fund, the Federation of Ontario Naturalists, the Wildlands League, and the Sierra Club. Working at the regional level to mirror the MNR’s administrative districts, the groups worked closely with local contacts to generate grassroots support; park advocates urged the public to attend open houses; wrote briefs; circulated petitions; organized letter writing, telephone, and media campaigns; and solicited funding to sustain action and employ staff in a mostly volunteer-run endeavour. Activated by a sense of urgency, the race to mobilize citizen involvement was not only based on meeting imposed deadlines, but to offset the lobbying and media campaigns conducted by both the MNR and industrial interests, entities with large

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<sup>82</sup>Ron Reid, ‘Wilderness Waltz,’ in *Seasons* (Summer 1982), 23.

<sup>83</sup>Alan Pope, ‘Forum: Expansion proposed for Ontario’s provincial parks,’ in *Seasons* (Summer 1982), 46.

financial resources. It became evident throughout the review process, which generated approximately 10,000 written submissions, that public involvement could not be ignored.

As tensions flared, however, the SLUP process was in danger of falling apart. In response to the impasse, Minister Pope organized a two-day closed-door session in January 1983 with twenty-seven stakeholder groups in a last ditch attempt to negotiate an agreement. A relatively informal gathering, it sought to integrate demands from a range of interests including mining and forestry companies, hunters and anglers, recreationists, conservationists, and environmentalists. Strong opposition to the designation of more protected spaces and permitted uses in parks was a major obstacle to finding common ground among divergent interests. While unwilling to condone logging in provincial parks, environmentalists ended up making 'substantial concessions' in what was heralded as a bold move to advance discussions.<sup>84</sup> Ready to compromise on non-conforming activities in Wilderness parks, they conceded to allow 'controlled' prospecting activities with the proviso that if a commercially viable mineral deposit was found on a site it would be swapped with land having similar ecological features. Sport hunting, as well as trapping and hunting by Aboriginal peoples would be determined according to a case-by-case basis, and commercial tourism would also be allowed to continue, but without expansions to existing operations.<sup>85</sup> While no settlement was reached in the end, the meeting did influence the MNR's final allocation plans.

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<sup>84</sup>Arlin Hackman, 'Ontario's Park System Comes of Age,' in *Endangered Spaces: The Future for Canada's Wilderness*, ed. M. Hummel (Toronto: Key Porter Books, 1989), 177.

<sup>85</sup>Killan, *Protected Places*, 350.



The long awaited response from the MNR finally came in June 1983. Playing down the SLUP program as government policy, the proposed strategy was instead emphasized as allocation guidelines.<sup>86</sup> Facing opposition from within Cabinet—especially representatives from northern constituencies worried about the socio-economic impact of reducing tenure rights to industry—the government had pared down the list from 245 candidate areas to 155 parks, protecting an estimated 1.2 million hectares from industrial development. This however, was tempered by excluding protectionist measures as defined by existing provincial policy, sanctioning hunting, mining, commercial tourism, and trapping in parks where such uses had been previously banned. Stating that this new land use strategy was supported by environmentalists, the announcement did not make a major impact on the media, mainly because “the range of permitted uses in the new parks reflected the manner in which Crown land was already being used.”<sup>87</sup> This enraged environmental groups labeling the MNR’s actions ‘misleading and dishonest’, fueling another public debate on the merits of hunting rights and other activities preventing the protection of ecological integrity.<sup>88</sup> Considered as another turning point for the environmental movement, the resolve to change government policy directions would be done by lobbying park supporters at the local level where

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<sup>86</sup>Ministry of Natural Resources, ‘Natural Resources Minister Announces Resource Land Use Guidelines,’ news release, 2 June 1983, 1; and Hackman, ‘Ontario’s Park System’, 177.

<sup>87</sup>Killan, *Protected Places*, 353.

<sup>88</sup>See Federation of Ontario Naturalists, ‘A Submission to the Ministry of Natural Resources Regarding the Announcement of New Parks and Land Use Guidelines’, July 1983, 1-10.

management plans were being reviewed and approved, further establishing its roots across Ontario.<sup>89</sup>

Throughout the 1980s, environmental groups fought against non-conforming park uses, a campaign that came to fruition with the advent of sustained lobbying and information campaigns conducted throughout the final days of the Tory reign and well into the new Liberal administration. In 1988, MNR Minister Vincent Kerrio announced that his government was willing to favour ecological protection, reversing his predecessor's pro-development approach to provincial park management. He also promised to regulate the last remaining provincial parks designated under Pope. Although more emphasis on protection was arguably also on the NDP's agenda, resource conflicts between productive and ecological interests defined environmental politics during the late 1980s and early 1990s—the blockades and protests in Temagami over the logging old-growth forests being the most prominent battle in the woods. For some, the SLUP process was largely perceived by MNR managers and industry as a major concession to ecological interests, thus it was a rare chance for environmentalists to participate in comprehensive land use planning despite making incremental gains throughout the past twenty years; an opportunity that would not come along until 1997 with the start of Lands for Life.

Having laid down the conceptual framework through a review of the literature pertaining to environmental justice, as well as an outline of the contribution of environmental assessment and sustainable development to public participation mechanisms provides the

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<sup>89</sup>MacNamee, 'Preserving Ontario's Natural Legacy', 292-294; and Killan, *Protected Places*, 354.

necessary insight to analyze the role of citizen involvement in the Lands for Life and Ontario Living Legacy process. The brief overview of Ontario's Strategic Land Use Planning process shows that despite the implementation of a comprehensive strategy intended to formalize the concept multiple use, conflicts among users endured. As will be shown in chapter three, new political and economic realities in Ontario only served to exacerbate tensions on Crown lands.

## CHAPTER THREE

### Changing Political Realities in Ontario

Debates over land use planning are commonplace throughout Canada. In Ontario, the issue has become increasingly pertinent since the introduction of the Lands for Life initiative. Prior to an analysis of the intersections between environmental justice and provincial land use policy-making, it is important to describe and assess the current political climate in the province. This chapter outlines the rise of neo-liberalism and its subsequent impacts on environmental and natural resource management. Land use planning during the late 1990s is best understood within the parameters of the recent drive toward deregulation, defunding, and privatization of environmental institutions, as well as the devolution of responsibilities to non-governmental organizations. Within this context, changing political and economic perspectives have determined how questions pertaining to ecological protection were framed during the Lands for Life and Living Legacy consultation processes.

In 1995, a new government elected under the banner of the *Common Sense Revolution* came to power. The Progressive Conservatives led by Mike Harris proposed a new project, radically altering the ways of managing government. More emphasis on the privatization of public services, tax cuts, deficit and debt elimination, increased reliance on market-based solutions, and promises of less bureaucratic hindrance, have all characterized the *Common Sense Revolution's* principal goal—less government. The restructuring process has effectively relegated environmental issues to the bottom of the political agenda; deregulation, voluntary initiatives for industry, reduced budgets and staff at the Ministry of

Natural Resources and the Ministry of Environment have had major consequences for ecological protection in Ontario.<sup>1</sup> Described as having a genuine lack of interest in environmental issues,<sup>2</sup> the Harris administration has taken a blitzkrieg approach to deregulating and privatizing environmental laws originally considered as some of the most progressive in the world. Critics contend that the unprecedented pace of the changes implemented since 1995 have posed a challenge to progress made by the environmental movement over the past thirty years, mainly in the legislative and legal fields. Consequently, they have threatened the rule of law, and the concept of responsible government, as well as the democratic process in Ontario.<sup>3</sup>

The basis for the *Common Sense Revolution*, and later the *Blueprint Plan*—the electoral platform which gave the Progressive Conservatives another mandate in 1999—can be traced to neo-conservative and neo-liberal ideals which became politically viable during the 1970s and early 1980s, most popularly adopted by the Thatcher government in the United

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<sup>1</sup>In May 2000, the Commission for Environmental Co-operation—established under the North American Free Trade Agreement—released its annual report revealing that Ontario is the third largest polluter in North America by 1997 standards. Environmentalists believe that the province needs to enforce and implement stricter regulations to reduce emissions and prevent the production of chemical and hazardous waste. San Grewal, 'Ontario 3<sup>rd</sup> worst polluter on continent,' *Toronto Star*, 31 May 2000, A2.

<sup>2</sup>Anita Krajnc, 'Wither Ontario's Environment? Neo-Conservatism and the Decline of the Environment Ministry,' in *Canadian Public Policy* 26:1 (Winter 2000), 114.

<sup>3</sup>Mark Winfield and Paul Muldoon, *Democracy and Accountability* (April 1999), 4. This paper was submitted as part of the Environmental Agenda for Ontario, a project jointly commissioned by the Canadian Institute for Environmental Law and Policy (CIELAP) and the Ontario Environment Network (OEN) presenting an environmental vision for the province prior to the 1999 election.

Kingdom and the Reagan administration in the United States. Moral conservatism emphasizing individual responsibility and family values, blended with monetarist critiques of welfare policies have permeated Ontario politics. In fact, evidence suggests that the *Common Sense Revolution* was formulated with the input of American political advisers partial to the values of the New Right.<sup>4</sup>

The endorsement of the provincial government's platform, specifically the *Common Sense Revolution*, is partly attributed to the changing political culture in the province resulting from a rapidly integrating global economy. The push for a new political and social agenda was ripe as Ontarians had experienced many transforming events during the decade prior to 1995. Here, constitutional dilemmas, the ongoing decentralization of the Canadian federation, high unemployment rates and social dislocation due to the worst recession since the Great Depression, as well as the move towards a knowledge-based economy resulting from continental and global integration,<sup>5</sup> contributed to the emergence of a new political reality in Ontario. The perception that "government isn't working", that "the system is broken",<sup>6</sup> has tapped into the cynicism and distrust of the electorate which developed during previous administrations under the Liberals and the New Democratic Party. A clear-cut plan aiming to reduce the role of government, and approaching "political issues using the language of

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<sup>4</sup>Peter Woolstencroft, 'More Than a Guard Change: Politics in the New Ontario,' in *Essays on Governing Ontario: Revolution at Queen's Park*, ed. Sid Noel (Toronto: James Lorimer & Company, 1997), 45.

<sup>5</sup>Sid Noel, ed., 'Ontario's Tory Revolution in *Essays on Governing Ontario: Revolution at Queen's Park* (Toronto: James Lorimer & Company, 1997), 11-12.

<sup>6</sup>These are part of the opening statement in the *Common Sense Revolution*. See Woolstencroft, 'More Than a Guard Change', 44.

individualism and market-based economics and opposing the political styles of post-World War II Canada”,<sup>7</sup> became the antidote to confusing and challenging times.

### **Ontario and the International Economy—**

In efforts to compete effectively in the international arena within the context of an increasingly integrating world economy, Canada’s political and social landscape has undergone many changes over the past fifteen years. More and more, the viability of the nation-state as a source of economic, technological, and political innovation is being questioned, even to the point of declaring its futility. Whether one subscribes to the globalization thesis and its different variants or not,<sup>8</sup> there is no doubt that traditional views of the nation-state as regulator and (re)distributor of wealth are quickly eroding in the face of increased adherence to market-based solutions used to address political, economic, social, and environmental problems. The post-war consensus, namely that states could ably manage national economies and, by extension, the international economy, has given way to the notion that global markets are ungovernable; a shift which can ultimately be attributed to the collapse of Keynesian ideals as well as “the failure of monetarism to provide an alternative route to broad-based prosperity and stable growth.”<sup>9</sup>

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<sup>7</sup>*Ibid.*, 44-45.

<sup>8</sup>See for example, Gordon Laxer, ‘Social Solidarity, Democracy and Global Capitalism,’ *Canadian Review of Sociology and Anthropology* 32:3 (1995): 287-313; and David Held and Anthony McGrew, ‘Globalization and the Liberal Democratic State,’ *Government and Opposition* 28:2 (Spring 1993): 261-285.

<sup>9</sup>Paul Hirst and Grahame Thompson, *Globalization in Question: The International Economy and the Possibilities of Governance* (Cambridge: Polity Press, 1996), 6.

The ascendancy of market-based reforms applied to many aspects of policy formulation have transformed how Canadians perceive their political system. Competitiveness, comparative advantage, efficiency, maximal production, and restructuring are realities that are now largely ingrained in the Canadian consciousness. Moreover, widespread concerns over debt and deficit accumulation have been accompanied by demands calling for less government involvement in many areas of ‘traditional’ public policy, including in environmental and land-use portfolios. This approach to governance is widely believed to be dictated by an ‘invisible hand’, whereby the demands of a global economy are perceived to be a priority for many governments and business advocates.

As substantial economic restructuring is occurring across the country, the drive to transform Canada’s economy to one predominantly based on knowledge/information technologies is overshadowed by a reliance on the exploitation of natural resources. Here, the staples theory, formulated by Harold Innis during the 1930s, continues to inform Canadian political economy. Although it has been expanded and revised by different schools of thought, the thesis purports that the exploitation and manufacturing of primary sector commodities has propelled the country’s dependency on trade exports and as such, has defined its image in international affairs. Attempting to shake off the portrayal that it is essentially at the mercy of fluctuating commodity prices, as well as foreign capital, the federal government maintains that Canada’s dependence on natural resource products is on the wane—only 36 percent of the goods exported derive from the primary sector.<sup>10</sup> This statistic however, is particularly relevant for central Canada—Ontario and parts of Québec—where approximately 10 percent

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<sup>10</sup>Naomi Klein, ‘The Real APEC Scandal,’ *Saturday Night*, February 1999, 47–48.



of Ontario's exports derive from natural resources. In other regions, primary sector products, which include those from the agricultural industry, continue to comprise 80 percent of total exports.<sup>11</sup>

While Ontario may fare better than the rest of the country in terms of exporting manufactured goods, the recently formulated Lands for Life land use plan oversaw the allocation of a significant amount of natural resources in the province. It is essential then to consider the position of the sub-state in the international economy. As economic power is increasingly shifting upward to quasi-supranational structures and institutions, as evidenced in the World Trade Organization (WTO), the European Union (EU) and the North American Free Trade Agreement (NAFTA) arrangements, as well as to transnational organizations and multinational corporations, a downward, decentralizing, trend can also be discerned. The emphasis on the specialization of regional economies, increasingly organized to meet global demands, has propelled regions/provinces, and even cities, to transform themselves into significant centers or nodes of international competition. Consequently, it is believed that the "policies of sub-national governments will be geared more to the challenges emanating from the international sector than to the dictates of their national economies."<sup>12</sup> As Canadian trade patterns are no longer necessarily defined by domestic east-west routes, but by intercontinental north-south ones, decentralization and devolution, with an emphasis on

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<sup>11</sup>*Ibid.*, 48.

<sup>12</sup>Thomas J. Courchene, 'Glocalization: The Regional/International Interface,' in *Canadian Journal of Regional Science* 18:1 (Spring 1995), 3. In 'De-Centring the State: Political Theory and Canadian Political Economy,' in *Studies in Political Economy* 26 (Summer 1988): 37-71, Warren Magnusson and Rob Walker make the link between increasing provincial powers and neo-conservatism.

harmonization, have characterized many national policies, including environmental ones. This development, therefore, has instigated a “resurgence of attention to subnational economic units as substitutes for nation-level regulation”.<sup>13</sup>

As Canada’s economic powerhouse, Ontario is transforming itself into an important region-state whereby the focus on a national economic structure is gradually shifting to a ‘regional-international interface’. Its position within an increasingly decentralizing federation allows it to explore the interplay between region and international economy. Consequently, Ontario not only “has the economic/industrial power and the cross-border economic hinterland, but it also has a degree of political/administrative power”.<sup>14</sup> While the adjustment to a new global reality has given more flexibility to sub-states, the incursion of additional political leverage, however, does not necessarily guarantee the empowerment of its citizens. Often argued that globalization enhances ‘citizen power’ and ‘consumer sovereignty’ whereby they can “access, send, and otherwise manipulate information in ways and quantities that were undreamed of a few short years ago and in ways that governments of all stripes are powerless

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<sup>13</sup>Jane Jenson, ‘Mapping, Naming, and Remembering: Globalization at the End of the Twentieth Century’, in *Integration and Fragmentation: The Paradox of the Late Twentieth Century*, eds. Guy Laforest and Douglas Brown (Kingston: Institute of Intergovernmental Affairs, 1994), 35.

<sup>14</sup>Thomas J. Courchene and Colin R. Telmer, *From Heartland to North American Region State: The Social, Fiscal and Federal Evolution of Ontario* (Toronto: Centre for Public Management, 1998), 276. The authors argue that Ontario’s position within the Canadian federation has changed over the past 30 years from heartland region to an important economic region-state greatly influencing the country’s social and political infrastructure.

to prevent”<sup>15</sup> the Harris government’s restructuring agenda, and more specifically, the Lands for Life initiative, point to a different reality.

### **Restructuring the Environmental and Natural Resources Bureaucracy**

As both the *Common Sense Revolution* and the *Blueprint Plan* set out to reduce public spending, the Progressive Conservatives have responded to global pressures. Like other social portfolios such as health, welfare, and education, the government has centered its energy on diminishing the importance of the environmental dossier, an area which already did not occupy a prominent status within the provincial bureaucratic structure.

Budgetary reductions at both the Ministry of Environment (MoE) and the Ministry of Natural Resources (MNR) over the past five years provide some insight as to why citizen participation in environmental issues has been curtailed. Taking into account inflation rates, investment in the MoE operating and capital budget peaked at \$824 million in 1992/93 under the NDP government making a rapid decline ever since figures tumbled to \$192 million in 1998/99, with a projected increase to \$210 million in 2000/01. More specifically, between 1994/95 and 2000/01, the Ministry’s operating expenditures declined by 39 percent and its capital budget by 95 percent.<sup>16</sup> In turn, staff reductions at the MoE reflect the budgetary cutbacks. Data show that staff levels fell by more than 50 percent to 1,277 from 2,450

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<sup>15</sup>*Ibid.*, 272.

<sup>16</sup>Karen Clark and James Yacoumidis, *Ontario’s Environment and the Common Sense Revolution: A Fifth Year Report* (Toronto: CIELAP, 2000), 12, 14; and Mark Winfield and Greg Jenish, *Ontario’s Environment and the Common Sense Revolution: A Four Year Report* (Toronto: CIELAP, 1999), 1–4. See also, Ian Urquhart, ‘Eves still cutting spending in all but a few key areas,’ *Toronto Star*, 3 May 2000, A6.

between 1990/91 and 2000/01.<sup>17</sup> Although the NDP began instituting budgetary restrictions, unlike the Harris government, it did not target the Ministry's capital budget. The Ministry of Natural Resources has experienced similar cutbacks. While there was a nine percent increase in its operating budget between 1994/95 and 1998/99, its capital budget fell by 44 percent during the same period. Since the introduction of the *Common Sense Revolution*, the MNR's staff has been cut by 50 percent from 6,639 in 1994/95 to 3,380 in 1999/00.<sup>18</sup> Compared to other ministries, both the MoE and MNR were targeted disproportionately, suggesting that the government's emphasis is not on environmental protection; the operating expenditures of the Ministry of Northern Development and Mining (MNDM), for example, increased by 92 percent between 1995/96 and 1999/00, 39 percent for the Ministry of Agriculture, Food and Rural Affairs, and 15 percent for the Ministry of Health.<sup>19</sup>

Diminishing both the staff and budget of the environmental bureaucracy has affected the manner in which services are delivered to the public. The publication of a document entitled *Operations Division Delivery Strategies* circulated within the Ministry of Environment in early 1999, was a stark reminder of this. Its contents encouraged staff to ignore complaints dealing with pollution emanating from the agricultural and construction industries, industrial waste, illegal dumping, litter, pesticides use, and poor drinking water quality, among others, in order to "save ministry resources and focus on other, more serious

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<sup>17</sup>Krajnc, 'Wither Ontario's Environment?', 144.

<sup>18</sup>Clark and Yacoumidis, *Ontario's Environment*, 7.

<sup>19</sup>Krajnc, 'Wither Ontario's Environment?', 114-115.

threats to the environment.”<sup>20</sup> Enforcement of environmental regulations and legislation has also become problematic, a result of a lack of personnel and financial resources. During its first mandate, the government fired 500 environmental inspectors during its first mandate, only to introduce a SWAT team—a mobile compliance and inspection unit, in September 2000.<sup>21</sup> As branches and units within both the MoE and MNR have been either eliminated, merged, or downsized, monitoring and reporting levels have decreased as a consequence of diminished staffing levels,<sup>22</sup> invariably affecting the enforcement rights of government. Here, for example, fines levied by the Ministry of Environment against polluters in 1998 were the lowest since the mid 1980s, totaling a sum of \$863,840 down from \$3.6 million in 1992—a direct result of a 28 percent cut to the Investigation and Enforcement Branch undertaken between 1995 and 1998.<sup>23</sup> More specifically, studies show that only three of 134 companies

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<sup>20</sup>*Ibid.*, 120.

<sup>21</sup>See Ministry of Environment internet site:  
[www.ene.gov.on.ca/envision/news/0089.htm](http://www.ene.gov.on.ca/envision/news/0089.htm)

<sup>22</sup>The consequences of bureaucratic transformations occurring in Ontario during the past five years have revealed how environmental degradation has affected human health; the province’s questionable water quality highlights the problems related to environmental deregulation and privatization—an issue that has been at the forefront of public debate since the Walkerton water scandal. In May 2000, the town made news headlines as its waterworks system became infected primarily with *e. coli* bacteria affecting the health of more than 2000 residents and killing seven people. A public inquiry is now underway to determine the reasons for contamination as well as an analysis of the actions taken by the different actors involved. For an overview see, for example, Anita Krajnc, ‘Neo-conservatism and Walkerton,’ *Toronto Star*, 7 June 2000, A30; Thomas Walkom, ‘Common sense gave us Walkerton,’ *Toronto Star*, 30 May 2000, A25; and Brian McAndrew, Theresa Boyle and Richard Brennan, ‘Tightening the tap on water safety,’ *Toronto Star*, 8 July 2000, K3.

<sup>23</sup>McAndrew, *et al.*, ‘Tightening the tap’, K3; Winfield and Jenish, *Ontario’s Environment*, 2—24.

were convicted in 1996 for water pollution violations and that out of 3,354 violations against air pollution regulations in 1998, only two charges were laid.<sup>24</sup> Similarly, out of a total of 9,219 charges laid by the MNR, 5,390 of them led to convictions in 1999/00, the entire number of fines levying \$1,125,181.62.<sup>25</sup>

### **Dismantling Environmental Regulations: Enabling Legislation—**

Soon after its inauguration to power, the Harris government quickly moved to implement the *Common Sense Revolution* agenda, establishing the Red Tape Commission and the Agencies, Boards and Commissions Review Commission to examine ways of reducing the bureaucracy—perceived in many business and political circles as an impediment to a province ‘open for business’. Established in December 1995, the mandate of the Red Tape Commission (RTC) was to review all existing and proposed provincial regulations. Serving as a screening mechanism, the Commission, composed of Tory Members of Provincial Parliament, was inserted within the bureaucratic structure and became inextricably linked to the executive power structure. Particularly involved in the Ministry of the Environment’s regulatory portfolio, the RTC has been the primary vehicle promoting environmental deregulation and privatization. As a partisan entity,

... the RTC performs an integral role in the Cabinet decision-making process in the area of regulatory review and reform. Cabinet has chosen to rely on the views and opinions of the RTC in considering reforms, and has established a process which requires various Ministers and Ministries to involve the RTC in certain matters prior to submitting them to Cabinet. Although the RTC is

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<sup>24</sup>Winfield and Jenish, *Ontario's Environment*, 2—24.

<sup>25</sup>Clark and Yacoumidis, *Ontario's Environment*, 80.

not a Committee of Cabinet, in discharging its mandate it would frequently deal with matters that are subsequently placed before Cabinet or one of its Committees for deliberation.<sup>26</sup>

Reflecting a pro-business approach, the Commission released a report in January 1997 recommending, for example, that all proposed environmental regulations be subject to cost-benefit analyses, as well as emphasizing improved customer service toward regulated, read polluting, entities.<sup>27</sup>

Endorsed by the Red Tape Commission, which provided the impetus to carry out drastic regulatory reforms, the Harris government proceeded to implement the objectives outlined in the *Common Sense Revolution*, ultimately changing the environmental policy landscape in Ontario. Here, the *Environmental Approvals Process Improvement Act* (Bill 57), enacted in 1997, was a common type of legislation dealing with deregulation. Aiming to standardize the approval process for any activities potentially endangering the environment, Bill 57 simultaneously amended regulatory provisions within the *Environmental Protection Act* and the *Ontario Water Resources Act*, whereby it

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<sup>26</sup>Winfield and Jenish, *Ontario's Environment*, 2—28.

<sup>27</sup>The Commission's report largely reiterated the contents of the July 1996 MoE document, *Responsive Environmental Protection (REP)* which called for sweeping changes to regulations dealing with issues such as air and water pollution, waste management, spills, pesticides, and public participation as stipulated under the *Environmental Protection Act*, the *Pesticides Act*, and the *Ontario Water Resources Act*. Following intense negative reaction to both the REP and the restrictive timelines to review its proposals, the government was forced to concede its original position. This became evident in November 1997, with the Ministry's policy paper entitled, *Better, Stronger, Clearer: Environmental Regulations for Ontario*. While addressing air quality controls, for example, it effectively weakened monitoring and reporting capacities relating to certain spills, hazardous contaminants, and industrial waste. Winfield and Jenish, *Ontario's Environment*, 2—23.

- ◆ permitted the Cabinet to ‘deem’ environmental approvals to exist without the actual review of applications by the Ministry;
- ◆ established a bar on civil lawsuits against the government by individuals if their property is damaged as a result of exemptions from environmental laws granted through the Bill;
- ◆ provided for the delegation to municipalities of the power to grant approvals under the *Environmental Protection Act*;
- ◆ permitted the Ministry of Environment and Energy to charge members of the public fees for access to documents and other materials related to proposed environmental approvals;
- ◆ dissolved the Environmental Compensation Corporation, which provided compensation to innocent victims of environmental ‘spills’ or individuals who have taken voluntary action to clean-up spills for which they were not responsible; and
- ◆ dissolved the Ontario Waste Management Corporation, originally established in 1980 to construct a hazardous waste treatment and disposal facility in the province.<sup>28</sup>

Environmental deregulation is being accompanied by a transfer of political and legal authority to private interests, generally reducing the government’s power as an oversight body. By creating a voluntary, or self-regulatory regime, the Harris government has allowed the private sector to largely escape public scrutiny within such industries as mining, forestry, commercial fisheries, aggregates and petroleum.<sup>29</sup> This has also been demonstrated in the electricity sector where new companies, formed as a result of the dissolution of the monopolistic Ontario Hydro following the enactment of the *Energy Competition Act* introduced by the Ministry of Energy, Science and Technology, are no longer required to provide data about their activities. Not obligating potentially polluting private to file

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<sup>28</sup>Winfield and Jenish, *Ontario's Environment*, 2—18-19; and K. Cooper, ‘A Chronological Guide to Environmental Deregulation in Ontario,’ in *Intervenor* (September-December 1997): 3-7. Reprinted as *Trashing Environmental Protection: Ontario's Four-Part Strategy* for the Canadian Environmental Law Association (CELA) internet site: <http://www.web.net/cela/appendix.htm>

<sup>29</sup>Winfield and Muldoon, *Democracy and Accountability*, 10.



information under statutes such as the *Freedom of Information and Protection of Privacy Act*, the *Environmental Bill of Rights*, the *Ombudsman Act*, and the *Environmental Assessment Act*, causes “serious problems of non-enforceability”.<sup>30</sup> Critics argue that this is because the public “lacks the information, technical and legal advice, and funds necessary... to track company actions. Without a legal standard there is nothing to enforce. Without mandatory reporting requirements, little relevant information will be accessible to the public.”<sup>31</sup>

Privatization initiatives were also evident in the government’s approach to provincial parks. Budgetary cuts to operating and capital expenditures in the first two years of the *Common Sense Revolution* have affected the way parks are currently managed whereby maintenance services such as garbage disposal and snow removal are being contracted out. The goal to run parks like a business became a reality with the creation of Ontario Parks. Formed in accordance to amendments made to the *Provincial Parks Act* and the *Conservation Land Act*, Ontario Parks’ mandate is to “improve the delivery of programs and services in key parks to increase revenues and, in turn, sustain other parks”,<sup>32</sup> the organization emphasizes cost recovery and economic self-reliance. This is being done through partnerships with private groups such as Bell, Kodak, Merrill Lynch, and Pepsi.<sup>33</sup> The partnership with the

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<sup>30</sup>Cooper, ‘A Chronological Guide’, 3.

<sup>31</sup>*Ibid.*, 3.

<sup>32</sup>Winfield and Jenish, *Ontario’s Environment*, 4—17.

<sup>33</sup>See Ministry of Natural Resources internet site:  
[www.ontarioparks.com/corp.html](http://www.ontarioparks.com/corp.html)

Nature Conservancy of Canada, however, is a precedent-setting deal. Started in 1996, the Ministry of Natural Resources and the Nature Conservancy began a fundraising campaign called Legacy 2000 to acquire new park land designated as nature reserves. The success of this program was announced recently—originally intending to generate \$4 million in four years, by June 2000 the conservation group had collected more than \$10 million, with an additional \$1.5 million from the provincial government.<sup>34</sup> As will be seen in the following pages, the focus on partnerships as a management tool is becoming a viable option for the Ministry of Natural Resources in the wake of staff and budgetary cutbacks resulting in reduced research and maintenance capacities.

The omnibus *Government Savings and Restructuring Act* (Bill 26) also significantly advanced the erosion of environmental rights. Enacted in January 1996, this Bill gave the Progressive Conservative government sweeping abilities to revise and alter existing legislation affecting the structure and style of governance. Bill 26 amended 44 statutes, seven of which pertain to the protection of the environment and public access to decision-making, including the *Public Lands Act*, the *Conservation Authorities Act*, the *Forest Fire Prevention Act*, the *Game and Fish Act*, the *Mining Act*, and the *Lakes and Rivers Improvements Act*.<sup>35</sup> The *Freedom of Information and Protection of Privacy Act* (FOIPPA) was also subject to review

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<sup>34</sup>Clark and Yacoumidis, *Ontario's Environment*, 81; and Ministry of Natural Resources internet site: [www.ontarioparks.com/legacy.html](http://www.ontarioparks.com/legacy.html). The current president of the Nature Conservancy of Canada is Ted Boswell, a former president and CEO of E.B. Eddy Forest Products Ltd.. See Richard Bingham, 'He's a Lumberjack and that's OK,' *Report on Business Magazine*, November 1999, 122-126.

<sup>35</sup>The Liberal and NDP Opposition parties protested Bill 26 by staging an all-night protest at Queen's Park demanding a public hearing into the proposed legislation. The government granted 15 days to review the 800-page document.

under Bill 26, amending it to restrict access to information by introducing new fees for the first two hours of search time, as well as a \$25 for appeals of denied requests. Moreover, it empowers civil servants to arbitrarily deny requests on the basis that they are ‘frivolous and vexatious’, a phrase subject to interpretation.<sup>36</sup> In a similar move, the government enacted Bill 25, *The Red Tape Reduction Act*, in 1998 without proper legislative approval. The omnibus Bill amended more statutes related to natural resource management, granting “the delegation of decision-making authority over a wide range of activities on public lands [*sic*] affecting lakes and rivers to ‘any person’, removing requirements for conservation authority approvals of aggregates extraction, and facilitating the sale of public lands.”<sup>37</sup>

A further obstacle to public participation in environmental decision-making was the intentional expiry of the *Intervenor Funding Project* in April 1996; a participatory mechanism which had been in place since 1988. This major change has effectively limited, even silenced, public input as financial assistance is no longer available to research for, and meaningfully participate in, hearings such as those required by the Environmental Assessment Board and the Ontario Municipal Board. According to the government, this action is “consistent with [its] commitment to make hearings more efficient and to reduce non-essential administrative processes.”<sup>38</sup>

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<sup>36</sup>Winfield and Jenish, *Ontario's Environment*, 2—19. Omnibus Bill 26 also amended the *Municipal Freedom of Information and Protection of Privacy Act*.

<sup>37</sup>*Ibid.*, 2—29. More deregulation in the natural resources sector was set to occur with *The Red Tape Reduction Act* #2, but Bill 101 died on an Order Paper in 1998.

<sup>38</sup>*Ibid.*, 2—8.

Despite amending and eliminating statutes protecting the environment and citizen participation, the government has not been able to scrap the *Environmental Bill of Rights* (EBR). Enacted in 1994, the EBR ensures greater public involvement with the objective of making governmental institutions accountable for decisions that might affect the environment. Emphasis on economic growth and restructuring however, have changed its mandate where in 1995 regulation 482/95 permanently exempted the Ministry of Finance from posting relevant information on the EBR, as well as temporarily suspending notice requirements dealing with financial decisions with potential negative environmental impacts.<sup>39</sup> By reducing the opportunities for the public to monitor governmental and corporate activities, especially in relation to the environment, secrecy becomes an instrument to control potential opposition and disruption to the political agenda. This, along with the elimination of core funding to non-profit public interest organizations like the Ontario Environment Network (OEN), have seriously curtailed the flow of information vital to effective citizen participation and by extension, to the defense of environmental rights.

#### **Reducing Accountability: Removing Independent Institutions—**

The right-to-know and opportunities to participate in decision-making have been curtailed considerably since 1995. The government restructured, merged, and even dissolved several entities responsible for ensuring public participation and independent research. Here, advisory committees such as the Environmental Assessment Advisory Committee (EAAC)

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<sup>39</sup>Averil Guiste, 'Ontario's Environmental Bill of Rights Weakened, But Still Viable,' in *Alternatives Journal* 22:3 (July/August 1996), 9.

and the Advisory Committee on Environmental Standards (ACES)—bodies responsible for the integration of public input regarding environmental assessment and the formulation of standard guidelines, respectively—were disbanded in 1995 without proper consultation. The same year, the multistakeholder Municipal-Industrial Strategy for Abatement (MISA) Advisory Committee was also eliminated, effectively reducing opportunities to review and provide independent advice to the MoE Minister on pollution issues arising from industrial waste.

Asserting that their work was ‘completed’ and that the Ministry “could receive public input on proposed standards and undertakings through other means, particularly the notice and comment process under the *Environmental Bill of Rights*”,<sup>40</sup> the former Minister of the Environment, Brenda Elliott, replaced the independent bodies with the Policy Advisory Council on the Environment. Though largely composed of industry stakeholders,<sup>41</sup> the body was identified as a ‘grassroots’ organization. Its aims included the “repeal of the ban on new municipal solid waste incinerators, the introduction of ‘rigorous’ environmental performance standards for incinerators and landfills, ‘improvements’ in the approvals process, ‘streamlining’ the environmental assessment process, and an ‘overhaul of regulation’.”<sup>42</sup> Although its influence had diminished by 1996 as a result of Norm Sterling’s appointment to Minister of the Environment, the creation of a partisan council essentially demonstrated the

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<sup>40</sup>Winfield and Jenish, *Ontario’s Environment*, 2—18.

<sup>41</sup>The initial co-chairs of the Council were a lawyer and the province’s Tory Chair of the Environmental Policy Committee.

<sup>42</sup>Winfield and Jenish, *Ontario’s Environment*, 2—18.

Progressive Conservatives' lack of commitment to public participation in the development and implementation of environmental policies and legislation.

Also in 1995, the government abolished the Ontario Round Table on Environment and Economy (ORTEE). Created in 1989, this multistakeholder body attempted to reconcile economic priorities with environmental protection according to sustainable development principles as defined by international standards. Its elimination effectively signaled how the government's neo-liberal emphasis on economic growth prevented the consideration of many ecological issues, not even within a moderate sustainability framework which has been legitimized by business interests.

Throughout all these challenges to independent environmental institutions critics have decried the government's efforts to consolidate and manage agencies, boards, and commissions "like private sector operations with business plans and quantified performance measures."<sup>43</sup> Continuing the trend, this time with the recommendations from the Agencies, Boards and Commissions Review Commission, the government essentially amalgamated the Environmental Assessment Board and the Environmental Appeal Board in 1997 by hiring the same person to chair both tribunals. In the past three years, the boards have emphasized

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<sup>43</sup>Jenny Foster, 'Doing Less With Less,' in *Alternatives Journal* 26:1 (Winter 2000), 5. The author writes that the recent appointments to the Niagara Escarpment Commission (NEC), the body responsible for the administration of the biosphere reserve in southern Ontario, have been based on employment performance indicators, rather than members' views consistent with ecological conservation. In fact, some members of the NEC are known to be hostile towards environmental goals having promoted development projects on the escarpment prior to being appointed to the Commission. See Winfield and Jenish, *Ontario's Environment*, 2—30.

efficiency, fast-tracking hearing timelines.<sup>44</sup> Here, the current mandate of both the Environmental Assessment and Appeals Board is not only to be accountable to the public, but to politicians—in “keeping with the preoccupation with minimizing ‘red tape’ and reducing the cost of doing business in Ontario.”<sup>45</sup> This has undermined opportunities for the public to intervene and challenge the course of environmental assessments, especially since changes to the *Environmental Assessment Act* have diminished its scope and effectiveness.<sup>46</sup>

While it has not been able to eliminate the position of the Environmental Commissioner of Ontario (ECO), the Harris government did take steps to curtail its influence. As the provincial environmental watchdog, the commissioner and staff analyzed and provided extensive details in its annual and special reports on the quickly changing environmental landscape in the province. Implemented under the NDP in 1994, the office’s first commissioner, Eva Ligeti, was an outspoken critic of the government’s environmental (in)actions, specifically renouncing Harris’ preference for unfettered economic growth at the expense of ecological and human health, as well as the government’s attempts to reduce public involvement in environmental decision-making. In a highly controversial move, Ligeti’s five-year term was not renewed in August 1999. Critics held that her abrupt dismissal was based on her forthright stance to protect environmental rights suggesting that “[h]er problem was that she did her job too well, speaking out fearlessly.”<sup>47</sup> Some even compared her firing

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<sup>44</sup>Clark and Yacoumidis, *Ontario’s Environment*, 32.

<sup>45</sup>*Ibid.*, 32.

<sup>46</sup>Winfield and Jenish, *Ontario’s Environment*, 2—29, A.4.

<sup>47</sup>Editorial, ‘Forced farewell,’ *Toronto Star*, 20 August 1999, A22.

to a political payback and a witch hunt, a warning to those who dare criticize the government's performance.<sup>48</sup> Ligeti herself admitted that she had not "been a cheerleader for this government. I have not pulled my punches (about) government shortcomings on the environmental front."<sup>49</sup>

Her replacement, Gord Miller, on the other hand, has been closely associated with both the federal and provincial Progressive Conservative parties. An environmental consultant and former MoE bureaucrat, Miller is also connected to the forest and waste management industries. Selected by an 'independent' review team dominated by Tory MPPs, he has been branded by critics as a government 'lapdog' and 'apologist' in light of his (in)actions and views on environmental problems in Ontario including the suggestion that the Walkerton water scandal was not due to privatization initiatives taken by the government; ignoring the questionable quality of North Bay's water system; and not holding Gulf Canada legally responsible for an oil spill contaminating the water supply of Port Loring.<sup>50</sup> However, catching opponents off guard, the Commissioner has spoken out against the government's plans to allow sport hunting and angling in provincial parks and the continuation of urban

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<sup>48</sup>Joel Ruimy, 'Outspoken environmental watchdog fired,' *Toronto Star*, 19 August 1999, A4.

<sup>49</sup>Joel Ruimy, 'Heat's on over fired watchdog,' *Toronto Star*, 20 August 1999, A8.

<sup>50</sup>Ian Urquhart, 'Miller gives Tories a bad name on environment,' *Toronto Star*, 19 July 2000, A25.



sprawl on the Oak Ridges moraine. Miller also ended up renouncing his original position on Walkerton in a special report criticizing the government for its role in the tragedy.<sup>51</sup>

Shortly after Miller occupied the ECO chair, Harris named Dan Newman, a backbencher, as Minister of the Environment. A surprise appointment, Newman replaced Tony Clement who served paradoxically as Minister for both the Ministry of Environment and the Ministry of Municipal Affairs and Housing, an agency promoting urban development often on sensitive agricultural and ecological areas.<sup>52</sup> Inexperienced in environmental issues, observers note that Newman's selection to the executive post signals the government's intention to further relegate the environmental portfolio at the bottom of the political agenda, implying that the MoE might become a junior ministry. As one of his caucus colleagues observed, Newman "will do what he is told. That's the kind of people Mike likes."<sup>53</sup> Touted by critics as an 'environmental lightweight' and a 'puppet', the Minister's nomination confirms Harris' goal to centralize the bureaucracy. As a Liberal opponent remarked, "[v]ery

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<sup>51</sup>Bill Schiller, 'Environmental watchdog stays out of inner circle,' *Toronto Star*, 29 July 2000, A21. The most recent annual ECO report was submitted to the provincial legislature on November 1, 2000. See Environmental Commissioner of Ontario, *Changing Perspectives – 1999 2000 Annual Report* (Toronto: ECO, 2000).

<sup>52</sup>This was a result of a government scandal involving the former Minister of Municipal Affairs, Steve Gilchrist, who is alleged to be involved in a conflict of interest regarding housing development on the Oak Ridges moraine.

<sup>53</sup>Richard Brennan and Brian McAndrew, "Dan who' is sworn in as environment minister,' *Toronto Star*, 4 March 2000, A8.

few ministers have any room to operate because the Premier's office is so oppressive, it's so overbearing, it's so consumed with central control."<sup>54</sup>

### **The Natural Resources Sector: A New Outlook on Management—**

Privatization and deregulation initiatives undertaken by the Harris government have arguably benefitted the natural resources sector, specifically the 'troika' of forest, mining, and hunting and game interests.<sup>55</sup> Changes to resource policies since 1995 have shown that these industries have been granted more political rights and legal privileges usually at the expense of citizens' right-to-know about decisions and activities affecting the environment; a reality that has exacerbated tensions among different resource users. In this light, the "shift to private sector management of public resources represents a remarkable ideological shift in Ontario public policy—a shift, and a process, that seems to be institutionalizing the industrial management and control of what remains of our natural legacy."<sup>56</sup>

#### **◆ The Forest Industry: Less Regulation, More Wood**

Since its ascent to power in 1995, the Tory government has transformed the manner in which Ontario's forests are managed. Restructuring within the MNR has effectively

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<sup>54</sup>Richard Brennan, 'Rookie minister struggles with a hot potato,' *Toronto Star*, 5 August 2000, K1.

<sup>55</sup>Thomas Walkom, 'Not the pals they once were,' *Toronto Star*, 15 April 2000, K1. Walkom argues that these three industries have been among the most powerful in provincial resource politics.

<sup>56</sup>Kevin Hanna, 'Politics, Privatization, and the Ministry of Natural Resources,' speech delivered at the Second Annual Workshop on The Harris Agenda on Environment & Natural Resources: From Public Goods to Privatization held in Toronto, 22 July 2000.

influenced the way the forestry sector operates on Crown lands. However, changes must be contextualized according to issues currently affecting the province's forests, mainly the crisis in timber supply, the mechanization of labour, as well as the consolidation of forestry industry—problems highlighting Canadians' insatiable reliance on, and over-consumption of, natural resource products.

Ontario has three forest regions: Boreal, Great Lakes-St. Lawrence, and Deciduous/Carolinian, each defined by different flora and fauna species, climates, geographical formations, soil composition, and growth rates. As human activities such as fire suppression and clearcutting have changed the forests' composition over the years, successive governmental policies have contributed to both local and regional wood supply crises for both conifers and hardwoods.<sup>57</sup> In fact, it is suggested that overall shortages for conifers will occur by the year 2015.<sup>58</sup> A recent government study released in 1997 under the Forest Resources Assessment Policy (FRAP) revealed that the timber supply will substantially decrease throughout the next 60 years outlining several mitigative options such as the "creation of more replanted forest by dealing with the 'backlog' of harvested areas that have not been restocked; opening more Crown lands to timber harvests, including areas north of where timber harvesting are currently permitted; increasing investments in silviculture; improving

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<sup>57</sup>Brennain Lloyd and Catherine Daniel, *At Work in the Natural World: Forestry and Mining* (March 1999), 14. This discussion paper was part of the Environmental Agenda for Ontario project.

<sup>58</sup>Brennain Lloyd, *Protected Natural Heritage Areas in Boreal East: A Responsive Strategy* (Timmins: 17 June 1998), 3. This paper was presented to the Boreal East Roundtable during the Lands for Life consultation process.

forest management decision-making; and accepting limitations on timber supply.”<sup>59</sup> Critics contend that timber availability estimates have been grossly exaggerated over the past 30 years, and that even if an additional 10 percent of Crown lands are protected from industrial activities it will not improve the state of the province’s forests. Some forest management plans however, continue to call for a 30 percent increase in logging despite a drop of 20 percent in silviculture investments since 1994.<sup>60</sup>

The crisis in the forests is aggravated by the increased mechanization of the lumber industry. Here, major technological advances since the 1950s have displaced human labour while wood harvesting and manufacturing has augmented. Statistics published in *The Forest Industry in Ontario* by Price Waterhouse, a report widely used by environmental activists, show that between 1989 and 1994, logging increased by 15 percent from 21.4 to 24.6 million m<sup>3</sup>. During the same time, direct employment in the industry has declined by 24 percent from 83,500 to 63,300 jobs.<sup>61</sup> Highly mechanized harvesting has invariably changed the way work is done in the forests having adverse effects on both the social and environmental aspects of forestry. On average, companies have replaced 12 workers with each new machine while cutting practices have increasingly focused on clearcutting which has increased by 70 percent since 1970, amounting to 94 percent of all harvesting.<sup>62</sup> Moreover, capital intensive machinery

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<sup>59</sup>Winfield and Jenish, *Ontario's Environment*, 4—4.

<sup>60</sup>Lloyd, *Protected Natural Heritage Areas*, 3.

<sup>61</sup>Partnership for Public Lands, *It's Your Land—Lands for Life: What's at Stake*, Bulletin, undated.

<sup>62</sup>Tim Gray, ‘Opportunity Knocks, But Is Anybody Listening?’, *Wildland News* 30:2 (Summer 1998), 4.

is forcing businesses to increase the pace of cutting in order to recoup investments costs. Similar trends are also occurring in the pulp and paper sector where jobs have decreased by 45 percent since the early 1990s, a result of a downturn in the commodities market, increased demand for recycled products, as well as mill inefficiencies.<sup>63</sup>

Forced to respond to global economic demands, Ontario's forest industry has not only restructured its workforce, it has had to re-examine its priorities. Arguing that it has to adapt to new international realities to remain competitive, "[m]ore and more frequent mergers, takeovers and partnerships at the corporate level are one response to the need to reduce cost, improve efficiency, and increase access to both markets and capital."<sup>64</sup> While independent logging and sawmill operations are still considered a viable force, the provincial landscape is increasingly being dominated by large multinational corporations, most of which have headquarters outside of the province. Corporate giants such as Abitibi-Consolidated, Tembec, Bowater, Buchanan Forest Products, Domtar, and Weyerhaeuser have consolidated their holdings to increase profits within a highly volatile sector. This was recently seen with the takeover of E.B. Eddy by Montreal-based Domtar in 1998, as well as the merger between McMillan Bloedel and Weyerhaeuser in 1999, affecting the flow of wood to southern markets.

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<sup>63</sup>Lloyd and Daniel, *At Work in the Natural World*, 13.

<sup>64</sup>Ministry of Natural Resources, *Forest Management Transition Team '6 Pack' Final Report & Recommendations* (December 1996), 6. This document was a result of discussions dealing with the transfer of costs and responsibilities from the MNR to the forest industry.

Spending cuts relating to forestry issues were initially associated with the NDP government, though they were exacerbated by the implementation of the *Common Sense Revolution*. By the year 1997/98, the operating budget related to forestry was reduced by \$45.9 million. Staff reductions within different sections of the Forest Management Branch ranged anywhere from 27 percent to 68 percent affecting the monitoring, scientific, as well as technical and policy functions of the MNR.<sup>65</sup> In fact, lack of personnel and financial resources have forced the Ministry to accept legal responsibility for non-compliance of its own *Class Environmental Assessment of Timber Management on Crown Lands* and the *Crown Forest Sustainability Act*.<sup>66</sup> In 1998, environmentalists won a court challenge recognizing that the Ministry of Natural Resources was “approving work schedules without proof that the forest would be managed sustainably; approving plans which lacked any sustainability indicators; and arbitrarily extending timetables for phasing in new standards.”<sup>67</sup> Since then, there have been more studies demonstrating that the government’s monitoring

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<sup>65</sup>Winfield and Jenish, *Ontario’s Environment*, 4—2. See also, Kevin Hanna, ‘Politics, Privatization, and the Ministry of Natural Resources’.

<sup>66</sup>The Sierra Legal Defence Fund and the Wildlands League started a lawsuit against the MNR in 1996. In 1998, the Ontario Divisional Court ordered the Ministry to amend the Elk Lake, Upper Spanish, and Temagami forest management plans, a decision upheld by the Ontario Court of Appeal the same year. For an outline of alleged contraventions by forestry companies, see Environmental Commissioner of Ontario, *Changing Perspectives*, 95-99.

<sup>67</sup>Winfield and Jenish, *Ontario’s Environment*, 4—5.

capacities have drastically declined leading to more pollution and damaging cutting practices.<sup>68</sup>

In conjunction with the cost cutting measures taken by the Progressive Conservatives, there is an increasing trend toward the privatization and deregulation of forest management. Evidence points to an acute transfer of power away from the MNR over the past fifteen years. While estimates show that in 1993, 70 percent of Crown land was leased to forest companies, up from 12 percent in 1985, the current government's goal is to delegate all decision-making authority to the forest industry.<sup>69</sup> The privatization of the province's forests, primarily effected under Sustainable Forest Licenses (SFLs), is being facilitated by provisions in the *Crown Forest Sustainability Act (CFSA)* enacted by the NDP government in 1995. As companies are forced to take on a greater role in planning, monitoring, compliance, fire management, silviculture, and data collection, SFLs have, on the other hand, allowed for more long-term certainty and enhanced tenure. Here, extended tenure rights entail the replacement of traditional 5-year cutting permits, or Forest Management Agreements (FMAs), with SFLs which carry 20-year licensing deals subject to automatic renewal on condition of compliance. Moreover, the development of a compensatory program redressing logging corporations in

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<sup>68</sup>See, for example, Sierra Legal Defence Fund and Wildlands League, *Cutting Around the Rules* (April 1998): 1-36.

<sup>69</sup>Lloyd and Daniel, *At Work in the Natural World*, 14.

the event of lost revenue resulting from inaccessibility to Crown forests demonstrates the extent to which economic security is a prevalent concern for the industry.<sup>70</sup>

While the *CESA* paved the way for further corporate tenure rights, it is the so-called *6 Pack* report that has guided the MNR's forest policy direction since 1996. The result of private negotiations between Ministry and forestry representatives, the *Forest Management Transition Team '6 Pack' Report & Recommendations* aimed to “find a blend of program transfers, cost reductions and trade offs—quid pro quos—that would satisfy the imperatives of both government and industry *without compromising the high standards of forest sustainability*.”<sup>71</sup> Arguing for more certainty in the wake of global economic pressures and changing social expectations relating to forestry practices, part of the report called for strengthening the tenure structure designating 60 percent of the province's Crown lands for use in perpetuity by the forestry sector. Accordingly, it is acknowledged that implementing a comprehensive land use program would facilitate the acquisition of a secure land base

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<sup>70</sup>Here, the MNR becomes accountable to private interests, no longer acting as arbitrator between the forest industry and public interests. As such, citizens are now forced to interact with license holders as the government is increasingly divesting itself from resource management responsibilities. Winfield and Jenish, *Ontario's Environment*, 4—3. See also, Thomas Walkom, ‘Ontario's public land remains a cheap giveaway,’ *Toronto Star*, 20 November 1998, A2.

<sup>71</sup>Ministry of Natural Resources, *Forest Management Transition Team*, 5. *Emphasis mine*. The report highlights the concept of intensive forest management as a way to increase timber production. However, there are ongoing debates among industry, government, environmentalists, and academics regarding its definition and applicability to natural resource management.



ensuring a long-term supply of timber;<sup>72</sup> goals that would be fulfilled by the Lands for Life initiative.

#### ◆ **Mining and Exploration: Paving the Road to Ontario's Precious Rocks**

Similarly to the politics governing forest management, matters pertaining to mining and exploration have been invariably transformed since the implementation of the *Common Sense Revolution*. Here, *The Government Savings and Restructuring Act* played a major role by increasing the corporate leverage of the mining and prospecting sectors, enhancing economic security for an industry influenced by a highly volatile international commodities market. Briefly, omnibus Bill 26

- ◆ weakened the [*Mining Act's*] provisions for the approval of mine closure plans by the Ministry of Northern Development and Mines (MNDM);
- ◆ eliminated the requirement that mining companies post realizable financial securities to ensure that if they go bankrupt the taxpayer does not have to pay for the closure of their mines;
- ◆ exempted information related to the financial assurances for mine closures provided by mining companies from freedom of information requests;
- ◆ removed the requirements for the delivery of annual reports on implementation of closure plans to the MNDM by mining companies;
- ◆ exempted holders of mining claims from liability for pre-existing mine hazards; and
- ◆ exempted proponents who voluntarily surrender mining lands from any future environmental liabilities even if they arise as a result of the proponent's actions.<sup>73</sup>

In an industry renowned for leaving behind a large ecological footprint, the move towards deregulation arguably has shut out citizens from partaking in decisions related to mining activities, decisions with potentially significant environmental consequences and health

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<sup>72</sup>*Ibid.*, 21; see also, Brit Griffin, 'The Six Pack Report,' *Highgrader Magazine*, May/June 1997, 7-9.

<sup>73</sup>Winfield and Jenish, *Ontario's Environment*, 5—1.

impacts. This is particularly the case with mine closures where the MNDM has divested itself from its responsibilities as regulator in the interest of the public good. Here, certification for closures are no longer reviewed by Ministry staff, instead plans will be approved by professional engineers from the private sector. Now the government is relegated to the position of auditor, preventing it from meaningfully intervening in the mine closure process.

No longer requiring financial assurances from companies to deal with abandoned mines, the government has implemented the concept of self-assurance, eliminating the industry's responsibilities to deal with environmental problems arising from extractive activities. By relying on the past and current performance records of mining companies, as well as a financial means test, the government can now exempt corporations from paying or providing credit for costs associated with mine closures and remediation; a major gamble because the "risk associated with granting self-assurance privileges to a mining company is considerable as the Ministry will be effectively assuming the status of an unsecured creditor throughout the life of a project."<sup>74</sup> Putting the onus on the government, and by extension taxpayers, to foot the financial and environmental costs demonstrates the extent to which the *Common Sense Revolution* has accommodated business interests. Bill 26 has also led to the reversion of ownership of depleted mines back to the public, in effect exempting companies from liability. In a province where there are more than 6,000 abandoned mines and exploration sites, figures show that approximately 33 percent have fallen into public hands due to corporate defaults, costing an estimated \$3 billion to cleanup.<sup>75</sup> Under new provisions

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<sup>74</sup>Lloyd and Daniel, *At Work in the Natural World*, 25.

<sup>75</sup>*Ibid.*, 23.

in the *Mining Act*, the ‘exit ticket’ for companies entails them to estimate the costs of site maintenance for perpetuity; and if this is inadequate, the government is responsible for the balance, a plan essentially changing the dynamics of the governing structure and promoting corporate irresponsibility.

Already struggling with a tarnished environmental record, both abroad and domestically,<sup>76</sup> the fact that the mining industry is reluctant to implement mechanisms increasing public participation and monitoring of its activities does not improve its image. Citizens’ right-to-know was curtailed considerably when the Harris government scrapped an \$8 million mine inventory program originally implemented in 1991. Now funds are only allocated under emergencies to hire experts in order to assess environmental hazards and reclamation costs associated with abandoned sites, suggesting the lack of a pro-active approach toward negative ecological realities resulting from mining activities. Eliminating requirements for companies to deliver annual reports regarding mine reclamations, as well as exempting them from submitting financial assurances for mine closures as freedom of information requests, are other obstacles to public participation. While the government has ensured that corporate costs and transparency are no longer impediments to doing business, it has however engendered “less predictability, and certainly less commonality in terms of

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<sup>76</sup>Three recent high profile mining disasters involving Canadian companies—Boliden Ltd. blamed for a burst tailings dam in Spain (1997); Marcopper Mining Corporation, a company partly owned by Placer Dome, involved in a tailings disaster in the Philippines (1996); and Cambior responsible for a cyanide spill in Guyana (1995)—point to the industry’s lack of technological security. For an outline of negative environmental impacts caused by mining and exploration activities see, for example, Northwatch *Who’s Minding the Mines*, Bulletin, undated; and Lloyd and Daniel, *At Work in the Natural World*, 1-32. MiningWatch Canada is also a good resource, see internet site: [www.miningwatch.ca](http://www.miningwatch.ca)

operating standards. For the public, it means increased risk, decreased access to information about company operations, and vanishing confidence in the ability of government to govern in the public interest.”<sup>77</sup>

Drastically weakening the *Mining Act* by reducing the role of government as regulator allows the activities of the exploration and mining industry to be conducted with minimal constraints.<sup>78</sup> While the Ministry of Northern Development and Mines has seen a surge in its operating expenditures since the Harris government took power, sections within the Ministry dealing with the environmental consequences of mining such as the Mine Rehabilitation Branch experienced both budgetary and staff cutbacks. In 1996/97, its budget decreased by \$1.3 million and fourteen workers were dismissed leaving only two mine inspectors in charge of monitoring mine reclamations throughout the whole province.<sup>79</sup> On the other hand, the Progressive Conservative government has continued to provide subsidies and tax incentives, demonstrating its commitment to the industry. Some examples include an annual \$2 million

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<sup>77</sup>Lloyd and Daniel, *At Work in the Natural World*, 26.

<sup>78</sup>Bill 26 also amended the *Public Lands Act* redefining the way prospecting is done in Ontario. The push to designate more Crown land to mining exploration was confirmed by removing permit requirements for activities such as clearing, drilling, blasting, stripping, moving heavy equipment, and building trails. The government’s commitment to the exploration sector was particularly seen in 1996 when it opened the Temagami region to prospecting activities. Rejecting recommendations made by the Temagami Community Comprehensive Planning Council, the government sanctioned the “biggest—and the last—staking rush ever”. Winfield and Jenish, *Ontario’s Environment*, 5—2.

<sup>79</sup>Lloyd and Daniel, *At Work in the Natural World*, 26.

grant for prospectors under the Ontario Prospectors Assistance Program as well as a 5-year freeze on all mining taxes, fees and licenses relating to the *Mining Act* effective since 1996.<sup>80</sup>

#### ◆ **Hunting and Fishing Interests: Privatizing Wildlife**

The trend toward devolution of authority to private and non-governmental entities is particularly evident in the hunting and fishing sector. Since forming the government in 1995, the Progressive Conservatives have brought about many administrative changes to the province's fish and wildlife management plans—*The Government and Savings and Restructuring Act* being largely responsible for amending this portfolio.

Under Bill 26, the *Game and Fish Act* was amended creating a special account for income arising from imposed fees and licenses relating to recreational activities. The Fish and Game Fund, created in 1996, earmarked monies to be spent solely on projects and activities directly relating to fish and wildlife population management, thus insulating the sector from the cutbacks and restructuring initiatives affecting other areas of government such as health care and education.<sup>81</sup> Control for the fund's administration was given to the Fish and Wildlife Advisory Board, primarily composed of anglers and hunters; a concern for critics who argued that the committee would potentially only deal with the management of game species instead of examining the overall health of ecosystems.<sup>82</sup> In January 1999, the *Fish and Wildlife Conservation Act (1997)* replaced the *Game and Fish Act*, which led to further privatization, allowing greater ministerial discretion in the creation of regulations and application of

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<sup>80</sup>Winfield and Jenish, *Ontario's Environment*, 5—4.

<sup>81</sup>Walkom, 'Not the pals they once were', K1.

<sup>82</sup>Winfield and Jenish, *Ontario's Environment*, 4—13.

legislation, as well as encouraging management partnerships with the private sector. The nurturing of a ‘client-centered’ relationship, based on the notion that natural resource users are consumers, is especially evident through the government’s prerogative to devolve management responsibilities to organizations such as the Ontario Federation of Anglers and Hunters (OFAH), Ducks Unlimited, the Ontario Commercial Fisheries Association, and the Bait Association of Ontario.

The close ties between the Ministry of Natural Resources and Ducks Unlimited as well as OFAH—both considered as hunting and conservation groups—indicate, for example, how these organizations have gained political and bureaucratic leverage in the provincial landscape. Ducks Unlimited, for example, was granted a ‘perpetual’ agreement to partake exclusively in policy formulation and monitoring of any programs related wetland ecosystems. As such, the *Ducks Unlimited Wetlands Management Agreement* signed in April 1997, heralded a new approach to policy-making as it commits the MNR to fulfill a set of negotiated conditions.<sup>83</sup> A similar development is seen with OFAH whereby it has gradually become the central player in the province’s wildlife management portfolio. As conservationist goals were institutionalized in provincial politics due to pressing urban development and pollution threatening fish stocks and wildlife populations, and by extension hunting and fishing opportunities, the organization and the “government bureaucracy it lobbied became so

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<sup>83</sup>The terms agreed upon detail the roles and responsibilities of both parties within the policy-making domain, emphasizing the transfer of information including communication strategies, the exchange of scientific knowledge, and the undertaking of environmental reviews.

entwined as to be virtually indistinguishable”<sup>84</sup> suggesting “as much an entanglement as a relationship.”<sup>85</sup> OFAH’s influence is seen through its control over hunter training and licensing programs—originally administered by the MNR—as well as its attempt to distribute material promoting hunter education in high schools, and its successful lobbying campaign to reduce the hunting age from 15 to 12 years.

The entrenchment of legal rights for hunters and anglers in the province is another step taken by government introducing opportunities for potential litigation.<sup>86</sup> The creation of a space fostering a reciprocal client/business relationship, ensuring political and legal accountability, is seen through the proposed *Heritage Hunting and Fishing Act*. With this Act, the government is ready “to legally recognize heritage hunting and fishing practices in Ontario and acknowledge the role anglers and hunters have played in environmental conservation.”<sup>87</sup> Here, the premise of the Act purports that hunting and fishing is a ‘heritage’ activity inferring that it is a constitutional right protected under section 2 of the *Charter of*

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<sup>84</sup>Walkom, ‘Not the pals they once were,’ K1.

<sup>85</sup>A senior civil servant quoted anonymously in *ibid.*, K1.

<sup>86</sup>The legal challenge initiated by OFAH against the MNR regarding the Spring bear hunt demonstrates how the government is susceptible to liability despite having close ties with the plaintiff. Having canceled the hunt in January 1999 to appease a volatile constituency in southern Ontario prior to an election—ostensibly influenced by the savvy media tactics employed by the animal rights group International Fund for Animal Welfare whose campaign was funded by entrepreneur Robert Schad—the government prolonged the Fall bear hunt by two weeks as well as compensating hunters and outfitters affected by the termination. OFAH argues that the “ban on killing bears each spring infringes the freedom of hunters to express themselves.” Walkom, ‘Not the pals they once were’, K1.

<sup>87</sup>Northwatch, *The Environmental Footprint: An Analysis of the Mike Harris Plan for Ontario*, Bulletin, undated. See also, letter to the Editor, Mark Holmes, ‘Hunting is part of our heritage,’ *Toronto Star*, 6 September 2000, A24.

*Rights and Freedoms*. In a similar development, the MNR is working closely with the Ontario Federation of Anglers and Hunters to draft the *Charter on North America's Hunting Heritage*—using American constitutional legislation as a model—an initiative bent on ensuring that hunting is recognized, and celebrated, as a traditional and cultural recreational experience.<sup>88</sup>

The discourse of rights based on tradition and ancestry is perceived to be analogous to Aboriginal and treaty rights recognized in the Canadian constitution. While not directly targeting Aboriginal peoples, the government's intention to codify non-Natives' rights to hunt and fish, along with its downloading and privatization plans, has further alienated indigenous interests since the province still does not affirm Aboriginal and Métis hunting and fishing rights, nor does it recognize treaty rights regarding natural resource management. In fact, the MNR has off-loaded responsibilities such as commercial fishing, wildlife management, forestry management, bait fish regulation, and hunter education to private user groups except Aboriginal peoples.<sup>89</sup> Disregard for treaty and Aboriginal rights reflects the opinion that indigenous concerns are simply another special homogenous interest—a view that permeated

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<sup>88</sup>The forum for formulating the final version of the Charter was through the Premier's Symposium on North America's Hunting Heritage held in Ottawa, 23-27 August 2000. An American export, this conference was hosted by Mike Harris and drew hunters, outfitters, and firearms exhibitors from all over North America, including Mexico. Critics hold that this meeting was a platform for the government to announce further, if not full, privatization plans of the fish and wildlife management sector. See, for example, Rosemary Speirs, 'Hunters angry as Harris prepares for summit,' *Toronto Star*, 22 August 2000, A7.

<sup>89</sup>Correspondence from David McLaren, Communications co-ordinator for the Chippewas of Nawash, to the Aboriginal Rights Coalition, dated 28 April 2000.



the Lands for Life discussions which ended up ignoring the existence of Aboriginal economic concerns and cultural attachment to the land.

This chapter has shown how neo-liberal perspectives have permeated the environmental and natural resource policy domains since the introduction of the *Common Sense Revolution* in 1995. It has demonstrated how citizen participation in environmental decision-making has become more limited in light of bureaucratic and legislative changes instituted under the Progressive Conservatives. Budgetary and staff reductions at both the Ministry of Environment and Ministry of Natural Resources has affected the delivery of services to the public, as well as undermined ecological protection and human health. Diluting environmental statutes and policies to reduce the cost of doing business in Ontario is attributed to both the government's concern to be a competitive subnational state within the context of a rapidly integrating global economy, and to its ideological stance toward neo-liberalism and neo-conservatism—interpretations that have informed its approach to environmental issues.<sup>90</sup> While the Harris government has enhanced political rights for natural resource industries through means of deregulation and privatization, ultimately benefitting activities that have contributed to the cultural identity of the province, it has not accorded the same opportunities to the general public which is experiencing reduced access to decision-making processes.

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<sup>90</sup>Concern over the government's handling of environmental problems was confirmed in a Ipsos-Reid poll conducted for the Progressive Conservatives. Released in January 2001, results show that approximately 75 percent of Ontarians believe that the Harris government is failing to protect the environment. See Caroline Mallan, 'Poll rakes Tories on pollution,' *Toronto Star*, 5 January 2001, A1, A6.

The proposal to formulate a comprehensive land use plan is set within parameters that define the protection of the natural environment as a bureaucratic impediment. As will be seen in chapter four, it is the pervasive neo-liberal political climate espousing efficiency and the privileging of specific interests that has provided a framework for the Lands for Life consultation initiative—not only contextualizing the types of questions that were posited, but influencing the choice of policy-making instruments used throughout the process.

## CHAPTER FOUR

### **The Lands for Life Consultation: A Public Affair?**

The Lands for Life initiative has to be analyzed in the context of the current political and economic climate prevailing in Ontario. Like other environmental policies, land use planning issues were put into question by a government intent on realigning provincial priorities according to neo-liberal themes. The action plan initiating Lands for Life derived from an electoral promise made by the leader of the Progressive Conservative party, Mike Harris, in 1995. Making a personal pledge to complete the provincially protected natural areas and park system, the outcome of the land use program ended up being tied to the government's political performance; Lands for Life became an indicator of the Tories' commitment to the environmental portfolio, an area under intense scrutiny in light of the generally dismal environmental record accumulated following Harris' ascendancy to power. To this end, the following is a descriptive account of the Lands for Life framework with the intention of demonstrating how demands were articulated during the consultation phase. The overview of the natural resources policy community identifies the key policy actors and their arguments as well as the policy instruments used to make decisions. Considering the events and issues that unfolded—mainly the exacerbation of regional cleavages, the prominence of the wise use movement, and the predominance of economic arguments in land use discourses—during the consultation process contributes to a clearer explanation as to why Lands for Life moved behind closed doors.

Changing realities in natural resource management provided the government with the means to undertake a comprehensive review of land use plans affecting 45 percent of the province's territory. In an attempt to keep in check the growing uneasiness emanating from competing interests in a landscape with decreasing natural resources, the government sought a quick and effective solution to a problem perceived to be limiting the province's economic output. According to then MNR Minister Chris Hodgson, prior to Lands for Life there was "no mechanism for the timely resolution of conflicts. The dispute-resolution process is backlogged. Battles over land-use decisions are causing costly delays. Resource-users are uncertain about the future."<sup>1</sup> New perspectives on ecological knowledge and resource management, in conjunction with updated data on consumer demands for natural resource products and multiple uses of Crown lands such as tourism, recreation, and protected areas, have also given the impetus to renegotiate land use plans. The replacement of Strategic Land Use Plans (SLUPs) and District Land Use Guidelines (DLUGs), directing resource allocations for almost twenty years, became the target of revision for a more inclusive and up-to-date planning program compatible with the present understanding, and projected future use, of natural resources. As transforming consumption patterns and new information on ecosystems have necessitated a different outlook on natural resource management, the need to provide a conducive environment for economic growth is emphasized by the government's

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<sup>1</sup>Ministry of Natural Resources, *Lands for Life: A Commitment to the Future* (Toronto: Queen's Printer for Ontario, 1997), iii.

understanding that “[n]atural resource industries require a stable and predictable land and resource base on which to operate if they are to attract long-term investment.”<sup>2</sup>

As the provincial government considered the economic ramifications of a disjointed process, environmental pressures were also part of the equation. Challenging the Progressive Conservatives’ outlook on the environmental portfolio, ecological activists demanded an increase in biodiversity protection in Ontario to meet international standards set by the United Nations’ World Commission on Environment (WCED) and the International Union of Conservation and Nature (IUCN). Calling for the minimum 12 percent required to maintain ecological features at a sustainable level, these organizations provided advocates a tangible figure for lobbying politicians and their constituents, as well as business. However, dissenting opinions argue that this is an inadequate measurement because it is a “misleading, highly publicized, and dangerous estimate, which was based on ignorance of the importance of ecological processes”<sup>3</sup> noting that a benchmark ranging from 33 percent to 66 percent is more appropriate to ensure the protection of biodiversity at the provincial, national, and global levels.

Although the repeal of many environmental laws and regulations has made it harder for environmentalists to successfully protect more green spaces from industrial activities, irrespective of their capacities or political approaches, a high profile campaign to protect more

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<sup>2</sup>Ministry of Natural Resources, *A Land Use Planning System for Ontario's Natural Resources* (Toronto: Queen's Printer for Ontario, 1997), 3.

<sup>3</sup>Ted Mosquin, Peter Whiting, and Don McAlister, *Canada's Biodiversity* (Ottawa: Canadian Museum of Nature, 1995), 130-131. See also, Stephen Bocking, ed. *Biodiversity in Canada: Ecology, Ideas, and Action* (Peterborough: Broadview Press, 2000).

wilderness areas could not be ignored by the provincial government. Here, the Endangered Spaces Program, introduced by the World Wildlife Fund in 1989, aimed to establish a network of protected ecologically significant areas across the country by the year 2000, and a system of protected marine areas by 2010.<sup>4</sup> A national program endorsed by the federal and provincial governments, the Progressive Conservatives could not renege on a promise made by their Liberal and NDP predecessors without facing critical opposition from a public sensitized to the importance of protecting key ecological landscapes. It was in this context, that Lands for Life, a new land use process ostensibly designed to increase Ontario's protected spaces, became the government's vehicle to trumpet its commitment to environmental issues.

#### **The Lands for Life Objectives—**

As Premier Harris stated, Lands for Life “is about long-term protection and conservation. It is [the government's] commitment to future generations.”<sup>5</sup> Publicly touted as a program aiming to set aside more green spaces, Lands for Life was introduced with the desire to resolve land use conflicts among natural resource users. The need, therefore, to deal with increasing multiple, often non-compatible activities on Crown lands, has forced the current government to sponsor a comprehensive land use planning program; an initiative that

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<sup>4</sup>It is instructive to note that the Endangered Spaces Program is also an initiative of the Canadian Parks and Wilderness Society (CPAWS) and the Canadian Nature Federation (CNF) of which the Wildlands League and the Federation of Ontario Naturalists (FON) are affiliates, respectively—situating three principal actors in Lands for Life: the World Wildlife Fund, the Wildlands League and the FON.

<sup>5</sup>Ministry of Natural Resources, *A Commitment to the Future*, i.

would co-ordinate the integration of three components: the demand for additional protected areas and parks, the development of a resource-based tourism policy, and the creation of economic certainty for the forest industry.<sup>6</sup>

The ‘completion’ of a protected areas and park system came under the banner of the Nature’s Best Action Plan. Studying the feasibility of designating more Crown lands as protected spaces, the plan was to guide policy-makers to consider the ecological, social, and economic impacts of land use planning and management.<sup>7</sup> Through gap analyses, used as identification tools, Nature’s Best aimed to determine the most appropriate sites to represent currently non-protected ecological features to be added to the 265 existing provincial parks and four nature reserves, as well as the 27 parks and conservation areas that were at different stages of implementation in 1997, prior to the introduction of Lands for Life. The aspiration was to “show how best to protect some of [the] landscapes and describe the processes that will lead to fast, fair and open decisions on land use.”<sup>8</sup> Nature’s Best then, was an MNR

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<sup>6</sup>*Ibid.*, 2.

<sup>7</sup>Ministry of Natural Resources, *Lands for Life: Great Lakes-St. Lawrence Planning Area*. Tabloid published by the Great Lakes-St. Lawrence Planning Area (September 1997), 2.

<sup>8</sup>*Ibid.*, 4. Another part of the background literature introducing the Nature’s Best Action Plan however, acknowledges that “[i]dentifying, protecting and managing parks and protected areas takes time and requires the consideration of many viewpoints”, 7.

policy directive intended for the selection and protection—as well as a guideline for the regulation—of future parks.<sup>9</sup> While the framework acknowledges the necessity for public involvement in the decision-making and management of green spaces, the MNR indicates the need for the creation of partnerships with the private sector under the pretext of ‘sharing responsibility’; hinting that it is retreating from its role as environmental steward and regulator in the interest of the public good.<sup>10</sup>

Finding appropriate ways of enhancing tourism opportunities in the province was another stated goal of the Lands for Life project. Here, the integration of the 1997 Resource-based Tourism Policy in land use planning—a policy recognizing the importance of the tourism industry in northern regions with the objective of promoting the economic and ecological aspects of the sector<sup>11</sup>—became an integral, albeit contentious issue during the Lands for Life consultation process. As the fastest growing industry in the world and Ontario’s fourth largest industry, the benefits accrued by the tourism sector, which includes

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<sup>9</sup>For a detailed analysis of the Nature’s Best Action Plan and its ecological implications, see Thomas D. Nudds, Christopher P. Henschel, *et al.* “Protected Area Networks: Assessment of Ontario’s ‘Nature’s Best Action Plan and Recommendations,’ in *Parks and Protected Areas Research in Ontario, 1998 (Parks Research Forum of Ontario—PRFO) Annual General Meeting Held in Peterborough, Ontario 5-6 February 1998*, eds. J.G. Nelson and K. Van Osch with T. J. Beechey, W. R. Stephenson, and J. Marsh (Waterloo: PRFO, 1998): 363-372. An original version of this paper was submitted to the Lands for Life roundtables in February 1998.

<sup>10</sup>Ministry of Natural Resources, *A Commitment to the Future*, 7. In the article, ‘Comments on Parks and Protected Areas Research with Special Reference to Tourism,’ in *Parks and Protected Areas Research in Ontario, 1998*, Patrick Lawrence notes that the prerogative for developing partnerships is partly attributed to the government’s shrinking investment in the parks and protected areas portfolio, 105.

<sup>11</sup>Ministry of Natural Resources, *Ontario’s Living Legacy: Proposed Land Use Strategy* (Toronto: Queen’s Printer for Ontario, 1999), 8.



ecotourism, adventure travel, as well as hunting and angling expeditions, depend on a comprehensive land use policy aiming to reconcile industrial versus recreational uses of Crown lands, raising again the theme of access to the land and the need for the accommodation of multiple interests.

The Lands for Life initiative demonstrates how the government's goal of protecting more Crown land is intimately connected to industry's access to natural resources. The MNR's land use policy directive was based on studying the viability of extending a more secure land base, and by extension, creating economic certainty for the highly volatile forestry sector. As such, the project's intention was to provide the forestry industry the opportunity to a "secure, sustainable land base on which to operate"<sup>12</sup> fostering an environment conducive to long-term investment plans in both forest management and renewal. Charged with a mandate to ensure investor confidence, Lands for Life also had to address issues affecting the wood supply shortage and the declining quality of timber, along with resource conflicts perceived to threaten capital investment opportunities in Ontario's forestry sector. Despite changes to forestry regulations resulting from the *Common Sense Revolution*, as outlined in chapter three, the government notes that "it will make sure the forest industry meets its tough provincial standards for keeping forests healthy. The forest industry is monitored and will be audited. Companies that don't follow the rules will be penalized",<sup>13</sup> this despite the MNR

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<sup>12</sup>Ministry of Natural Resources, *Lands for Life: Boreal East Planning Area*.  
Tabloid published by the Boreal East roundtable (November 1997), 2.

<sup>13</sup>Ministry of Natural Resources, *A Commitment to the Future*, 10.

being held legally responsible for contravening its own Timber Class Environmental Assessment and *Crown Forests Sustainability Act*.

◆ **A closer look at the Lands for Life policy directives**

The MNR's outlook toward land use planning—aiming for a more comprehensive and simpler approach—reflects its restructured bureaucratic organization. The government's neo-liberal perspective, emphasizing economic efficiency while attempting to re-engineer the social and political fabric of the province, is visible in its land use policy goals.

The contents of promotional materials introducing Lands for Life, although vague, seem to promote environmental objectives. A closer reading, however, reveals the government's economic agenda. On one hand, the importance of a flexible approach to land use planning is acknowledged; a process ultimately influenced, and driven, by social and environmental concerns as opposed to a focus based on scientific and technical values. Conversely though, it is implied that environmental decision-making must conform to an economic, read business, rationale emphasizing order and rigidity, thus engendering predictability. This is particularly the case in *A Land Use Planning System for Ontario's Natural Resources* which outlines the desired outcomes of Lands for Life. Here, the first two of seven points expound the need for sustainability and protection of *healthy* ecosystems, followed by the assurance that “land and natural resources are planned in an *orderly way*; allocation of natural resources is *efficient and fair*; economic development associated with natural resources is *secured and enhanced*; meaningful opportunities for *client involvement in decision-making* are provided; the Crown receives a *fair return* for the use of natural

resources.”<sup>14</sup> This highly structured approach to policy-making suggests that bureaucratic and corporate ideals take precedence over environmental values implying that land use planning can be itemized, ignoring that it has to be dealt with in a holistic manner.<sup>15</sup> Defining ecological realities according to a rules and priorities-based approach essentially undermines the unpredictable forces of nature.<sup>16</sup> As economic rationalizations accommodating industrial activities tend to pervade the politics of natural resource management, policy-makers tend to become unresponsive to alternative ideas and forms of governing that promote ecological integrity.<sup>17</sup>

The suggestion that the Lands for Life project will be guided by principles of sustainability using an ecosystem-based approach, is confirmed by the MNR’s mission to

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<sup>14</sup>Ministry of Natural Resources, *A Land Use Planning System*, 3. *Emphasis mine*.

<sup>15</sup>Similar conclusions were reached in an analysis of *Beyond 2000*, the MNR’s strategic planning and decision-making direction document, made by Northwatch. Consumptive rather than conservationist approaches to natural resource management inform the Ministry’s desired objectives. Northwatch, ‘Beyond 2000—Ministry of Natural Resources Strategic Directions,’ EBR Registry Number: PB9E4002. See also, Canadian Parks and Wilderness Society, ‘Revision of MNR’s strategic directions (Beyond 2000),’ EBR Registry Number: PB9E40002; and Clark and Yacoumidis, *Ontario’s Environment*, 79.

<sup>16</sup>See, for example, Torgerson, ‘Obsolescent Leviathan’, 17-33; and Doern and Conway, *The Greening of Canada*, 6-7.

<sup>17</sup>In his article analyzing the recent experiences of land use planning in British Columbia, ‘Parks and Protected Areas – Integrating the Ecological, Social and Economic Context in Land Use Planning – Lessons From British Columbia,’ in *Parks and Protected Areas Research in Ontario, 1998*, Derek Thompson notes that although the process was based within a strict framework, it became imperative to “retain some flexibility”, thus forcing policy-makers to seriously respond to ecological, social, and cultural issues emerging during the consultation and implementation stages of the program. Protected areas in British Columbia now make up 10.6 percent of the provincial landmass, 80-92.

“contribute to the environmental, social and economic well-being of Ontario, through the sustainable development of natural resources.”<sup>18</sup> This however, is another example demonstrating the ambiguity of maintaining ecological protection and promoting the corporate agenda. An ill-defined concept, sustainable development is considered by some as a tool embraced by political institutions to conveniently mask pro-development ideals.<sup>19</sup> Looking at the MNR’s role in land use policy-making, it is in a fundamentally contradictory position, not only is it the guarantor of Crown lands, the government is primarily committed to economic growth as evidenced by the *Common Sense Revolution* motto—‘Ontario is open for business’. Incorporating sustainable development within the Lands for Life rhetoric helps provincial authorities to placate public concerns over the rate of natural resource exploitation, at the same time assuring the corporate sector that development can continue without major challenges.

Sustainable development, as a popular concept addressing the nexus between industrial activity and ecological concerns, critics argue, has been eagerly appropriated by business as it “rejuvenates discredited neoliberal and technocratic claims... that the inventive potential of capitalism, science, and technology and the superior logic of the market [are] efficient means of allocating scarce resources.”<sup>20</sup> In this particular context, sustainable

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<sup>18</sup>Ministry of Natural Resources, *A Land Use Planning System*, 2.

<sup>19</sup>See, for example, Joel Novek and Karen Kampen, ‘Sustainable or Unsustainable Development? An Analysis of an Environmental Controversy,’ in *Canadian Journal of Sociology* 17:3 (1992), 263.

<sup>20</sup>Laurie E. Adkin, “Counter-Hegemony and Environmental Politics in Canada,” in *Organizing Dissent: Contemporary Social Movements in Theory and Practice*, 2<sup>nd</sup> edition, William K. Carroll, ed. (Victoria: Garamond Press, 1992), 137.

development justifies continued economic growth as long as it takes into consideration ecological and social justice concerns. This position essentially assumes that scientific and technological ‘quick-fixes’ can solve the contradictions between development and ecological protection. Creating a space for eco-friendly language, sustainable development tends to promote the privatization of the public sphere. Here, the drive to align environmental policies with economic objectives, ultimately making “conservation more efficient and less heavy-handed”.<sup>21</sup> is based on narrow and utilitarian perspectives of the political realm. Where environmental policy domains are subjected to the ‘rationality’ of the global economy, political power experiences a shift—the rights of government are curtailed only to be increasingly granted to the private sector.

The call for a systematic, concise, and simpler approach to land use planning is consistent with the government’s goal to mirror business objectives. The search for partnerships with the private sector, but also with the federal and municipal levels of government, indicates the retreat of provincial governmental responsibilities. While the role of the MNR as allocator of natural resources within the province is established, it is noted that “[c]lear planning direction allows the Ministry and its partners to make site-specific decisions about Crown lands and resources, to implement programs and to carry out specific projects in an integrated and efficient way.”<sup>22</sup> Partners in this context include resource-based industries, conservation clubs, communities, First Nations, interest groups, all of whom are

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<sup>21</sup>Raymond A. Rogers, *Solving History: The Challenge of Environmental Activism* (Montréal: Black Rose Books, 1998), ix.

<sup>22</sup>Ministry of Natural Resources, *A Land Use Planning System*, 5.

entitled to provide advice, develop and negotiate planning recommendations, as well as partake in the various implementation stages of the process. By equating partners as consumers of natural resources, there is an assumption that to be included in land use planning only those with particular interests in resource management have a legitimate place at the negotiating table; suggesting a shift in the meaning of citizenship whereby citizens are increasingly being identified as clients and consumers and governmental programs such as Lands for Life yield 'planning products'.

Stipulating the full inclusion and meaningful input of participants throughout the consultation process, conditions determining the extent of public participation are set nonetheless. While specific guidelines instruct the course of public involvement in environmental decision-making, the scope of participation in Lands for Life would be largely defined according to the "types of decisions to be made, the issues identified, the perceived interest and the potential impact of planning decisions".<sup>23</sup> Stressing the importance of flexibility in an initiative with the potential to exacerbate tensions between different interests, the intention is to mitigate disputes by addressing them through interest-based negotiations, an approach that "encourages the parties to focus on their underlying needs, wants and concerns, rather than on predetermined positions."<sup>24</sup> Clearly identifying actors and their demands not only can lead to the timely resolution of critical disagreements, but most importantly, it enables policy-makers to label different lobbying efforts according to economic and political importance characterizing them either as key stakeholders or mere special

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<sup>23</sup>*Ibid.*, 13.

<sup>24</sup>*Ibid.*, 13.

interests.<sup>25</sup> By delineating resource industries from other stakeholders and the public in the Lands for Life promotional documents demonstrates the government's affinity with the province's economic powerhouse.

The key question here, however, is the proposed role of indigenous peoples in the consultation process. Lumping Aboriginal concerns as another special interest negates distinct historical and cultural realities, ignoring ownership title to the land. Granted, introductory documents do mention the importance of recognizing treaty and Aboriginal rights within the different facets of land use planning, affirming that plans will not impede on existing land claims being negotiated with Canada and Ontario. Moreover, the context and scope of Aboriginal involvement is determined upon consultation with First Nation representatives. Despite this, there are no clear provisions or proposed mechanisms guaranteeing participation other than the invitation to partake in provincial forums, regional roundtables, and local citizens committees. This call to participate is of no substance to many Aboriginal peoples since it ignores the systemic and institutional racism pervasive in decision-making structures. In the case of the Ministry of Natural Resources, for example, the lack of cultural, political, and legal understanding of indigenous realities, as well as different interpretations of meanings prescribed to the land and its resources, are obstacles to participation despite bureaucrats' attempts to open the lines of communications with indigenous communities. Furthermore,

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<sup>25</sup>In 1995, Mike Harris specifically campaigned on the platform that if elected, his government would not pander to special interest groups—in this case, any organization that did not side with the proposed deficit and tax reducing neo-liberal agenda. Teachers, labour unionists, environmentalists, and welfare recipients, are considered to be special interest groups by the Progressive Conservatives. See, for example, D. Ralph, A. Régimbald, N. St-Amand, eds, *Mike Harris's Ontario: Open for Business, Closed to People* (Halifax: Fernwood Publishing, 1997).

First Nations and Métis participation in land use planning is mitigated by the fact that many do not recognize the MNR as the steward of their traditional territories since such an acknowledgment infringes on their Aboriginal and treaty rights to the land. There is also the potential for cooption when integrated into a decision-making system which considers Aboriginal concerns as simply another interest group competing for access to natural resource management.<sup>26</sup>

The imprecise references to Aboriginal involvement in Lands for Life is symptomatic of the Harris government's approach to indigenous issues. The ruling party's adherence to neo-liberalism have left First Nations and Métis even more politically marginalized as it refuses to recognize Aboriginal sovereignty and treaty rights to the land.<sup>27</sup> Unwilling to cooperate with First Nations according to a government-to-government basis—in contrast to the NDP's policy directives—relations between the province and Aboriginal nations have drastically deteriorated since the Progressive Conservatives came to power in 1995; the fatal shooting of A. Dudley George from Aazhoodena (Stoney Point First Nation) on September

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<sup>26</sup>See, for example, Joe Radocchia, *First Nations Rights in Land Use and Resource Development in Northern Ontario* (Toronto: York University, 1993), 30-50.

<sup>27</sup>See, for example, Government of Ontario, *The Aboriginal Policy Framework: Supporting Aboriginal Self-Reliance Through Economic Development* (March 1996). For an account of Harris' policy toward Aboriginal peoples, see Tullia Marcolongo, 'No Place for Native Rights in Tory Agenda,' in *Solidarité* 6:3 (Fall 1996): 10-11. This article appeared in a newsletter published by the Aboriginal Rights Coalition (Project North).



6, 1995 by the paramilitary Tactical Response Unit of the Ontario Provincial Police (OPP) was the culminating factor,<sup>28</sup> whereby recently released documents show that former MNR Minister Chris Hodgson was directly involved.<sup>29</sup> Skepticism and deep distrust in the Harris government's rhetoric have defined Aboriginal-provincial relations. And in a land use planning context where the inclusion of Aboriginal peoples is ostensibly promoted, there are no provisions for the discussion or integration of traditional indigenous environmental knowledge in *Lands for Life*, suggesting that conventional scientific approaches and values continue to inform the MNR's conservation strategies.

This section has brought attention to the *Lands for Life* objectives. The language used in the introductory documents serves as an indicator, a measurement to gauge the government's stated intentions to the actual outcomes. First, the MNR's move to increase partnerships with public and private sector groups in the natural resource management portfolio is in tune with the goals of the *Common Sense Revolution*—the transforming

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<sup>28</sup>Dudley George was among many activists that originally re-occupied traditional Aazhoodena land in 1993, territory seized by the federal government in 1942 to build Canadian Forces Base Ipperwash. The Aazhoodena Enijbaajig extended their land claim to neighbouring Ipperwash Provincial Park in 1995 to protect a burial ground which Ministry of Natural Resources officials refused to recognize. Premier Harris still refuses to call a public inquiry amid allegations that he, along with former Solicitor- and Attorney-Generals, personally or as a team, gave orders to the OPP. Aboriginal rights advocates accuse the government of a cover-up and have brought the case to the attention of the United Nations Human Rights Committee. For a historical perspective of the land claims, see Sharon O'Sullivan, 'Aazhoodena Not Yet Returned,' in *Solidarité* 8:3 (Winter 1998-1999): 4-5. The article by Richard Brennan, Peter Edwards and Harold Levy, 'Ipperwash: The death that won't stay buried,' *Toronto Star*, 2 September 2000, K1, K3, describes the most recent political and legal activities surrounding the George family's and human rights advocates' quest for justice.

<sup>29</sup>Peter Edwards and Harold Levy, 'Minister 'not bit player' at Ipperwash,' *Toronto Star* 20 November 2000, A4.

governance structure has affected the way services are delivered to the public as non-governmental organizations are taking over responsibilities previously associated with governmental institutions. Second, advocating a sustainable development approach to land use planning potentially favours industrial preferences, this set within the context of reducing the cost of doing business in the province, usually at the expense of the environment. Third, the Lands for Life documents purport the importance of including all ‘stakeholders’ in the consultation process. This pluralist perspective on interest articulation and representation perceives all groups as having an equal chance to participate in land use policy-making—a view which tends to ignore the power dynamics between established groups and the bureaucracy; for example, the historic and economic interconnections between the MNR and resource extraction industries. Most importantly, this approach does not acknowledge that systemic and institutional racism are a barrier to Aboriginal participation in environmental decision-making. Upon closer inspection then, the Lands for Life goals denoting inclusion may actually complicitly promote exclusion, factors that set the tone for the roundtable consultations.

### **The Proposed Scope and Planning Stages of Lands for Life—**

A geographical area encompassing approximately 46 million hectares, or 45 percent of the province—ranging from the Ontario-Manitoba border in the northwest to the Haliburton highlands in the central-eastern parts of the province—the Lands for Life boundaries spanned from the 45° to the 51° parallels containing 58 percent of Ontario’s

forests and 11 percent of Canada's forests<sup>30</sup> (Appendix B). The replacement of the Strategic Land Use Plans and the District Land Use Guidelines with a new planning system leading to a comprehensive land use policy was to be done in two phases: land use planning—which was further divided into regional planning and sub-regional planning—and operational planning.

Both land use planning and operational planning were to incorporate provisions from existing legislation such as the *Public Lands Act* and the *Mining Act*, as well as relevant Ministry of Natural Resources policy directions to identifying future land uses. From this, the MNR would derive strategies for specific resource sectors, such as forestry, mining, and tourism. Within the regional land use planning context, which was divided into three regions—Boreal West, Boreal East, and Great Lakes-St. Lawrence—the objectives were to “identify policy for all natural resource sectors; establish the framework for sustainable resource management; define sustainable resource supply; allocate resources and set land-use direction for forestry, natural heritage and resource-based tourism; identify opportunities for hunting and fishing; and consider compatible uses.”<sup>31</sup> Consequently, three roundtables, one for each region, were established to assess the ecological, social, and economic impacts of resource allocation.

The second part of land use planning, the sub-regional level, never fully materialized. Background information suggested that the Boreal West, Boreal East, and Great Lakes-St. Lawrence regions would be further divided into twelve to fifteen planning units examining and integrating detailed management plans and land use directions at the micro-level. Within this

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<sup>30</sup>Partnership for Public Lands, *It's Your Land*, 1.

<sup>31</sup>Ministry of Natural Resources, *A Land Use Planning System*, 6.

phase the MNR planned to establish sub-regional roundtables to ensure that local interests are represented in resource allocation.

Operational planning, the final stage, is intended to deal with the implementation of regional (and sub-regional) land use strategies at the local level conducted by the MNR and resource stakeholders, including the Ministry's partners; the administration would be done in accordance with policy guidelines such as the *Forest Management Planning Manual* and the *Provincial Park Management Planning Manual*. As plans vary in size and scope, ranging from forest management to individual projects requiring an environmental assessment, existing Local Citizens Committees are expected to play an important advisory function, providing "advice on planning procedures, review and improve the local information base, assist in the development and review of management approaches, and resolve local issues."<sup>32</sup> It is expected that the negotiated outcomes of Lands for Life will take a few years to be fully implemented whereby both the SLUPs and DLUGs would be phased out to be replaced by the Regional Land Use Strategy and Sub-Regional Land Use Plans.

#### ◆ **The projected schedule for public consultation**

The Lands for Life public consultation and decision-making process was originally intended to last approximately one year, from July 1997 to the summer of 1998; a rigid time frame demonstrating the speed at which the government wanted to complete the land use program. Proposing to convene the roundtables in June 1997 and start public consultations in September and October, by November, the three committees would present various land use options for public review. In turn, they were to be analyzed by the planning members

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<sup>32</sup>*Ibid.*, 9.

throughout December and January to determine the preferred designations for each region. From this, three land use strategies would be submitted to the Minister in March. After responding by April, the draft strategy would be made public throughout May for appeals prior to the approval of the final strategy in the summer of 1998.

With a tight deadline, the proposed schedule set in motion a flurry of activities. Starting with the establishment of the terms of reference along with the identification of objectives, issues and background information, the roundtable consultation process was to provide four opportunities for public involvement to provide information and community perspectives, review land use options, and comment on the final land use strategy (Appendix C). This however, was not to happen as it became apparent to the government that meaningful public involvement is a complex and time consuming endeavour. Beginning in September and October 1997, the roundtables' public consultation segment consisted of integrating concerns, opinions, personal, and scientific evidence on the preferred allocation of natural resources from participating individuals and organizations. A second round of public input started in the winter and spring of 1998, this time to review proposed land use options resulting from the public's input. Here, each roundtable released a different number of options, each with varying degrees of industrial use and protected areas.<sup>33</sup>

To arrive at the preferred land use option, the roundtables gathered information from an array of sources including presentations, questionnaires, work booklets, faxes, telephone conversations, e-mails, letters, reports, scientific documents, as well as public meetings,

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<sup>33</sup>See, for example, the tabloid published by the Boreal East roundtable outlining its five proposed land use options. Ministry of Natural Resources, *Preliminary Land Use Options* (March 1998): 1-23.

regular roundtable meetings, provincial forums, and workshops. By the end of the process, more than 15,000 people had participated<sup>34</sup> with the deadline extended twice for roundtable members to finish their work—first from April 1<sup>st</sup> to June 30<sup>th</sup> and finally until July 31<sup>st</sup>. However, the Minister of Natural Resources refused to allow a third extension, citing the “need for certainty – for a hasty conclusion to Lands for Life”,<sup>35</sup> effectively curtailing the expected third round of public input intended to review the roundtables’ draft recommendations prior to being submitted to the Minister’s office. As such, the final options from the regional roundtable were given to Snobelen in draft form resulting in the *Consolidated Recommendations of the Boreal West, Boreal East and Great Lakes-St. Lawrence Round Tables* released in October 1998. Touted as a successful public exercise by the Harris government, critics contend that it was a race to carve up the province’s natural resources citing that a similar process in British Columbia, under the auspices of the Commission on Resources and the Environment (CORE), took three years to achieve.<sup>36</sup> Not only did roundtable members not complete their mandate, the tight time frame given to respond was considered to be inadequate. In a process characterized by difficult technical and scientific information—beyond the expertise of many participants—and extremely large

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<sup>34</sup>The MNR estimates that 7,000 of a total of 66,000 work booklets sent, or 10.6 percent, were returned with comments. Moreover, by July 1998, the roundtables had compiled a mailing list of 17,000 addresses.

<sup>35</sup>Correspondence from MNR Minister John Snobelen to Bob Gray, Great Lakes-St. Lawrence roundtable chair, dated 28 April 1998.

<sup>36</sup>Kyle Ferguson, ‘A great giveaway, but most Ontarians aren’t invited,’ *The Globe and Mail*, 9 March 1998, A11; Correspondence from Brennain Lloyd, Northwatch co-ordinator, to members of the environmental coalition, dated 24 October 1997.

regions of study encompassing different ecological, economic, and cultural realities, contributed to a sense of confusion and ultimately became obstacles to meaningful discussions. As one Aboriginal participant noted, “[W]e hear about speedy deadlines and it seems the province is in a rush to get things done before anyone finds out what is really going on.”<sup>37</sup>

◆ **Lands for Life in action: The three regional roundtables**

The three regional roundtables, Boreal West, Boreal East, and Great Lakes-St. Lawrence, were the principal policy-making instrument set in place by the Ministry of Natural Resources to facilitate public participation in its new land use planning system. Increasingly becoming the policy style of choice, especially in the wake of heightened public environmental awareness and calls for more inclusivity in decision-making processes, the multistakeholder/roundtable configuration arguably opened the negotiating landscape. Here, conflict resolution focuses on process building whereby environmentalists, business, government, and other interested parties participate in open, less formal forums: multipartite bargaining then, has legitimized policy decisions “provid[ing] the state with excellent opportunities for claiming credit and avoiding blame” and uses the “consultations as a way of mobilizing consent for policies.”<sup>38</sup>

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<sup>37</sup>Roy Michano, chief of the Pic River First Nation, quoted in Doug Gale, ‘Pic River chief calls Lands For Life ‘camouflage, smokescreen,’ *The Marathon Mercury*, 25 November 1997, 1.

<sup>38</sup>Hoberg, ‘Environmental Policy’, 339; and Howlett, ‘The Round Table Experience’, 580-601.

With the Lands for Life general policy framework set in place, the roundtables had the leverage to determine the direction of the consultation process albeit with guidance from loosely defined terms of reference as outlined in *The Guidelines for the Preparation of Regional Land Use Strategies* specifying the different stages of the planning process; the scope and approval process of land use planning resulting in the Regional and Sub-Regional Land Use Strategies; the proposed timeline; the extent of public participation; as well as the financial and human resources needed to undertake the project.<sup>39</sup> Instructed by the MNR to provide final recommendations for the proposed comprehensive land use plan, the roundtables' mandate to study the current and future uses of natural resources in Ontario—as projected for the next twenty years—was based on four issues: completing the parks and protected areas system; integrating resource-based tourism in land use planning; ensuring greater economic certainty for natural resource industries, and improving hunting, fishing, and other recreational opportunities in the province—of which hunting and fishing, as well as mining objectives were later additions to the Lands for Life scope of study. Along with the aim of conducting wide-ranging public consultations, the roundtables were responsible for determining the best uses, targets, and strategies related to resource allocation including applying relevant policies and guidelines to affected planning areas. Being a multistakeholder

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<sup>39</sup>Ministry of Natural Resources, *A Land Use Planning System*, 13. The Guidelines were introduced after the three roundtables started their mandate, and were only in draft form. See Environmental Commissioner of Ontario, *Open Doors*, 123.



process. roundtables were also to resolve conflicts among different interests through both traditional and alternative dispute resolution methods.<sup>40</sup>

Analyzing the roundtables' composition provides an insight into how the members carried out their mandate and how the three regional land use strategies, forming the basis of the Lands for Life recommendations, were formulated. Each region was assigned 14 committee members and a chair; the overall makeup intended to collectively represent the diverse interests and values found in each region of the province.<sup>41</sup> Appointed by the Minister of Natural Resources, and convened in June 1997, the members are from different professional backgrounds having specific interest in natural resource management. While the 'standard list of interests' included forestry, mining, trapping, hunting and angling, tourism, naturalists, environmental consultants, municipalities, and First Nations,<sup>42</sup> the panels were dominated by men, reflecting the current gender imbalance in natural resource management sectors.

Concerns over the roundtables' configuration already emerged prior to the start of the consultation process. Evidence suggests that environmentalists were among the first to raise warnings

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<sup>40</sup>*Ibid.*, 14; and Ministry of Natural Resources, *Lands for Life: An Introduction to Regional Land Use Strategies* (Toronto: Queen's Printer for Ontario, 1997), 7.

<sup>41</sup>Ministry of Natural Resources, *A Land Use Planning System*, 14. It is important to note that by the end of the consultation process each roundtable ended up with 12 members as a result of resignations.

<sup>42</sup>See, for example, the brochure *Great Lakes-St. Lawrence Round Table Members* (February 1998), providing biographies of the GLSL regional roundtable.

about the roundtables, perceiving them to be skewed in favour of industrial interests. As one critic said, “I would suggest that in their current composition, the roundtables probably will tell the minister exactly what he wants to hear,” adding that “I think that’s why these people were put in this position. It is no secret that the natural predisposition of the Harris government is in the direction of resource extraction.”<sup>43</sup> These comments are generally representative of concerns expressed by three regional environmental coalitions, Northwatch, Environment North, and the Partnership for Public Lands which, in order to counter potential bias toward industrial interests, urged their constituents to lobby roundtable members providing them with perspectives conforming to environmental values. While not overtly criticizing roundtable members, the Partnership, for example, warned that “it is very, very important for anyone concerned about wild areas and the handing over of public lands to industrial uses to make your concerns known to the Round Tables during the next few weeks... because after that they will be sitting down with MNR staff to work on maps of who gets what.”<sup>44</sup> This, and similar requests—consistently made by environmental groups throughout Lands for Life—were also a way to raise awareness of the land use exercise, an

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<sup>43</sup>Dan McDermott, former executive director of Earthroots quoted in Jill Mahoney, ‘Environmentalists fear forest sellout in store for Ontario,’ *The Globe and Mail*, 13 August 1997, A8. See also, Richard Mackie, ‘Fight for Northern Ontario escalating,’ *The Globe and Mail*, 5 August 1998, A5; and Northwatch, *Lands for Life — Ontario’s New Land-Use Planning Process*, Bulletin, undated.

<sup>44</sup>Partnership for Public Lands internet site: [www.web.net/wild/latest.htm](http://www.web.net/wild/latest.htm)

initiative that despite various media attention was still obscure to many Ontarians by the end of the public consultations.<sup>45</sup>

The sense of urgency emanating from environmental interests prodding the public to become involved in the roundtable initiative was also based on the understanding that political and personal relationships can potentially influence decision-making outcomes. Critics argued that with a majority of roundtable members having either direct or indirect connections to resource industries, personal sympathies effectively outplayed the roundtables' goals of compromise, jeopardizing consultation since the beginning. The close ties between roundtable chairs and the Progressive Conservative party were considered obstacles to fair land use negotiations. The chair of the Great Lakes-St. Lawrence roundtable, Bob Gray, for example, is a conservative supporter, being a Harris appointee to many organizations including member of the Tory party and the forest industry funded Canadian Ecology Centre. Like Gray, Boreal East roundtable chair Bettyanne Thib-Jelly is also a conservative, and both were advocates of the highly controversial Adams Mine waste management project. For his part, the former chair of the Boreal West roundtable, Leo Bernier—later replaced by Bob Michel, also a Tory supporter—was Minister of Natural Resources from 1972 until 1977 under the Bill Davis government who, during the Strategic Land Use Planning (SLUP) exercise in the early 1980s, was adamantly opposed to the creation of additional protected areas lobbying behind the scenes to scuttle the land use program.<sup>46</sup> In a process touted as a consensus-based decision-

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<sup>45</sup>See Thomas Walkom, 'Ontario's public land remains a cheap giveaway,' *Toronto Star*, 10 November 1998, A2; and Ian Urquhart, 'Lots of trees under Tory wilderness plan,' *Toronto Star*, 17 December 1998, A29.

<sup>46</sup>Gerald Killan, *Protected Places*, 347.

making exercise, the political preference of the roundtable leaders, which essentially mirrored the Harris government's utilitarian inclinations toward natural resources, was potentially seen as a deciding factor in the discussions whereby "a consensus at the round tables has come to mean asking the mining and forest industry what public land they would be willing to let others use."<sup>47</sup> The reality of single-industry towns however, shows how personal, professional, and kinship ties play an important role in community dynamics. While industries are often considered pillars of northern municipalities, a stable source of employment, they are also involved on a social level, contributing money and personnel to various charity, educational, health, and recreational aspects of community life.<sup>48</sup> It is this complex public-private interplay that is integral to consider when analyzing the outcomes of the Lands for Life roundtable process.

The potential for prejudice against strong environmental considerations in land use planning was also a result of the lack of direction from the Ministry of Natural Resources. Critics blamed the MNR ministers, Chris Hodgson and John Snobelen,<sup>49</sup> for providing conflicting directives throughout Lands for Life; while one of the original mandates was to 'complete' the provincial park and protected areas system, Hodgson's personal preference for multiple use as a plausible land use designation, for example, was made public several

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<sup>47</sup>Richard Mackie, 'Last protected trees may be facing axe,' *The Globe and Mail*, 9 June 1998, A8.

<sup>48</sup>President, Environment North, interview by author, 21 October 2000.

<sup>49</sup>Both Chris Hodgson and John Snobelen worked on the Lands for Life portfolio during separate mandates as Ministers of Natural Resources.

times.<sup>50</sup> High level bureaucratic involvement in the planning initiative was also evidenced in a letter from John Snobelen encouraging committee members to “stay largely within existing government policy, but ... that they can recommend exemptions or modifications on a site-specific basis”,<sup>51</sup> suggesting that the government wanted to maintain the status quo as opposed to its public portrayal of Lands for Life as an innovative and dynamic land use program. That there was no clear indication hunting and angling or mining issues would be part of the Lands for Life mandate—at least in publicly released background material—signaled that the process lacked clear and comprehensive organization. Contributing to the confusion was also the MNR’s failure to devise a clear set of rules delineating the parameters of Lands for Life. Instead, each roundtable formulated the terms of reference that guided planning decisions at their own discretion which, critics argue, allowed them to “simply carve the Ontario landscape up according to dominant interests represented on each Round Table.”<sup>52</sup> Discrepancies tended to define the consultation process as each roundtable used different approaches to formulate land use strategies. The Boreal West roundtable, for example, did not publicly release its objectives, while the Boreal East

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<sup>50</sup>In an effort to appease the mining community, Chris Hodgson wrote in the *Northern Miner* that the MNR would give full consideration to the industry’s coveted multiple land use concept. Chris Hodgson, ‘Minister defends Lands for Life process.’ *Northern Miner*, 20-28 April 1998.

<sup>51</sup>Ron Reid, ‘GLSL Haliburton Meeting Results’, 12 December 1998, 1. In his memo to members of the environmental community, the author paraphrased correspondence from Minister John Snobelen to Great-Lakes-St. Lawrence roundtable members.

<sup>52</sup>Partnership for Public Lands, ‘Protected areas fall off the table as Round Tables put logging and mining first’. Information presented at a press conference in Toronto, 8 June 1998, 2.

roundtable released detailed draft of its goals, but did not come up with a conclusive version; as opposed to the Great Lakes-St. Lawrence roundtable which published its terms of reference after public review. Inconsistencies resulting from varying roundtable planning interpretations were starkly made evident by the Boreal East roundtable which prioritized its goals by ranking ecological issues 15<sup>th</sup> and 16<sup>th</sup>, after the first three which were employment, maintaining mining extraction activities, and forest productivity.<sup>53</sup> The most disturbing development emerging from the MNR's lack of direction however, was the fact that some roundtable members proceeded to challenge existing land use policies, specifically those pertaining to the creation and protection of green spaces. In her annual report, former Environmental Commissioner of Ontario, Eva Ligeti, noted that the roundtables "implicitly recommended that MNR abandon its policy direction to complete a system of representative parks and protected areas. They have also explicitly recommended changes to permitted uses in parks and conservation reserves, to allow for more commercial uses."<sup>54</sup>

While economic considerations were the primary objectives of the three roundtables, attention to Aboriginal interests also became secondary items during Lands for Life. This became obvious to First Nations who originally participated in the consultation phase of Lands for Life. As the roundtables were determining the allocation of natural resources, read the privatization of traditional lands, without Aboriginal consent, there were allusions to the importance of indigenous involvement. As the GLSL chair wrote:

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<sup>53</sup>Environmental Commissioner of Ontario, *Open Doors: Ontario's Environmental Bill of Rights, 1998 Annual Report* (Toronto: ECO, 1998), 129.

<sup>54</sup>*Ibid.*, 133.

Round Table members have benefited from the perceptions of many people – none more than the words offered to us by Aboriginal participants who graciously took time for dialogue. And while it is clear that Lands *for* Life is subservient to the treaty, governance and land rights interests important to all First Nations, we are now better able to offer recommendations on land use activities which take into account the social, cultural, economic, and spiritual needs of Aboriginal people.<sup>55</sup>

For many Aboriginal peoples however, it became clear that the roundtable discussions were not meaningful. While many communities made presentations and provided written briefs, others, like nations part of the Grand Council Treaty #3, boycotted the process. As one person noted, the roundtables are “just a camouflage and smokescreen for the continued privatization of Ontario’s lands and resources and the dismantling of the Ministry of Natural Resources.”<sup>56</sup> Even though three Aboriginal people were roundtable panelists, it will become clear in the following pages that the government considered them token representatives, ignoring their economic, political, and cultural realities in the three planning regions, and lumping all Aboriginal views as special interests—this, in stark contrast to those groups recognized as key stakeholders such as resource extraction industries.

The presence of a majority of roundtable members sympathetic to industrial and recreational interests was conducive to the acceptance of multiple land use as a planning strategy. Critics contend that there was a reluctance to oppose powerful industrial interests

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<sup>55</sup>Bob Gray, ‘Round Table Chairman’s Message’, 21 January 1998.

<sup>56</sup>Gale, ‘Pic River chief’, 1.

which essentially led to a consensus during roundtable discussions.<sup>57</sup> Corporate influence dictated that Lands for Life became an exercise in divvying up Crown land which business was willing to give up or compromise for protected areas, whereby the onus was put on environmental interests to wrestle pockets of green space from industrial activities. According to the Partnership, industry ‘highjacked’ the process by consistently refusing to seriously consider the possibility of creating new parks devoid of natural resource extraction. It became obvious to them that an ‘industrial veto’ was at play, “dismissing one protected area after another, dismissing community and public aspirations, and bring[ing] the process down to the level of intimidation and misinformation.”<sup>58</sup> This sentiment was confirmed by Northwatch which noted that the roundtables “are only too aware of the difficulties in their own processes, and have indicated... they recognize that a threatening environment has been created for some speakers”.<sup>59</sup> On another note however, there are indications that some roundtable members were genuinely interested in arguments proposed by environmental interests such as the economic benefits of ecotourism and learning about the impacts of Lands for Life on both a national and global scale, especially in relation to NAFTA, IUCN ecological definitions and

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<sup>57</sup>In the case of the GLSL roundtable, this was confirmed by the fact that dissenting information and views opposing industrial interests were not recorded, and roundtable members did not bother to correct misinformation. Environmental lawyer, interview by author, 3 February 2000.

<sup>58</sup>Partnership for Public Lands, internet site: [www.web.net/wild/prom2.htm](http://www.web.net/wild/prom2.htm)

<sup>59</sup>Correspondence from Northwatch co-ordinator, to members, dated 28 April 1998. The author notes that as a result of the negative atmosphere pervasive during the consultation meetings, the roundtables would “pay close attention to the input they receive in writing and through the workbooks”, 1.



classifications, international forest standards certification, and the *1992 Convention on Biological Diversity*.<sup>60</sup>

Holding information sessions, workshops, and open houses, the roundtables travelled across the province to integrate different perspectives and concerns on land use not only from their specific region, but also from urban areas in southern Ontario, including London, Kingston, Toronto, and Ottawa. Although having a minimal role the Provincial Forums, were also a vehicle used to collect input from provincial-level interests.<sup>61</sup> As the roundtable members undertook their work, an elaborate structure was created to accommodate the information gathered in what would be touted as a successful 'citizen driven' planning exercise. The roundtables' role of clearinghouse, facilitating communication and the exchange of information between sectors, interest groups, and individuals, was enhanced by project teams employed by each regional roundtable as support mechanisms to deal with policy, planning, and administrative questions. Working closely with MNR staff and sub-committees, roundtable members assembled information from a variety of sources, mainly from written briefs and letters, as well as oral presentations from the public. Expressing a diversity of opinions, presenters talked about their personal and professional experience in different sectors related to natural resources. At a roundtable public meeting held in Sudbury in

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<sup>60</sup>Boreal West roundtable member, interview by author, 16 November 2000; Presiden, Environment North, interview by author. See also, Reid, 'GLSL Haliburton Meeting Results', 6; and Northwatch, 'Protected Areas Strategy Meeting – Boreal East Roundtable', June 17, 1998, 1.

<sup>61</sup>The forums included a multitude of organizations ranging from municipal, agricultural, mineral, energy, environmental, Aboriginal, conservation, tourism, recreational, forestry, and hunting interests.

October 1997, for example, the list included a cross-section of interests including E.B. Eddy, Tembec, Cambrian College, Science North, the City of Sudbury, Laurentian University, Falconbridge Exploration, the Sudbury Chamber of Commerce, Friends of Killarney, Northwatch, as well as five tourist and lodge operators, two fly-in companies, one camping association, and three individuals.<sup>62</sup> At another GLSL roundtable meeting in Haliburton in December 1997, presenters included members of the Ontario Federation of Snowmobile Clubs, the Haliburton Field Naturalists, Orillia Naturalists Club, the Great Lakes Sea Kayaking Association, and representatives from two forestry companies Tembec and Westwind Forest Stewardship Company. Also, a member of an environmental coalition composed of Earthroots, Animal Alliance, Sierra Club, and the Ontario Public Interest Research Group (OPIRG)—groups opposing the moderate stand and political strategy taken by the Partnership for Public Lands—gave a presentation on the need to fully protect old growth forests and wetlands, and restrict road access in wilderness areas.<sup>63</sup>

To facilitate information gathering, sub-committees were formed according to the different sectors encapsulating Lands for Life. At the GLSL roundtable, the protected areas, forestry, and tourism sub-committees were three examples of specialized teams providing technical planning and administrative support to the roundtables. Through the analysis of maps, technical and scientific documents and public input, they assisted in the formulation of detailed land use options for specific geographic locations encompassing the three planning

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<sup>62</sup>Northwatch, 'Lands for Life: GLSL Public Meeting Working Notes', October 15, 1997, 2-4.

<sup>63</sup>Reid, 'GLSL Haliburton Meeting Results', 4-5.

regions. While some sub-committees conducted assessments using focus groups to get a better sense of a sector's views on the planning outcomes, an observer of the Great Lakes-St. Lawrence roundtable noted that the integration of all sectoral interests was one of the major challenges facing the roundtables.<sup>64</sup> This was in part caused by the content and dispersion of information available, or lack thereof, to roundtable members. Although efforts were made by the MNR staff to provide the roundtables with background information integral to decision-making, data was often unavailable—a fact hampered by a lack of integration stemming from “inadequate databases; outdated resource inventories; difficulty in comparing or combining information from different sources; and technical difficulties with new computer information systems.”<sup>65</sup> The lack of current forestry information, for example, was an obstacle to the roundtables' ability to make informed judgements regarding future forest management strategies. Restrictions under the *Freedom of Information and Protection of Privacy Act*, and the MNR's reduced research capabilities resulting from funding and staff cutbacks undermined the Lands for Life objectives. Here, the results of Harris' *Common Sense Revolution* came to light during this time, demonstrating how the role of the bureaucracy had become limited. More specifically, current wood supply assessment studies and detailed inventory data previously gathered by the Ministry of Natural Resources was now being done by the forest industry. In addition, this information was often withheld from members as a result of an MNR promise to the forest industry to keep such knowledge confidential, an issue

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<sup>64</sup>*Ibid.*, 3.

<sup>65</sup>Environmental Commissioner of Ontario, *Open Doors*, 134-135. It is noted that various gap analyses techniques were used by the different roundtables contributing to inconsistent and disjointed planning.

exacerbated by the industry's unwillingness to share information with the roundtables or the public.<sup>66</sup> This in turn, prevented the roundtables from adequately setting protection targets within the context of the wood crisis facing Ontario.

◆ **The roundtables' draft land use options**

Critics argue that the real intentions of Lands for Life were confirmed when the three roundtables released their different land use options for public review in the spring and summer of 1998. Detailing the total amount of protected areas proposed by each region, the Partnership for Public Lands effectively demonstrated that the land use proposals proved their position: that the roundtables were greatly influenced by industrial interests (Appendix D). Releasing a different number of preferences—both the Great Lakes-St. Lawrence and Boreal West committees presented four land use possibilities and Boreal East submitted five options—the results pointed to a wide disparity regarding the allocation of protected areas, but all plans held the common theme of promoting the status quo vis à vis industrial uses of Crown lands. Based on calculations using the land use option calling for the most protection, the Partnership showed that in the best case scenario the Boreal West roundtable added 1.8 percent from 9.2 percent, Boreal East added 4.3 percent from 2.8 percent, and the GLSL region added 3.3 percent from 5.9 percent of already existing protected areas to their land base, a total of 9.4 percent.<sup>67</sup> For environmental interests, the land use options decisions were based on procedural flaws. The Partnership pointed out that in all cases, mining and forestry interests either blocked serious discussion about sustainable practices or refused to consider

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<sup>66</sup>*Ibid.*, 136-137.

<sup>67</sup>Partnership for Public Lands internet site: <http://www.web.net/wild/latest.htm>

the possibility of protected areas. At the Great Lakes-St. Lawrence roundtable, for example, “most candidate protected areas have been rejected or deferred as a result of industry objections.”<sup>68</sup> In contravention of the roundtable mandate, Boreal West devised its land use options without consensus, but rather by a majority vote.<sup>69</sup>

Language also played an important role in the development of land use preferences. Introducing new terms such as remote access area, special management areas, provincial heritage waterway reserves, tourism stewardship reserves, community stewardship areas, wildlife stewardship areas, recreation stewardship areas, forest stewardship areas, and general use areas gave a semblance of protection, but upon further inspection these designations ultimately promote multiple use.<sup>70</sup> Critics believe that the land use options “contain a confusing array of ‘pseudo-protected’ areas that allow logging, mining or both. These new designations have attractive names like ‘stewardship’, ‘reserve’, and ‘heritage’, but recent experiences in B.C. and Ontario show that these management prescriptions are temporary and lack enforcement. They are ‘window dressing’ and [there is] no substitute for real protection.”<sup>71</sup> Despite the use of new terminology during roundtable discussions, the lack of new wilderness parks, wetland and rare species protection, or the designation of large-scale

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<sup>68</sup>Partnership for Public Lands internet site: <http://www.web.net/wild/prom2.htm>

<sup>69</sup>*Ibid.*, 5. See also, Environmental Commissioner of Ontario, *Open Doors*, 129.

<sup>70</sup>See for example the Boreal West roundtable’s tabloid detailing its land use options, Ministry of Natural Resources, *Boreal West: Towards a Regional Land Use Strategy*, June 1998: 1-44. All three regional roundtable committees also had to deal with subjective interpretations of concepts such as ‘multiple use’, ‘wilderness’, and ‘protection’, often making communication difficult during discussions.

<sup>71</sup>Partnership for Public Lands internet site: <http://www.web.net/wild/prom2.htm>

protected areas (greater than 50,000 hectares) in the land use options ultimately showed the lack of depth of the Lands for Life planning exercise; a process, to quote the Ministry of Natural Resources, intended to “complete a system of parks and protected areas that will represent the full range of the province’s natural and cultural features.”<sup>72</sup>

While all land use draft recommendations were submitted to the MNR Minister by the July 31, 1998 deadline, it was expected that public consultation would follow shortly after to determine the best option for each region. However, by the end of August there was no indication that citizens would have a chance to participate in the review of the best land use plan for their area. Facing pressure from concerned citizens made aware of the issues at stake by environmental groups like the Partnership for Public Lands who were certain that “the approaches advocated by the Round Tables may well represent a big step backwards for conservation in Ontario”,<sup>73</sup> there were signs that Minister Snobelen was distancing himself from the three regional reports. Noting that the roundtables did not reach a consensus and that he would have to review the draft land use plans to “act in the best interest of the public”, Snobelen ended up meeting with roundtable chairs to harmonize and modify the reports, of which the consolidated version was finally released at the end of October 1998. This approach signaled that public participation would be annulled in an attempt to keep the process on track, but more importantly, it suggested that the government was not ready to deal with the fallout of a process which clearly did not meet environmental objectives that Ontarians had come to expect as part of a 1995 Harris electoral promise. In the end, many critics viewed

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<sup>72</sup>Ministry of Natural Resources, *A Commitment to the Future*, 4.

<sup>73</sup>Partnership for Public Lands internet site: <http://www.web.net/wild/latest.htm>

Lands for Life as a “very public process, but one which was crippled by Tory mismanagement and mixed messages from the Minister’s office, and one which was terminated in July 1998, a full eight months before the ‘Living Legacy’ announcement.”<sup>74</sup>

Disillusionment with the outcome of the process was also clearly stated by Aboriginal interests as they started boycotting the land use planning initiative. In July 1998, the Nishnawbe-Aski Nation, citing that they “will not accept ‘special interest group’ categorization”,<sup>75</sup> recalled the Aboriginal panelists from the Boreal West and Boreal East roundtables sending a message to government that it would not tolerate the allocation of traditional territories to industry and other users without their approval. After conducting several unsuccessful lobbying attempts to start independent negotiations with government officials, including MNR Minister John Snobelen, First Nations chiefs formally announced their withdrawal from Lands for Life. Demonstrating a show of unity among the major provincial political Aboriginal organizations, five chiefs representing the Union of Ontario Indians, the Nishawnabe-Aski Nation, the Grand Council Treaty #3, the Association of Iroquois and Allied Indians, and the Independent First Nations, as well as the Assembly of First Nations Ontario Regional chief, held a press conference at Queen’s Park deploring the government for not acknowledging Aboriginal and treaty rights throughout the process. The decision to boycott Lands for Life was taken as part of a resolution made at an All Ontario Chiefs Conference in June 1998 which stated that the land use implementations will not be honoured. The government’s stance was again demonstrated in a conference call with

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<sup>74</sup>Northwatch, *The Environmental Footprint*, 1.

<sup>75</sup>Nishnawbe-Aski Nation, Press Statement, 9 July 1998.

Snobelen held in August where there was no commitment to recognize the sovereignty of Aboriginal peoples in land use decision-making.<sup>76</sup>

This section has shown that the pace of the consultation process along with the constituency of the roundtables influenced the nature of the three draft regional land use recommendations. Miscalculating the time needed to formulate a comprehensive land use strategy—in light of the amount of territory covered, as well as the diverse political, social, economic realities existing in the areas studied—was a major factor contributing to discrepancies between roundtables. Having devised different planning objectives, the roundtables each proceeded at their own pace. In the end though, they were constrained by the ultimate deadline set by the Minister of Natural Resources forcing them to present the preferred land use option for their region without the benefit of a final public review.

Although there was a high volume of information generated during the public consultation, ecological considerations seem to have taken a back seat to economic concerns. The roundtable composition, characterized by a majority of industrial interests and a lack of academic representation,<sup>77</sup> did not allow for a detailed analysis regarding the value of protected areas. This was exacerbated by a majority of members with limited expertise on land use planning having to make decisions on incomplete and dated information, skewing the formulation of land use options. The exchange of data between the Ministry of Natural Resources staff and roundtable members, which was often inconsistent, was one problematic

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<sup>76</sup>Nishnawbe Aski-Nation, internet: <http://www.chiefs-of-ontario.org/NAN/dec16b.htm>

<sup>77</sup>Executive Director, Wildlands League, interview by author, 31 October 2000.



aspect of the process. As will be seen in the following pages, the lack of information available to the public was also a deciding factor influencing the outcome of land use final recommendations.

### **The Arguments Explored by Industry and Environmental Interests—**

As a multistakeholder process, the roundtables had to consider a variety of positions, most of them already deeply influenced by the political and economic culture existing in Ontario. Accordingly, participants from all sides acquired evidence to present their arguments. Lands for Life then, became an important vehicle for the public expression of opinions regarding the controversial topic of resource allocation, inevitably flaring tensions and exacerbating deep regional, cultural, and political divisions within the province. Here, natural resource industries, by nature of their political connections and economic weight, were one of the most vocal actors during the consultation phase.

#### **◆ The forest industry objective: Enhancing tenure rights**

Despite commitments to cooperate in the expansion of the protected areas system, evidence suggests that the forest industry was reluctant to make significant compromises throughout Ontario's Lands for Life planning process. According to the Partnership, positions taken by the forest industry contravened the *Canada Forest Accord* (1992) stating that "all members of the forest community will work towards completing, by the year 2000, a network of protected areas representative of Canada's forest, to protect ecological benchmarks,

protect areas of unique biological value and ensure wilderness experience.”<sup>78</sup> Six years later, in 1998, the Ontario Forest Industries Association (OFIA), a signatory to the agreement, accused environmentalists of working with a restrictive meaning of protected areas. OFIA’s president noted that “[t]heir definition is parks. And we’re saying, take a look at all of the areas where the industry is not allowed to harvest right now, be it for moose habitat, be it moose corridors, be it areas of protection around lakes.”<sup>79</sup> According to the organization, Ontario’s “forestry companies believe the amount of land available to them can only shrink when Lands for Life has run its course” adding that “[w]e can’t gain. We can only lose in this process.”<sup>80</sup> Representing the provincial forest industry, the position taken by the Ontario Forest Industries Association reflected the rationale commonly used by logging companies to justify opposition to designating new protected spaces.

Resistance to the land use options protecting more Crown land was expressed by a representative of forestry giant Buchanan Forest Products Ltd., who noted that “[e]very hectare of forested land in the Northwest MNR Region, and every tree on this land is needed to run our sawmills... For this reason we are not in favour of establishing any further parks

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<sup>78</sup>Commitment made by federal and provincial forestry ministers, the forest industry, and non-governmental organizations in 1992, outlined in *Sustainable Forests: A Canadian Commitment*. Quoted in the Partnership for Public Lands, *It's Your Land: Completing Ontario's System of Parks and Protected Areas*, undated, 4.

<sup>79</sup>OFIA president, Marie Rauter, quoted in Richard Mackie, ‘Fight for Northern Ontario escalating,’ *Globe and Mail*, 5 August 1998, A5.

<sup>80</sup>Paul Bagnell, ‘Fighting over the forest,’ *The Financial Post*, 11 April 1998, 9.

and any further areas where harvesting is not allowed.”<sup>81</sup> Similar positions were also taken by companies such as E. B. Eddy Forest Products Ltd. and the consortium of Clergue Forest Management Inc. whereby the Great Lakes-St. Lawrence land use scenarios proposing a minimum of increased protected areas were refused on the basis of employment reductions.<sup>82</sup> Advocating multiple use and an enhanced tenure system guaranteeing compensation in the advent of a decreased land base, the forest industry generally called for more governmental incentives during the Lands for Life process (Appendix E). To ensure that these objectives would be met Tembec, for example, called for more subsidies, deregulation, and changes to the taxation and stumpage system.<sup>83</sup> The paradox of resource management was revealed during the Lands for Life process where demands for more financial breaks and programs to augment certainty within the forest sector were tempered by calls for greater deregulation of the industry.

◆ **The mining and exploration industry: Prime advocates of multiple use**

The mining industry’s real intentions were also revealed during the Lands for Life exercise. Despite promising to adhere to the *Whitehorse Mining Initiative* (1994) that would “create and set aside from industrial development by the year 2000 those protected areas required to achieve representation of Canada’s land-based natural regions. To ensure that the

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<sup>81</sup>Correspondence (registered letter) to Boreal West roundtable chair Bob Michels from Glen Swant, Vice-President, Fiber Supply for Buchanan Forest Products Ltd., dated 20 November 1997. Swant’s emphasis.

<sup>82</sup>See E. B. Eddy Forest Products Ltd., ‘Lands for Life,’ March 1998; and Clergue Forest Management Inc., ‘An Analysis of the Lands for Life Preliminary Land Use Scenarios: Great Lakes-St. Lawrence Planning Area,’ 6 April 1998.

<sup>83</sup>Frank Dottori, ‘Tembec’s Position on Lands for Life,’ 3 November 1998, 2.

selection of protected areas is undertaken consistently across all jurisdictions”.<sup>84</sup> the mining and exploration sectors have consistently endorsed multiple use as a legitimate form of natural resource management. The Northwestern Ontario Prospectors’ Association, for example, considered the mixed-use model as a method not only ensuring access to all land users, but a source of certainty for an embattled industry, suggesting that the “mining is only a temporary use of the land.”<sup>85</sup> In an industry composed of many junior companies trying to make a start in Ontario, prospecting and mining critics of Lands for Life pointed to the danger of a diminishing land base since they “cannot sell or make deals on these claims, or stake new claims under these conditions. Companies cannot raise money, privately or publicly, or spend investors’ money” where, on the other hand, the “green blobs [candidate parks and protected areas] can move anywhere.”<sup>86</sup>

Opposition to the designation of new green spaces was particularly evident in correspondence between government regulators and mining officials, essentially demonstrating the extent to which the MNR and MNDM were ready to succumb to industry’s demands. Worried that the various land use options being considered by the three regional roundtables would create economic uncertainty, the mining lobby got assurances from the highest bureaucratic levels that its interests would be respected. Responding to concerns expressed by the president of the Prospectors and Developers Association of Canada (PDAC) that potential roundtables decisions were jeopardizing existing and future mining claims, the

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<sup>84</sup>Quoted in the Partnership for Public Lands, *It's Your Land*, 4.

<sup>85</sup>Bagnell, ‘Fighting over the forest’, 9.

<sup>86</sup>*Ibid.*, 9.

MNDM Assistant Deputy Minister of Mines and Minerals Division stressed that preliminary land use scenarios, with accompanying maps, only “represent unfiltered input that must be balanced and integrated with other values such as mineral potential before the Round Tables make any recommendations.”<sup>87</sup> The urgency to appease the mining sector was reiterated by both the ministers of Northern Development and Mines and Natural Resources in a letter to a PDAC representative stating that they “clearly understand the industry’s need for certainty and its need to have access to the largest possible land base in which to explore” adding that they “strongly believe in the ability of the Round Table members to make final recommendations that will include the ongoing sustainability of mining.”<sup>88</sup> This was actually confirmed in a letter to Aurogin Resources Ltd. from the chair of the Great Lakes-St. Lawrence roundtable clarifying its position on mining rights. Outlining the candidate protected areas evaluation process, Bob Gray noted that in the advent of overlapping claims, alternate natural heritage sites would be found, and that current mining and exploration activities would be recognized according to ‘interim protection’ status. Moreover, in an effort to assuage the industry, the GLSL roundtable “will follow a policy principle that existing mining lands (mining claims, leases, patents, and ELO’s) will not be recommended to the Minister for regulation as parks or conservation reserves. Areas adjacent to the mining lands

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<sup>87</sup>Correspondence from John Gammon, MNDM Assistant Deputy Minister, Mines and Minerals Division, to John Heslop, president, Prospectors and Developers Association of Canada, dated 21 April 1998.

<sup>88</sup>Correspondence from MNDM Minister Chris Hodgson and MNR Minister John Snobelen to Tony Andrews of the Prospectors and Developers Association of Canada, dated 14 April 1998.

may be recommended, but an access route will be assured in such areas.”<sup>89</sup> While these assurances were made privately, blatant disregard for ecological consideration in relation to mining rights was publicly shown by geologist and Boreal West roundtable member, David Christianson. Pitting environmental concerns against the welfare of communities dependent on extraction activities, he is quoted saying that if “environmentalists don’t wake up and smell the dogshit and realize where the winds are, they are the ones who are going to lose”.<sup>90</sup> This statement, and others similar to it, revealed how the Lands for Life process unleashed basic fears among participants, resulting in a binary discourse pitting protectionist interests against industrial ones, only having the effect of exacerbating tensions among resource users.

◆ **Hunting and angling interests: Securing the right to hunt and fish**

A distinct outlook on multiple use is the one taken by hunting and angling interests. Throughout the Lands for Life, the Ontario Federation of Anglers and Hunters emphasized the potential loss of their ‘natural heritage’ resulting from additional protected areas. Like the forest and mining industries, hunting and fishing advocates were preoccupied about a disintegrating land base on which to perform their activities. Warning that proposed land use plans are a real threat to their lifestyles, ultimately ‘displacing’ them, OFAH used an alarmist approach to incite fear and uncertainty among its membership. Suggesting that “[m]assive new park systems that won’t allow fishing or hunting are on the drawing board”, and that the “nightmare could become the reality if our members don’t speak up and send a strong

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<sup>89</sup>Correspondence from Bob Gray, chair of the Great Lakes-St. Lawrence roundtable to David Rogers, president and CEO, Aurogin Resources Ltd., dated 2 April 1998. [ELO’s denote Explanatory Licences of Occupation].

<sup>90</sup>Bagnell, ‘Fighting over the forest’, 9.

message to the Round Tables”,<sup>91</sup> the federation ensured its membership that it was ready to fight bureaucrats and ‘other vocal groups’ to preserve their rights.<sup>92</sup>

By using conservation arguments, OFAH has been able to put a spin on its message intended for the roundtables. Noting that they are “naturalists and wilderness users too”, hunting and angling interests stress that “[r]egulated angling and hunting is not an extractive resource industry.”<sup>93</sup> Highly opposed to the creation of new parks excluding hunting and fishing, the organization criticizes the protection of biodiversity, an indicator used as “the justification for more parks, with no regard to the broader landscape, and the fact that habitats change with time.”<sup>94</sup> Instead, multiple use in the form of floating reserves has been OFAH’s focus of attention. Touting advances in environmental science and technology amenable to the integration of different values and land use perspectives, floating reserves are considered to be the primary vehicle integrating industrial, recreational, and conservation uses of the land. Advocates believe that by emulating natural phenomena, a wide range of human disturbances—not necessarily compatible—do not harm the environment. Acknowledging that “the effects of this new philosophy have yet to be seen in any meaningful way on the

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<sup>91</sup>Ontario Federation of Anglers and Hunters, ‘Lands for Life maps a bleak future,’ May 1998.

<sup>92</sup>While commanding the government’s attention, it became apparent during the Lands for Life process that OFAH was ready to publicly castigate MNR Ministers John Snobelen and his predecessor Chris Hodgson, along with Premier Harris, in the event that a promise made to create multi-use provincial parks was not delivered.

<sup>93</sup>Ontario Federation of Anglers and Hunters, *Key O.F.A.H. Positions on Lands for Life: Great Lakes-St. Lawrence Region*. Undated. Information found in the Share the Lands Alliance of Algoma press package, 1.

<sup>94</sup>*Ibid.*, 1.

landscape or to be generally appreciated by the public”,<sup>95</sup> OFAH is a strong proponent of floating reserves, commissioning technical papers on the subject to buttress its views.<sup>96</sup>

◆ **Environmental participation: Converging interests?**

As the three regional roundtables began their first round of public consultations, environmental and conservation interests were among the most active participants in the process. However intense the skepticism toward the government’s handling of the province’s environment portfolio had grown since 1995, many environmental groups took up Harris’ challenge and personal promise to complete the parks and protected areas system. Some also saw it as an opportunity to participate in the formulation of a greatly needed comprehensive land use plan, “independent of the timber management planning process (which, at present, has become a ‘de facto’ land-use planning process, given the absence of any other vehicle).”<sup>97</sup> The environmental lobby, already working on land issues through the Endangered Spaces campaign, entered the Lands for Life process with the goal to either maintain or increase the

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<sup>95</sup>Ontario Federation of Anglers and Hunters, *Biodiversity: Conservation Needs*. Undated. Presentation made at the annual meeting of the Prospectors and Developers Association of Canada (PDAC) by Terry Quinney and Edward Hanna, 10.

<sup>96</sup>See, for example, Edward Hanna and Mike Martel, ‘The Practical Integration of Landscape Ecology Principles In An Operational Forest Management Plan’. Undated. This document was sent on 8 April 1998 to Bob Gray, chair of the Great Lakes-St. Lawrence roundtable from Terry Quinney, OFAH Provincial Coordinator of Fish and Wildlife Services.

<sup>97</sup>Northwatch, *Ontario’s New Land-Use Planning Process*, Bulletin, undated. This was also a concern for the Partnership for Public Lands which believed that land use was not being properly addressed through forest planning. Executive Director, Wildlands League, interview by author.



amount of green spaces protected from industrial activities in the wake of a government intent on demonstrating that the province is ‘open for business’.

The influence exerted by industry on the roundtables became a major concern for citizens advocating more protected areas. With financial resources and personnel at their disposal, as well as sympathetic roundtable members supporting their objectives, multiple use interests were able to influence the outcome of the land use initiative. Opposing corporate irresponsibility and narrow utilitarian views of the land, many environmental activists geared up to fight a campaign perceived to be a *fait accompli* in the wake of the Harris government’s dismal environmental track record. Already embattled by weak environmental standards, legislation, and regulations, the environmental movement in Ontario took up the Lands for Life challenge to lend alternative voices to natural resource management.

Having different philosophical and political perspectives directing their action agendas, groups partaking in the consultation process varied in organizational and institutional capacities. Accessibility to financial resources, personnel dynamics including number of volunteers and professional staff, technical and scientific expertise, strategies and priorities, size of membership, as well as access to media and political connections, determined the extent their involvement. Local, regional, provincial, and even nationally-based environmental organizations took part in Lands for Life at different levels; writing briefs and submissions, lobbying politicians, organizing writing and media campaigns, conducting polls, holding information sessions, attending roundtable sessions and open houses, and organizing rallies were undertaken by various organizations to participate in land use planning. Most importantly, however, these activities became integral to keeping citizens informed about the

nature and outcome of the process, demonstrating that environmental values are conducive to creating a space for the sharing of information vital to the meaningful participation in the land use planning system.

As roundtable discussions got underway in the fall of 1997, a grassroots and formal communications network was established to ensure the inclusion of ecological perspectives throughout Lands for Life. For the most part organizations worked in their respective regions identifying needs and providing roundtables with information specific to their locality. Here, three coalitions were associated with each Lands for Life area of study: Environment North, Northwatch, and the Partnership for Public Lands were based in Boreal West, Boreal East, and Great Lakes-St. Lawrence, respectively. While individual environmental groups participated in the process, the presence of these regional coalitions facilitated the management of information among environmental interests themselves, and among the roundtables, portraying an organized and strengthened movement.

While participation included groups with the smallest organizational capacities, it became apparent early on during the consultation discussions that elite-based and institutionalized organizations—recognized as legitimate political actors within the environmental policy community—were the ones exercising more clout throughout Lands for Life. In particular, the influence of the World Wildlife Fund (WWF), the Wildlands League (WL), and the Federation of Ontario Naturalists (FON)—the three entities making up the Partnership for Public Lands—on the roundtable process itself, demonstrates how money and political connections played a major role in the power dynamics of the environmental

movement in Ontario. Access to financial resources, technical and scientific knowledge,<sup>98</sup> political and bureaucratic inner circles, and the media were all factors that determined the extent of the Partnership's involvement—situating it as the lead environmental group during the consultation process, ultimately eclipsing the visibility of other ecological interests.

Formed in October 1997, the Partnership for Public Lands was an attempt at organizing a concerted effort promoting ecological principles throughout the consultation process. Created to “make the best use of resources, coordinate participation in the process, and provide analysis and communications for [their] combined membership as well as the general public”,<sup>99</sup> the coalition established three principal aims: to formulate a land use planning system that promotes the economic viability and sustainability of communities; to promote biodiversity by establishing a comprehensive network of protected land in the province; and to ensure proper land management maintaining ecological integrity. Outlined in a Charter entitled ‘A Public Response to Lands for Life’, these objectives set out specific targets dealing with community employment and transition programs, forest stewardship, public accountability, and protected areas (Appendix F). It is in this document that the Partnership first publicly pledges to work toward protecting a minimum of 15 to 20 percent within the Lands for Life boundaries; a plan that contributes to the protection of biodiversity

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<sup>98</sup>A data sharing agreement with the MNR allowed the Partnership access to digital databases providing detailed information for mapping. Research methodologies however, were not shared. Executive director, Wildlands League, interview by author. See also, John Riley, ‘The Identification of Candidate Protected Areas for the Lands for Life Planning Process by the *Partnership for Public Lands*, in *Parks and Protected Areas Research in Ontario*, 1998, 287-291.

<sup>99</sup>Partnership for Public Lands, internet site: <http://www.web.net/wild/latest.htm>

with the intention to create more stable international commodity prices and promotes the voluntary certification of forest products.<sup>100</sup> Endorsed by other environmental interests, the Charter became the vehicle for the Partnership to publicly confirm that it was indeed a coalition of more than 40 groups as opposed to solely being the World Wildlife Fund, the Wildlands League, and the Federation of Ontario Naturalists.<sup>101</sup> Among the signatories were Environment North and Northwatch, as well as a variety of naturalist, hiking, canoeing, and kayaking clubs.

The Partnership's communications strategy indicates how it proceeded to fulfill its goals to collect and disseminate information, and educate the public about land use planning. Attempting to cover the three regions, the coalition funded three 'regional field coordinator' positions hiring both the coordinators from Environment North to work in northwestern Ontario and Northwatch to organize a base of supporters in the northeastern parts of the province, in addition to employing an FON member in the Great Lakes-St. Lawrence region. The role of field coordinator was to "identify and engage supportive members of the public; encourage and enable their effective participation in the Roundtable process; effectively interact with the Roundtable members, presenting and reinforcing a message consistent with the Partnership's goals and objectives; and creating a public climate which is supportive that

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<sup>100</sup>Partnership for Public Lands, 'A Public Response to Lands for Life', 28 May 1998. The document focused on roadless areas, as well as the protection of wetlands, old-growth forests, and wildlife habitat as components needed for a comprehensive system of protected areas.

<sup>101</sup>Partnership for Public Lands, internet site: <http://www.web.net/wild/latest.htm>. See also, for example, Richard Mackie, 'Last protected trees', A8.

same message.”<sup>102</sup> To assist them, local coordinators were hired to provide behind-the-scenes support and administrative input including organizing workshops, compiling mailing addresses, phoning potential supporters, attending and presenting at roundtable meetings, and being a media liaison for their area.<sup>103</sup>

As a Toronto-based group, the Partnership for Public Lands sought Environment North and Northwatch as the main contact grassroots organizations to exert its presence in northwestern and northeastern Ontario.<sup>104</sup> Operating on a Lands for Life working budget nearing \$1 million, with funding provided by the Joyce Foundation, the Salamander Foundation, the Charles S. Mott Foundation, the Richard Ivey Foundation, and the Robert Schad Foundation, along with personnel provided by Northwatch and Environment North, the Partnership had the means to become more visible in the north.<sup>105</sup> The contract between Northwatch and the Partnership, for example, was based on working 10 hours per month on

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<sup>102</sup>Partnership for Public Lands, ‘Lands for Life: Local Coordinators - NE Ontario’, undated.

<sup>103</sup>The Partnership’s plan was to hire local coordinators from the Timmins, Englehart, Chapleau/Wawa, North Shore, Sault Ste. Marie, Sudbury, North Bay/Sturgeon Falls, the Clay Belt and Marathon areas. The regional field coordinator for northeastern Ontario was the Northwatch co-ordinator, and for northwestern Ontario, the president of Environment North.

<sup>104</sup>Northwatch, based in North Bay, was created in 1988 to deal with a variety of interconnecting issues including forest and wild areas protection, energy use, mining, and militarization. Environment North, based in Thunder Bay was created in 1976 to address environmental matters in northwestern Ontario such as land use and waste management issues.

<sup>105</sup>Some note that the competition for funding was a factor that contributed to a rift within the environmental movement in Ontario. President, Environment North, interview by author, 20 October 2000.

Lands for Life issues and to hire local coordinators. While Northwatch was funded for one year, from September 1997 to 1998, its coordinator feels that the organization disappeared during Lands for Life; there was the perception that it was not a relationship based on mutual recognition, that the coordinator was an employee of the coalition rather than an independent contractor. Not only feeling “besieged early in the process in terms of power, information and resources gap” there was an impression that the Partnership payed lip service to consultation from the northern regions.<sup>106</sup> While it secured ties with the two northern grassroots network groups, the Partnership for Public Lands had less of an impact in northern areas since it did not have a permanent presence in the region; however, the southern part of the Great Lakes-St. Lawrence region related completely with the Partnership, suggesting that geographic divisions affect relationships among environmental interests within the province.<sup>107</sup>

Representing three of the most respected and publicly recognized environmental groups in the province, the Partnership for Public Lands became known as the primary vehicle for the creation of new parks and protected areas. Here, past experience in environmental politics and various resources pooled together by the World Wildlife Fund, the Wildlands League, and the Federation of Ontario Naturalists explain the coalition’s attempt to have a province-wide presence. The ideological nature of the three organizations has undoubtedly

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<sup>106</sup>Northwatch co-ordinator, interview by author, 30 January 2000. Lloyd notes that in order to be part of the Partnership coalition, Northwatch had to sign the ‘Public Response to Lands for Life’ and include the Partnership for Public Lands logo on all of its media releases.

<sup>107</sup>*Ibid.*, 1. For practical purposes, the Great Lakes-St. Lawrence region was divided into two regions—the French River being the boundary line. Northwatch’s energies were concentrated in the northern part.

contributed to its widespread public appeal and political legitimacy. As groups adhering to reform, or moderate, environmentalism, the WWF, WL, and FON tend not to question the current economic and social order affecting ecosystems, preferring to work within the existing political structure. In fact, critics within the environmental movement argue that such groups tend to shy away from addressing issues of over-consumption, corporate control, and social justice. The Partnership's philosophical and political tendencies lean toward conservatism when applied to the environmental spectrum; it does not want to risk its position within the environmental policy community, preferring to work with business and co-operate with government. Here, the connection between the World Wildlife Fund and business is seen through its acquisition of corporate donations which include environmentally irresponsible companies such as Amoco Canada Petroleum Company, Noranda Inc., Shell Canada Limited., and Laidlaw Foundation.<sup>108</sup>

Like the WWF, the Federation of Ontario Naturalists also came to be recognized as a legitimate interest group. Founded in the early 1930s, the FON is a conservation group that has worked to maintain flora and wildlife habitat all over the province. As an established organization and part of the Canadian Nature Federation, it has cultivated bureaucratic ties with the Ministry of Natural Resources over the years becoming a voice for nature enthusiasts—arguably a conservative component of the environmental movement.

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<sup>108</sup>Tony Weis and Anita Krajnc, 'Greenwashing Ontario's Lands for Life: Why some Environmental Groups are Complicit in the Tories' Disastrous Plan,' in *Canadian Dimension* (December 1999), 37. See Elaine Dewar, *Cloak of Green: The Links Between Key Environmental Groups, Government and Big Business* (Toronto: James Lorimer & Company, 1995), 332-338 for a discussion relating to the WWF's political and corporate connections.

The Wildlands League on the other hand, was a product of the first environmental wave sweeping North America during the 1960s. Probably the more radical component within the Partnership for Public Lands, it was originally known as the Algonquin Wildlands League (AWL). An organization created in 1968 as a preservation group to protect Algonquin Provincial Park from industrial activities, the AWL later expanded its lobbying campaigns to other wilderness regions such as Quetico and Killarney. Similarly to its Partnership counterparts, the group's founders were "well-educated, middle-class males, all canoeists familiar with [Algonquin] park and concerned about the threats to its wilderness values."<sup>109</sup> Continuing its mandate to promote wilderness protection using various lobbying tactics such as media and letter writing campaigns, as well as conducting research studies and working closely with government officials, the Wildlands League has emerged as an effective pressure group over the past 30 years, contributing its expertise on wildlife issues to the Partnership.

This part of the chapter has brought attention to the major arguments used by industrial and environmental proponents during the Lands for Life consultation phase. The historic political and economic ties of business to the natural resource bureaucracy has figured prominently throughout land use discussions, lending it a strong voice which was largely perceived to take over the roundtable agenda. It is important to stress that business interests are not homogenous. Having said this however, the primary concern for the forest, mining, and wildlife industries throughout Lands for Life was increased access to the province's Crown lands. Advocating multiple use, including the concept of floating reserves, these

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<sup>109</sup>Gerald Killan and George Warecki, 'The Algonquin Wildlands League and the Emergence of Environmental Politics in Ontario, 1965-1974,' in *Environmental History Review* (Winter 1992): 6.



interests often presented a unified message to the public—questioning the validity of protected areas. This position tended to contravene the public’s overwhelming support for protecting remaining wilderness, whereby 92 percent of Ontarians, and 91 percent north of the French River, believed it should be an important consideration in land use planning.<sup>110</sup> In a highly competitive market, industry did not necessarily consider the power of consumers, staunchly opposing the designation of more green spaces, a viewpoint which did not reflect social and environmental corporate responsibility. The environmental perspective then, was quickly identified as the counter-position, engendering a binary debate of protection versus development. As will be seen in the following section, this conceptualization of the debate was firmly entrenched and was never really displaced by alternative views of the land, views proposing a more holistic, ecosystem-based approach to land use.

Like industry the Partnership for Public Lands was legitimized by the roundtables and the MNR. Legitimation deriving from its moderate environmental voice, along with its political connections, financial resources, and access to the media, made the Partnership a respected group which, as will be seen in chapter five, is an entity that even business was ready to recognize. This privileged position within the land use policy community has ensured that ecological considerations were part of the planning process. Conversely, however, it can be argued that as the consultation process unfolded, the Partnership’s powerful role effectively silenced smaller, more radical and grassroots groups, exacerbating tensions in an already fragmented environmental movement.

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<sup>110</sup>Oracle Research, *Attitudes of Ontario Residents Towards Public Lands and Wilderness Issues*, polling results prepared for the Federation of Ontario Naturalists (November 1997), 1.

### **The North-South Dimension: Intensifying Regional Disparities—**

The initial exclusion of citizens living outside the Lands for Life boundaries from participating at the regional roundtables was a major hint demonstrating the restrictive tendencies of the process.

Here, the perception that land use planning is to be formulated solely with citizens that are directly affected by the outcome, and in isolation from the rest of the population, suggests that current natural resource management in Ontario is limited in scope. Failing to incorporate the southern Carolinian forests and the far north in the Lands for Life exercise largely ignores the complexity and interconnectedness of environmental issues affecting the whole province.

Original residency requirements set by the MNR would have effectively eliminated input from people living in southern Ontario as well as those living north of the 50° parallel. As specified in the introductory promotional materials, this is inconsistent with the roundtable mandate to gain meaningful input not only from key stakeholders but also the general public. Primarily affecting concerned citizens in the province's southern urban centers—the constituency base for the Partnership for Public Lands—the coalition lobbied MNR bureaucrats during the summer of 1997 in order to be included in the roundtable consultations starting in the fall. Along with a letter writing campaign directed to MPPs and the Minister of Natural Resources, it was believed that urging members to apply pressure at the political level would change the prerequisites for participation. Concern over the government's non-committal stance toward a more inclusive process extended until October, more specifically, 10 days prior to the first meeting which took place in Toronto.<sup>111</sup>

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<sup>111</sup>Partnership for Public Lands, website: <http://www.web.net/wild/latest.htm>

The integration of public input from the south transformed the Lands for Life political landscape, exacerbating regional tensions between northern and southern constituencies; a reality defining Ontario's political culture. Here, the mounting efforts by environmentalists to protect more Crown land from industrial interests were considered a threat to northern economies and an intrusion into northern political affairs. As such, the Lands for Life consultations seemed, on the outset, to be a process pitting pro- versus anti-industry forces compounding regional differences, mainly that 'northern' interests aligned with industry and 'southern' interests were delineated by environmental concerns. This was confirmed, more specifically, by the widely-held notion that people living in southern Ontario consider the north an aesthetic and recreational playground without fully comprehending the economic impacts on a region dependent on the exploitation of natural resources. As one observer argued, Lands for Life "is only being done to satisfy special interest groups from Southern Ontario or international tourists who come to this area once or twice in a lifetime."<sup>112</sup>

The interface between northern and southern realities then, became an integral point of reference throughout the process whereby a discourse of rights and privilege emerged over the preferred allocation of natural resources. The emphasis on economic concerns permeated discussions during the consultation period, debates that recognized the necessity to secure a land base for industrial activities. Arguments resisting the creation of new parks suggested that it would unnecessarily, and unilaterally, revoke productive land from the forestry and mining industry, causing both the reduction of wood fibre supply—compounded by a

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<sup>112</sup>Doug Gale, 'Guidelines changes could impact mill operation,' *The Marathon Mercury*, 11 November 1997, 3.

projected shortage to occur within the next 20 or 30 years—and the ability to find mineral deposits. Considered unnatural ‘museum pieces’ that only lead to the decay and waste of valuable wood”<sup>113</sup> the prospect of additional protected green spaces particularly worried the forestry sector which tied dwindling access to timber to job losses and ultimately economic meltdown in the north. With an estimated 60 000 workers and a yearly corporate income of \$12.8 billion, making it the third largest industry in Ontario,<sup>114</sup> both management and union representatives warned that Lands for Life would result in layoffs, as well as mill and plant closures, causing a domino effect not only within the industry, but in northern regions on the whole. The Communications, Energy and Paperworks Union, for example, estimated that 600 of their workers would lose their jobs, with more at risk, as a direct consequence of the Lands for Life proposals.<sup>115</sup> This sentiment was echoed also by the president of a Local affiliated with the United Paperworkers International Union noting that performance is based on a predetermined wood supply and, therefore, “we can’t simply shut down one day a week (to make up for less wood)”.<sup>116</sup>

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<sup>113</sup>This view was expressed at a Boreal East Round Table meeting by Laing Bennet, wood supply manager for Fort James-Marathon Ltd., a pulp and paper company located in Marathon. Carl Clutchey, ‘Views clash at forestry forum’ *The Chronicle-Journal*, November 24 1997.

<sup>114</sup>Brian McAndrew, ‘Mock funeral held for wilderness,’ *Toronto Star*, December 1 1998, A4; Thomas Walkom, ‘Ontario’s public land’, A2.

<sup>115</sup>Richard Mackie, ‘Wilderness big enough for everyone, says northerner.’ *The Globe and Mail*, 1 December 1998, A10.

<sup>116</sup>Carl Clutchey, ‘Park plans have support,’ *The Chronicle-Journal*, 14 April 1998, A4.

The way in which economic concerns relating to natural resources management were identified were, for the most part, translated into an ‘us’ versus ‘them’ rhetoric; accusations abounded that planning decisions were being dictated by, and directed for, people living in the south—the seat of economic and political power. Media bylines such as ‘[f]orest workers fear for their future’ and ‘[e]nvironmentalist dismisses job loss warnings’ only intensified resentment and anxiety among northern residents as exemplified by a person living in White River who decried, “[d]on’t take this plan to Toronto, and then have them come back and shove it down our throats”.<sup>117</sup> Along with the prevailing opinion that roundtable members were more sympathetic to park interests, this worker’s sentiment echoed the widespread perception that Lands for Life was another initiative emanating from politicians and MNR bureaucrats unaware of northern realities. But more importantly, there was an acute awareness that law-makers were eager to satisfy the massive voter pool in southern Ontario, considered the base of the environmental lobby. According to a northern newspaper editorial, this “could mean that the government will let the southern-based environmentalists prevail, because that is the politically expedient thing to do.”<sup>118</sup> As a general manager for the Timmins division of Tembec remarked, “it is unfortunate the livelihood of Northern Ontario may be thrown into doubt by the political pressures of Southern Ontario.”<sup>119</sup> In a letter appearing in northern newspapers and magazines, then Minister of Northern Development and Mines,

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<sup>117</sup>Carl Clutchey, ‘Land plan shot down,’ *The Chronicle-Journal*, 8 April 1998, A4.

<sup>118</sup>Editorial, ‘Don’t allow a sell-out, Mike,’ *The Sault Star*, 1 September 1998, A4.

<sup>119</sup>Canadian Press, ‘Resource jobs threatened in Ontario land debate,’ *The Globe and Mail*, 14 January 1999, A9.

Chris Hodgson, attempted to dispel the notion that the Lands for Life exercise was a bureaucratic endeavour, noting that the roundtable members were northern citizens. Resorting to the north/south dichotomy in an effort to assuage the mining industry and its workers, the minister writes that the government has “put the people who care most about resources in the driver’s seat. It will be people such as the prospectors, miners and others most directly involved in resource management who determine the future—and best—use of Ontario’s resources.”<sup>120</sup> Phrases denoting inclusivity such as ‘we in the north’ or identifying outsiders as ‘special interest groups’ perpetuated the growing sense of inequality among northern and southern residents. As an Abitibi-Consolidated employee noted, “... the south shouldn’t worry about the north. We can take care of it ourselves.”<sup>121</sup>

#### ◆ **Undertones of violence: Cementing the wise use agenda in Ontario**

Particular mention of language used throughout Lands for Life indicates how different interests interpreted the process. In this case, language depicts the dichotomies present in Ontario’s land use planning and demonstrates how divisions among competing interests became more acute as uncertainty over roundtable options and recommendations increased. As fora intended for the integration of ideas, the roundtable meetings were the primary mechanism for citizens to publicly voice their opinions, creating an opportunity for participants to debate their positions in the open. Mandated to examine the pulse of the province, the roundtable experience explicitly exacerbated already existing tensions among

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<sup>120</sup>Letter to the Editor written by Minister Chris Hodgson appeared both in *The Sudbury Star* on 20 May 1998 and *Northern Miner*, 20-28 April 1998.

<sup>121</sup>Brian McAndrew, ‘400 northerners rally for provincial forest plan,’ *Toronto Star*, 17 December 1998, A4.

land users, exemplified by a 'give me' approach as various interests demanded and asserted their perspective on the most appropriate allocations of Crown lands. Most disturbing however, were the undertones of violence present at some meetings, suggesting that Lands for Life was perceived as a threat to northern values and ways of life.

As the north/south and environmental versus industry dichotomies became firmly entrenched in the politics of land use planning, anger exhibited by some participants, especially against more green space designations, further renewed hostilities between divergent interests. Observers of the Great Lakes-St. Lawrence regional roundtable noted that angry energy, implying violence, was prominent at the meetings they attended.<sup>122</sup> Similarly, at an Boreal West region open house in White River there was a strong police (OPP) presence as officials anticipated trouble.<sup>123</sup> Moreover, there are allegations that some Lands for Life participants representing industrial interests were bribed and were given time off work to attend public meetings, along with being provided bus transportation to various roundtable locales.<sup>124</sup> There are also allegations of sexism affecting consultation and decision-making, gender issues being a source of contention in the traditionally male-dominated natural

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<sup>122</sup>Environmental lawyer, Georgian Bay Land Trust, interview by author, 3 February 2000; and Lloyd, interview by author.

<sup>123</sup>Correspondence from Environment North president to Northwatch co-ordinator, dated 8 April 1998.

<sup>124</sup>*Ibid.*, 2; and Co-ordinator, Northwatch interview by author. In this case, incidents of stacking occurred in Timmins, and the Thunder Bay/Marathon areas. Also, in the spring of 1998 the *Ontario Today* show on CBC radio was flooded with pro-industry commentaries, at the request of the host asking listeners to participate in an informal poll on Lands for Life.

resources sector.<sup>125</sup> The majority of speakers at the microphones, for example, were men, and in one incident at a meeting in Bancroft, the chair of the GLSL roundtable, Bob Gray made sexist remarks, leading a witness to remark that the process was designed to achieve a particular, exclusionary result.<sup>126</sup>

While the promotion of specific agendas were inherent to roundtable discussions, intolerant attitudes threatened the legitimacy of the consultation process. At the same White River meeting, for example, the president of Environment North noted that the Boreal West panel “sweated a lot and more or less agreed with [industry proponents] also making disparaging remarks about southern folks as they tried to diffuse the intense atmosphere.”<sup>127</sup> Despite often being blurred, the lines between different interests are usually classified according to the predominant stereotypes of pro-industry versus pro-parks lobby, a binary that became the point of reference for participants. As anti-environmental sentiments expressed by industry workers and managers figured prominently both during roundtable meetings and in the media, there was arguably a more insidious undermining of environmental concerns by organizations promoting the ‘wise’ use of natural resources throughout Lands for Life.

An American import, the wise-use movement started making inroads across the country during the late 1980s and early 1990s most notably in British Columbia and Ontario.

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<sup>125</sup>Co-ordinator, Northwatch, interview by author.

<sup>126</sup>Environmental lawyer, Georgian Bay Land Trust, interview by author.

<sup>127</sup>Correspondence from Environment North president to Northwatch co-ordinator, 8 April 1998.



A presence in provincial environmental politics since the early 1980s, the anti-green lobby in Ontario was instigated by Ron Arnold, a prominent leader of the wise-use movement in the United States.<sup>128</sup> With ties to the political and religious right including militia groups, Arnold built a name for himself not only as an ardent organizer and astute political strategist, but as a consultant. While his skills undoubtedly have contributed to his success as an anti-environmentalist, his intolerance for green activists is however, most starkly seen through his speeches and writings. His rabid excoriation of environmentalism hints at violence as exemplified in a disturbing quote, saying of environmentalists that “[w]e’re out to kill the fuckers; we’re simply trying to eliminate them. Our goal is to destroy environmentalism once and for all.”<sup>129</sup> Not isolated to one incident, or even to Arnold himself, this sentiment is prominent among many members of the wise-use movement. Likened to Nazis as well as Communists, environmentalists are considered the antithesis of the (North) American dream, being “anti-family, anti-Christian, anti-American, anti-people, anti-human, only interested in their own power and money and their ultimate agenda.”<sup>130</sup>

While the rhetoric is often highly inflammatory, violent acts have increased tensions among wise-use and eco-activists. Declaring war on environmentalism, the American wise-use movement has been associated with bombings, physical assaults, harassments, and even murder, gaining international attention for the tactics used to promote its objectives. Attacks

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<sup>128</sup>For a detailed analysis of Ron Arnold’s activities and connections see Andrew Rowell, *Green Backlash: Global Subversion of the Environment Movement* (London: Routledge, 1996).

<sup>129</sup>Kim Goldberg, ‘Who bombed Judi Bari?’ *This Magazine*, May/June 1997, 27.

<sup>130</sup>Rowell, *Green Backlash*, 15.

on eco-activists has also been an issue in Canada as the fight over the forests gained prominence during the early 1990s, especially in British Columbia.<sup>131</sup> Conversely, it cannot be denied that some environmentalists have resorted to violence to make their point against the destruction of the environment. Dubbed eco-terrorists, some activists have spiked trees, nailed roads, and destroyed machinery to prevent workers from doing their jobs. This has undoubtedly given more leeway to wise-use activists to justify violence perpetrated upon environmental sympathizers.

The creation of a movement to counter the ecological movement is based on the generalization that all environmental activism is uniform, ignoring its different philosophical, variations, and political and financial capacities. Taking its cue from prominent environmental groups, such as the Greenpeace, Friends of the Earth, and Earth First!, the backlash against environmentalism tends to be based on the reticence of some groups—specifically mainstream reform environmental organizations—to integrate economic and social justice concerns in their mandates. Focusing instead on the preservation of wildlife and green spaces often at the expense of human communities, these highly institutionalized groups, having access to the nodes of political, legal, and corporate power, inspired resentment among those most affected by conservation decisions that do not reflect their reality. Mainstream organizations, led by an upper/middle class urban-based constituency, have emphasized litigation and legislative change without consideration of the grassroots within the movement. This, coupled with the increasing trend toward cooption by industry, has caused disaffection among many

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<sup>131</sup>On the west coast, for example, activists have experienced death threats, physical assaults with rocks and clubs, damage to property such as slashed tires, smashed windshields, destroyed tents, as well as poisoned farm animals and pets.

activists—as seen through calls for environmental justice in the United States—discouraged by the inability to mount a successful challenge against the corporate lobby and its influential public relations machine. The backlash from both outside and within then, could have been prevented, to a certain extent, had the mainstream environmental movement considered concerns from interests that do not reflect privileged positions and ideals.

While wise-use ideas gained prominence in Canada during the 1980s through the intermediary of sectoral lobby groups such as the BC Professional Foresters Conference, the Ontario Agricultural Conference, and the Atlantic Vegetation Management Association, industry eventually became an active player in the movement. By 1989, wise-use objectives had made a considerable impression on key industries such as the Canadian Pulp and Paper Association, the Prospectors and Developers of Canada, and the Ontario Forest Industries Association; as the second wave of environmentalism emerged during the late 1980s, business was trying to change its negative public image. Strategies employed by Ron Arnold and his allies were in demand—forest giant MacMillan Bloedel even hired Arnold as an advisor.<sup>132</sup> Here, the goal was to cultivate grassroots supporters and form coalitions to oppose the rise of environmentalism. By hiding behind front groups, industry is no longer publicly visible and, therefore, no longer a direct target of environmental backlash. This plan of action was promoted by Arnold in a 1988 address to the Ontario Forest Industries Association:

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<sup>132</sup>Rowell notes that corporate giants MacMillan Bloedel, the Council of Forest Industries (COFI), Western Forest Products, and the Mining Association of BC were present at the 1988 founding conference of the wise-use movement in Reno, Nevada. Entitled ‘Multiple-Use Strategy Conference’, the meeting was sponsored by the Center for the Defense of Free Enterprise.

The public is completely convinced that when you speak as an industry you are speaking out of nothing but self-interest. The public will never love big business. The pro-industry citizen activist group is the answer to these problems. It can speak as public-spirited people who support the communities and the families affected by the local issue. It can speak as a group of people who live close to nature and have more natural wisdom than city people... It can form coalitions to build real political clout. It can be an effective and convincing advocate for your industry. It can evoke powerful archetypes such as the sanctity of family, the virtue of the close-knit community, the natural wisdom of the rural dweller... it can use the tactic of intelligent attack against environmentalists and take the battle to them... and it can turn the public against your enemies.<sup>133</sup>

Having injected new life in the public relations battle against environmentalism, the network of 'citizen-led' groups began making a dent in environmental politics. In Ontario, one of the first share groups was NorthCare (Northern Community Advocates for Resource Equity). Like similar organizations, it advocates multiple use through mottos such as 'We care' and 'Sharing our resources for enjoyment and employment', as well as employing terms such as 'beauty', 'sharing', 'vibrant communities', and 'future generations' to evoke sympathy and provide a semblance of environmental concern. Founded in 1987, NorthCare was closely tied to Ron Arnold demonstrating that "wise-use is not a homegrown phenomenon, making it is much easier to grasp where anti-environmentalism comes from."<sup>134</sup> At the outset, the membership of hunters, trappers, forest and sawmill workers, municipalities dependent on forestry, and several Chambers of Commerce, implies a grassroots-based organization working to protect socio-economic interests in the region. However, it is the multinational

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<sup>133</sup>Rowell, 13.

<sup>134</sup>Co-ordinator, Northwatch, interview by author.

corporate sponsorship from companies such as E.B. Eddy/Domtar, Falconbridge, and Red Path, that shows a somewhat covert involvement of industry in the wise-use movement.

The creation of institutes and think-tanks is another method employed to legitimize wise-use ideas. Here, the Alliance for Responsible Action, the McLeod Institute, and the Centre patrimonial de l'environnement are organizations formed for the specific purpose of questioning as well as undermining environmental policies and legislation. The Canadian Ecology Centre, the brainchild of multiple use advocate Bill Steer, is one such organization based in Ontario's Samuel de Champlain Provincial Park. Building "a bridge between environmentally conscious people and the forestry sector",<sup>135</sup> the Centre is a front group for the forest industry, funded by companies such as Tembec and Columbia Forest Products Ltd.. Having ties to academe through Nipissing University and Sir Sanford Fleming College, the Canadian Ecology Centre focuses on eco-tourism and entrepreneurship research as a tool to integrate both industrial and recreational uses of the land. More instructive however, is the provincial government's financial involvement with the Centre. The connection with the Progressive Conservative government was cemented by a major funding initiative through the government's Northern Ontario Heritage Fund Corporation. The \$3 million announcement for the construction of the Centre in February 1998 by then Minister of Northern Development and Mines, Chris Hodgson, flanked by Finance Minister and local MPP Ernie

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<sup>135</sup>Canadian Ecology Centre, *The Forest*, newsletter, 22 December 1997, 1

Eves, and Premier Mike Harris can be interpreted as a personal commitment to the advancement of wise-use goals.<sup>136</sup>

As the growing popularity of environmentalism at the grassroots level commanded attention from decision-makers, forcing a gradual shift in policy-making mechanisms to include ecological concerns, pro-industry advocates felt increasingly threatened. No longer deeming the traditional elite accommodation model as the sole viable option to promote its interests, industry resorted to indirect lobbying tactics mainly through public relations 'activism'. While the exercise of public relations encompasses many different ways of promoting an image and attempting to change public perception, the option favoured by industry in the fight over the 'proper' allocation of natural resources in Ontario was the creation of organizations advocating 'responsible' land use groups such as Share the Land Alliance of Algoma, the Boreal East Alliance for Responsible Land Use (BEARLU), and the Northwest Forest Network, based in the Great Lakes-St. Lawrence, Boreal East, and Boreal West regions, respectively.

Injected with corporate money, these three groups appear at first glance to be citizen-led organizations. Collectively, their membership includes trappers, hunters, fishers, prospectors, miners, loggers, sawmill workers, steel workers, construction companies, camping associations, and off-road vehicle users. Encompassing a diversity of interests, these coalitions became the primary advocates of multiple use throughout the planning exercise. While the call for "responsible land use, which respects all users" can be construed as eco-

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<sup>136</sup>The chair of the Northern Ontario Heritage Fund Corporation is Chris Hodgson.

friendly, in this context it implies that Crown land must be shared to yield maximal use. Accordingly, rather than expanding the protected areas infrastructure, already existing parks should be exploited to their full potential.<sup>137</sup> As one observer noted, "... if new parks are going to be created, let's make sure they will be used. The existing ones are not being used 100 percent now so why do we need more."<sup>138</sup> This, therefore, suggests that multiple use can be an asset to diversifying northern economies mostly dependent on natural resource exploitation and manufacturing.

The principle of local decision-making is another wise-use objective mirroring environmental values. In this discourse however, it is used to intensify north/south divisions whereby decisions regarding lands in northern Ontario should be solely made by northerners; rhetoric emphasizing, for example, that "alienation of lands from the North will have severe social and economic consequences."<sup>139</sup> Cynicism over planning decisions seemingly dictated by powerful political and economic interests based in southern Ontario has cultivated an atmosphere of distrust which translated into an anti-regulatory stance toward government policies. As such, in an effort to preserve what is considered an 'endangered' lifestyle, wise-use groups emphasize the need for socio-economic reviews of all decisions prior to their implementation. These groups however, do not acknowledge that socio-economic measurements are key environmental indicators. Here then, the discussion transforms itself

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<sup>137</sup>Northwest Forest Network, *Lands for Life program poses threat to forest industry, workers, and communities*, Press Release, 17 February 1998.

<sup>138</sup>Gale, 'Guidelines Changes', 3.

<sup>139</sup>Boreal East Alliance for Responsible Land Use, Press Release, 14 April 1998.

into a debate based on rights as exemplified by the appeal: “Our Northern Ontario lifestyle and values are a core part of our heritage and will be a fundamental part of our future.”<sup>140</sup>

◆ **Environmental voices: Presenting economic arguments**

Environmentalists argue that anger and fear experienced by workers is misdirected since economic uncertainty deriving from decreasing wood supply does not result from the creation of more protected spaces, but from advancements in technology which have effectively rendered human labour increasingly redundant.

At the forefront of the environmental movement’s agenda has been the deconstruction of myths associated with the ‘jobs versus environment’ dichotomy that publicly resurfaced tensions during Lands for Life. Awareness that the planning exercise would engender a struggle between competing interests vying for the public’s attention, groups such as the Partnership for Public Lands began promoting alternative views to the accepted wisdom that environmental protection is anathema to the socio-economic well-being of northern communities. Focusing on forestry, the Partnership developed an extensive outreach campaign linking the industry’s unsustainable practices to the economic uncertainty experienced by many municipalities. Adapting the Wildlands League education program that produced a series of fact sheets entitled ‘Forest Diversity—Community Survival’, resulting from extensive economic research; partaking in the Wood, Wilderness and Work Tour of central and northern regions; and organizing a conference on forestry issues entitled ‘Our Forest Future’ held in Sault Ste. Marie during the fall of 1997, were activities that sought to transform the ‘jobs versus environment’ rhetoric into a ‘jobs *and* environment’ slogan.

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<sup>140</sup>Share the Land Alliance of Algoma, *Shared Principles*, undated.



Publishing leaflets, bulletins, and a report entitled *Planning for Prosperity*,<sup>141</sup> demonstrating how economic benefits can derive from increasing protected areas, the Partnership sought a solution based on “shifting [the] forest economy to one which lives off the interest of [the] forests rather than the capital.”<sup>142</sup> Accordingly, the diversification of the northern economy depends on reforming the tax and stumpage fee system as well as putting emphasis on value-added wood products,<sup>143</sup> not only putting less stress on the forests, but contributing to a more stable and skilled workforce. This is in stark contrast to the current situation in Ontario; here, the supply-demand cycle encourages the overexploitation of natural resources in general, where raw materials are harvested at a cheap rate, sent elsewhere to be processed, and brought back to communities as expensive manufactured goods. The race to keep up with demand then, precipitates a rapid decline in natural resources creating both economic and ecological uncertainty. By extension, long-term employment, which for the most part derives from the primary sector, and is of low value,<sup>144</sup> is also at risk since corporate profit margins are a principal concern in a highly volatile commodity market.

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<sup>141</sup>Partnership for Public Lands, *Planning for Prosperity* (November 1998): 1-9. This document outlines how land use planning can protect approximately 15-20 percent of the Lands for Life landmass while maintaining current logging operations and creating new jobs. See also, Wildlands League, *A Sense of Place: People and Communities on the Road to a New Northern Economy* (1998): 1-16.

<sup>142</sup>Partnership for Public Lands, internet: <http://www.web.net/wild/jan98.htm>

<sup>143</sup>Wildlands League, *What must Lands for Life do for Ontario's wild places?*, Bulletin, undated.

<sup>144</sup>Wildlands League, *New Directions for Ontario's Forests*, Fact Sheets #7 and #10, undated. These documents are part of the Forest Diversity—Community Survival information kit.

The sense of attachment and ownership toward natural resources resulting from the reinvestment of profits in northern communities is a catalyst engendering new ways of using the natural environment for economic benefits. Here, the expansion of the park and protected areas system is considered to be complimentary to tourism opportunities, the fastest growing industry in the world. After forestry, tourism is the fourth largest industry in Ontario bringing in an estimated five million visitors and an income of approximately \$110 million to the province's parks every year.<sup>145</sup> In northern Ontario, for example, tourism has played an important role in the region's economy whereas in 1996, more than 9 million visitors spent approximately \$860 million generating more than 30,000 jobs—a number that has jumped 34,000 jobs in recent years.<sup>146</sup> As such, advocating remote- and eco-tourism possibilities—the fastest growing sector within the tourism industry—became a strategic device used throughout the Lands for Life debate to promote the conservation and protection of natural resources in the north.

Pro-tourism arguments, juxtaposed with the urgency for economic vitality in the north, were framed in a manner that connected them with the preservation of natural features. Throughout Lands for Life however, this stance was channeled through a discussion centered around the lack of a secure land base afforded to tourist operators as a result of natural resource extraction activities. Logging and mining, for example, have instigated the rapid expansion of primary, secondary, and tertiary road networks in wilderness areas. A threat to

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<sup>145</sup>Partnership for Public Lands, *Quick facts about the Lands for Life process*; and *It's Your Land*, Bulletin, undated.

<sup>146</sup>Partnership for Public Lands, *Planning for Prosperity*, 2, 4.

remote- and eco-tourism, road construction is the first step justifying full capacity resource extraction. Defined as areas accessible by air, water, or rail, landscapes ideal for this type of tourism are devoid of permanent settlements situated more than two kilometers from existing roads, and are absent from mining or forestry activities.<sup>147</sup> As there are currently seven roadless wilderness areas larger than 100,000 hectares and 40 roadless wilderness area encompassing more than 20,000 hectares, northern tourism opportunities, environmentalists argue, are quickly declining.<sup>148</sup> By promoting the value of roadless areas, environmentalists allied themselves with tourism interests arguing that protecting land concurrently benefits the industry and protects ecological biodiversity. Moreover, environmental tourism in the north not only “has the potential to facilitate community diversification, economic stability and job creation” but “provides a vital mechanism that allows those in urban centres to understand and appreciate wilderness and park resources.”<sup>149</sup>

This section has demonstrated that the discourse surrounding protected areas was confined within the context of protecting existing economic interests. This was done by highlighting regional north-south political, economic, and cultural divisions. The creation of wise-use groups funded by industry, giving a semblance of grassroots activism, was another tactic used to undermine the government’s goal to ‘complete’ the parks and protected areas system in Ontario. As the binary opposition of jobs versus environment, protection versus

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<sup>147</sup>Federation of Ontario Naturalists, *End of the Road: Ontario’s Roadless Wilderness*, bulletin, undated, 7.

<sup>148</sup>*Ibid.*, 1.

<sup>149</sup>Canadian Environmental Law Association, *The Lands for Life Proposals*, Brief No. 373 (Toronto: CELA, 21 May 1999), 20.

development, became the standard indicator for discussions during the consultation process. environmental interests responded by introducing economic arguments to validate their perspective. Thus the debate remained within the parameters of economic priorities rather than situating it according to more innovative and sustainable resource extraction practices.

### **The Consolidated Recommendations: Exacerbating tensions—**

The release of the amalgamated regional land use strategies on October 30, 1998 can be described as a turning point in the Lands for Life process. Published three months after the roundtables submitted their regional land use options to the Minister of Natural Resources, the consolidated report, which included 242 recommendations, attempted to integrate the designation of more protected areas while ensuring enhanced tourism and industrial activities, as well as hunting and fishing opportunities. The task of incorporating seemingly divergent land uses into a comprehensive plan contributed to the delayed publication of the report as roundtable chairs along with MNR staff and a private consultant sifted through dissenting opinions, complex terminology, and contradicting information to arrive at a simplified document ready for public consumption.

Originally expected to be released shortly after July 31<sup>st</sup> when the roundtables submitted their preferred options, there was pressure on the MNR to come up with a plan that would encompass more protected wild spaces and tourism objectives. Conscious that environmental interests were highly critical of the three regional land use strategies, and that Premier Mike Harris wanted a conclusion to the process prior to calling an election, MNR senior bureaucrats along with then Minister John Snobelen and former MNDM Minister Chris

Hodgson started discussions at the beginning of September with the Partnership for Public Lands in a “last-ditch effort to rescue the government’s troubled Crown lands plan”.<sup>150</sup> Considered an opportunity to influence the outcome of the yet-to-be-released recommendations, the Partnership had a list of demands intended to steer away from the dominant rhetoric of *whether* green spaces should be protected to *how* and *where*: these included a commitment to fulfill the promise to complete the park and protected areas system; exclude development from all candidate areas outline the proposed stages of the Lands for Life process; and release the roundtables’ draft land use planning recommendations for public review.<sup>151</sup> For their part, the Partnership promised to provide assistance and share their resources in order to achieve expanded protection of Crown land. Moreover, there are indications that the environmental coalition was ready to lower its percentage of protected areas to 12 percent from the original demand of 15-20 percent as well as allowing hunting and fishing in parks in return for banning logging activities in all candidate sites.<sup>152</sup>

Aware that the environmental lobby held the balance of public opinion, able to sway support for or against any finalized deal, the Harris government proceeded to maintain the status quo rather than acceding to environmental requests. This became evident by late October when the Partnership leaked a confidential map to the media showing that the MNR intended to protect an additional 3 percent, while more than what the roundtables had

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<sup>150</sup>John Ibbitson, ‘Environmentalists, Tories look for Crown lands deal,’ *The North Bay Nugget*, 13 August 998. A1.

<sup>151</sup>Partnership for Public Lands, internet: [www.web.net/wild/latest.htm](http://www.web.net/wild/latest.htm)

<sup>152</sup>Ibbitson, ‘Environmentalists, Tories’, A2.

suggested in their separate regional reports, the land use map displayed isolated, postage stamp-like pockets of protected green spaces arguably falling short of international environmental standards.<sup>153</sup> Released to the public attesting the government's planning agenda, the aim was to pressure Harris to uphold his 1995 electoral promise. For critics, the leaked document labeled 'Confidential Advice to Government', confirmed the 'forest and mining industries' dominant position on the Round Tables"<sup>154</sup> contending that Lands for Life was a *fait accompli*. To the contrary, the MNR argued, the map was an informal document only used for planning purposes, not for policy formulation.<sup>155</sup>

Three days after the revelation of the secret map, the *Consolidated Recommendations of the Boreal West, Boreal East and Great Lakes-St. Lawrence Round Tables* was published amid much awaited expectations. Any optimism that environmental interests might have had regarding the government's intentions quickly disappeared as the principal thrust of the report recommended that 1.6 percent of the Crown land in question be set aside from development for a total of 7.6 percent of Ontario's land base, significantly less than the leaked map had proposed. Reaction to the report was swift. One of the most vocal critics of the Lands for Life process, the executive director of Earthroots attributed the recommendations as the

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<sup>153</sup>Partnership for Public Lands. 'Leaked Confidential *Lands for Life* Map Lacks the Right Stuff,' Press release, 28 October 1998.

<sup>154</sup>*Ibid.*, 1.

<sup>155</sup>Canadian Press, 'Report okays logging of most wilderness,' *The Globe and Mail*, 31 October 1998, A11; and Brian McAndrew, 'Plan for Ontario parks falls far short, say critics,' *Toronto Star*, 28 October 1998, A9.

justification for the “corporate takeover of public land in Ontario”.<sup>156</sup> proving that the consultation process was rendered meaningless as environmental concerns were virtually ignored. Many environmental groups submitted analyses in response to the *Consolidated Recommendations*. The Partnership for Public Lands for example, included a detailed outline of all the problems associated with the report, explicitly noting that the Lands for Life objectives were changed in the midst of the process—hunting and fishing rights and mining opportunities were added without proper notice. Moreover, it remarked that the biggest shortcoming of the recommendation is that “no vision is provided of what our public lands should look like, and how our natural resources should be used, twenty or forty years from now.”<sup>157</sup> For the coalition, it became “absolutely clear that the Round Table process has failed completely.”<sup>158</sup> Once again, the Partnership went into action, urging its membership and concerned citizens to flood the Premier’s office with phone calls, faxes, e-mails, and letters forcing the government not to accept the report. Other actions included a protest at Queen’s Park organized with other environmental groups such as Earthroots.<sup>159</sup> Northwatch also

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<sup>156</sup>Denis St. Pierre, ‘Expect a backlash over Lands for Life report—Martel.’ *The Sudbury Star*, 1 November 1998, A1.

<sup>157</sup>See Partnership for Public Lands, *Official Response of the Partnership For Public Lands to ‘Consolidated Recommendations of the Boreal West, Boreal East and Great Lakes-St. Lawrence Round Tables,’* 16 November 1998, Document submitted to the EBR Registry Number: PB7E4001.

<sup>158</sup>Partnership for Public Lands, internet: <http://www.web.net/wild/latest.htm>

<sup>159</sup>Brian McAndrew, ‘Mock funeral’, A4. The protest, in the form of a mock funeral, was held on 30 November 1998. A counter rally attended by forest industry workers and municipal officials from northern Ontario was held at Queen’s Park on 16 December 1998.

submitted a comprehensive analysis denouncing the roundtables' recommendations. It sighted nine major concerns:

- ◆ the designation of only 1.6% additional areas as new protected areas;
- ◆ the failure to meet provincial parks targets in the three planning areas;
- ◆ expanding permitted uses in protected areas, including trapping, hunting, and snowmobiling;
- ◆ allowing mineral exploration in protected areas, even under so-called 'special management';
- ◆ failing to create roadless areas designation; or to capture roadless areas in new protected areas;
- ◆ intensively managing lakes in parks to produce more fish for anglers;
- ◆ increased hunting in Conservation Reserves through wildlife management;
- ◆ expanding high profile programs to promote fishing, including license-free fishing weekends; and
- ◆ increasing industrial control over public lands.<sup>160</sup>

From a different perspective, amidst strong criticism from the environmental community, Minister John Snobelen denied that the consultation process was flawed saying that all the Lands for Life proposals "restrict forestry practices, rather than enhance them..."<sup>161</sup> Sensing the unpopularity of the *Consolidated Report*, Snobelen later tried to distance himself saying the "government is not necessarily bound by those recommendations given to us. They make a very valuable contribution to the government with regards to its plans for a land-use strategy, but they don't necessarily tie the government's hands".<sup>162</sup> On another front, industrial users criticized the recommendations arguing that if implemented, Lands for Life would

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<sup>160</sup>See Brennain Lloyd, *Northwatch Comments on Lands for Life Consolidated Recommendations*, 30 November 1998. This correspondence was sent to MNR Minister John Snobelen.

<sup>161</sup>Richard Mackie, 'Wilderness areas' fate decided by Dec. 25,' *The Globe and Mail*, 9 December 1998, A7.

<sup>162</sup>Richard Mackie, 'Ontario working to protect more Crown land,' *The Globe and Mail*, 12 January 1999, A9.



decrease the rate of resource extraction. The forest industry, for example, suggested that the Lands for Life proposals were too vague, providing unclear designations as to how Crown lands should be managed, resulting in job losses and economic uncertainty.<sup>163</sup>

While the contents of the recommendations were criticized by both sides, a general complaint was the 30-day response period accorded to the public to comment on the report—an argument specifically picked up by the Liberal and NDP opposition parties.<sup>164</sup> Already quietly released on a Friday afternoon<sup>165</sup> when media attention is at its lowest point during the week, the proposed deadline was seen as another impediment to public involvement, which critics believed, would ultimately affect land use policy direction in a process where the roundtables were heavily influenced by industrial interests. Not only unable to properly analyze the 242 recommendations and provide detailed comments, the short timeline did not allow concerned citizens and groups to do an in-depth cross referencing of the *Consolidated Report* with the three regional roundtable reports.<sup>166</sup> In some cases, people had difficulty obtaining the document since the MNR District Offices required a signature and

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<sup>163</sup>McAndrew, 'Mock funeral', A4; and Richard Mackie, 'Wilderness big enough', A10. In his article, 'Lots of trees under Tory wilderness plan', Ian Urquhart notes that opposition parties did not demonstrate any real interest in Lands for Life, which is "partly a reflection of the split in both parties between northern and southern members", A29.

<sup>164</sup>St. Pierre, 'Expect a backlash', A1; and Mackie, 'Wilderness big enough', A10.

<sup>165</sup>Arnie Hakala, 'Lands for Life draws quick fire,' *The North Bay Nugget*, 31 October 1998, A1.

<sup>166</sup>Correspondence from Northwatch to MNR Minister John Snobelen regarding comments on the Lands for Life consolidated recommendations, dated 30 November 1998.

personal address for each copy of the report controlling the outflow of information.<sup>167</sup> In addition, the regional reports, previously unavailable to the public, were released simultaneously with the *Consolidated Recommendations*—three months after being submitted to the Minister—at a cost of \$35.95 per copy through special order or viewing at District Office reading rooms.<sup>168</sup> The tight deadline and access to information obstacles—a source of concern for the Environmental Commissioner of Ontario<sup>169</sup>—essentially became a strong catalyst inciting environmental groups to up the ante in their lobby campaigns. Flooded with more than 12,000 responses showed in part that the environmental lobby had effectively mobilized citizens warning that “Lands for Life will become a huge election issue for the Tories if the government does not step in now and create [*sic*] a real protected area system in Ontario.”<sup>170</sup>

Opposition to the report by the scientific community also strengthened environmental arguments. A month after the consolidated report was published, the World Wildlife Fund released the *Statement of Conservation Concern* a petition listing 1,252 scientists from around the world concerned over the fate of Ontario’s biodiversity. The signatories, taken

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<sup>167</sup>Northwatch, *Lands for Life Report Released*, Bulletin, undated. It is noted that the internet often did not facilitate access to the consolidated report since it was ‘frequently inaccessible’.

<sup>168</sup>Roundtable members with the exception of the three chairs did not have access to the regional reports until their publication on October 30, 1998. Brian McAndrew, ‘Plan for Ontario’, A9; and Northwatch, *Lands for Life Report Released*, Newsletter, undated, 1.

<sup>169</sup>See Environmental Commissioner of Ontario, *Open Doors*, 124-127.

<sup>170</sup>Lea Ann Mallett, Earthroots executive director quoted in Claire Stirling, ‘Land use report released,’ *The Chronicle Journal*, 31 October 1998.

from a cross-section of academics including zoologists, ecologists, and biologists, called upon the Harris government to ensure that at least 20 percent of the Crown lands in northern and central Ontario be left as wilderness areas. With their support, the Partnership was able to use the petition to show how the province's land use planning is contributing to the overall loss of ecological features worldwide suggesting that the recommendations were a "definite recipe for continued loss of wildlife species and continued degradation of the natural functioning of the natural landscape, of the forests that are out there."<sup>171</sup>

Legal action was another means used by environmentalists in an attempt to scuttle the implementation of Lands for Life as stipulated in the *Consolidated Recommendations*. Arguing that the proposed land use plan must be subject to an environmental assessment, Earthroots and the animal rights group, Animal Alliance, teamed up to force the Ministry of Natural Resources to recognize not only the ecological, but also the socio-economic and cultural implications of the Lands for Life plan. Considering it a proposed policy, critics argued that the land use program warrants a review under the *Environmental Assessment Act*, opposing Snobelen's view that Lands for Life fell under provincial guidelines with no specific plans to directly affect ecosystems.<sup>172</sup> In addition, he is noted as saying that an assessment is

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<sup>171</sup>Kevin Kavanagh, senior manager of conservation science at the World Wildlife Fund quoted in Richard Mackie, 'Scientists urge Ontario to protect wilderness,' *The Globe and Mail*, 2 December 1998, A15.

<sup>172</sup>Richard Mackie, 'Land-use plan may end up in court,' *The Globe and Mail*, 8 December 1998, A9.

not needed because the recommendations permit less resource extraction activities.<sup>173</sup> In the end however, the groups were not granted a court order to proceed with their case.

A second legal challenge to Lands for Life was initiated by Aboriginal interests. While the *Consolidated Report* included nine specific recommendations dealing with Aboriginal issues, ostensibly acknowledging the importance of Aboriginal and treaty rights, as well as their inclusion in natural resource management decision-making,<sup>174</sup> many First Nations and Métis denounced the government's prerogative not to deal with them on a nation-to-nation basis. To this end, in December 1998, the Nishawnabe-Aski Nation got a court application to halt the controversial land use planning process, citing their involvement in the program to work in good faith with the government was impeded by their concerns being virtually ignored by the roundtables. According to them, the panels did not properly "meet the level of consultation demanded by landmark Supreme Court decisions which require aboriginal consent especially where our rights are profoundly impacted."<sup>175</sup> Sanctioned by the provincial government, Aboriginal lands are being privatized at an alarming rate whereby the benefits deriving from natural resource extraction are for the most part, not enjoyed by First Nations since products are destined for southern markets. Facing systemic racism in both private and

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<sup>173</sup>Mackie, 'Wilderness areas', A7

<sup>174</sup>See Ministry of Natural Resources, *Consolidated Recommendations*, 10-11.

<sup>175</sup>Nishnawbe-Aski Nation, *Our Lands, Our Resources, Our Future*, Press Statement, 15 December 1998. One of these legal decisions was the Delgamuukw ruling of December 11, 1997 acknowledging the existence of Aboriginal title to the land. Although this decision dealt with questions regarding the ownership, jurisdiction, and self-government affecting Gitksan and Wet'suwet'en territories in British Columbia, many Aboriginal communities across the country have taken note of its implications, especially in matters of natural resource development and management.

public institutions, Aboriginal peoples in Ontario are attempting to be included in all facets of natural resource management planning but, as the Lands for Life process has indicated, there is a reluctance to yield power from a sector which has brought about economic prosperity to the province. As the resource wars continue on traditional territories, access to decision-making processes becomes an integral issue to the recognition of Aboriginal and treaty rights.

This chapter described the Lands for Life policy community identifying the objectives, the key actors, the policy instruments, and the main issues that emerged during public consultations. Ideally intended to allow alternative voices the opportunity to actively participate in land use decision-making, it became clear from the outset that the Lands for Life initiative was framed in a manner that would privilege economic considerations. The language used in the program's directives, for example, infers that land use planning was slanted toward a narrow definition of environmental protection. Promoting sustainable development imperatives throughout the process pointed to the increasing privatization of the public sphere. Not only were private interests able to dictate the terms of the game, but the Ministry of Natural was willing to reduce its political claim and intervene on behalf of corporate rights functioning more like a private rather than public agency.<sup>176</sup> As seen in chapter three, when environmental and natural resource policies are subjected to the 'rationality' of the global economy, political power experiences a shift—the rights of government are curtailed only to

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<sup>176</sup>Hanna Fenichel Pitkin, 'Justice: On Relating Private and Public,' *Political Theory* 9:3 (August 1981), 330. See also, Raymond Rogers, *Solving History: The Challenge of Environmental Activism* (Montréal: Black Rose Books, 1998).

be administered by the private sector. Reflecting business objectives, Lands for Life became the government's solution to addressing uncertainty in natural resource sectors; a comprehensive land use program, it was believed, would provide definite and clear cut answers settling the crises on Crown lands.

Set within a multistakeholder policy style, roundtables became the dominant decision-making instrument used throughout Lands for Life. Providing an avenue for citizens to participate in the formulation of land use options, the three regional roundtables operated according to minimal conditions set by the Minister of Natural Resources. However, their composition, leaning toward corporate and recreational interests, largely defined the structure and outcome of the public consultation process. Preferences for multiple land uses tended to dominate the planning discourse, ultimately revealed in the three land use options and the final consolidated recommendations. It became evident that the choice of roundtable members, problems related to information exchange and research capacity, short timelines, and a lack of clear direction from the MNR influenced the way questions were raised and decisions were taken.

Lands for Life publicly reinforced the traditional corporate and governmental connections, ties that figured prominently during the consultations. The voice of industry held sway throughout the planning. This was particularly seen by its support of wise use coalitions intended to distract the environmental movement. Mounting a concerted public relations campaign based on expounding the benefits of multiple use, the wise use movement in Ontario used common techniques to undermine ecological arguments. In fact, the Lands for Life exemplified these by the

use of experts to contest scientific evidence; [the] creation of front groups so that the interest of the firm is not immediately apparent in the public debated; [the] creation of 'false' grass-roots campaigns, known as 'astroturf'; 'grass tops' campaigns, in which the politician or other decision maker is surrounded, ideally, by those favourable to the business position; and divide and conquer campaigns, in which firms fund environmentalists who have taken a public positions favourable to their interests.<sup>177</sup>

This approach only exacerbated regional north/south divisions, but it also forced environmental interests to formulate their positions according to economic benefit analyses. While environmental groups successfully lobbied their constituents raising awareness of the issues at stake, it was the more moderate voices that dominated the planning discourse—a result of being recognized and legitimized by government and industry. As will be seen in chapter five, this was further proven during the private negotiations leading to Ontario's Living Legacy, a deal that further cemented the exclusion of Aboriginal peoples and interests calling for alternative land uses.

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<sup>177</sup>Anita Krajnc, 'Prepared Remarks,' presentation given to the *Business as an Environmental Policy Actor* conference, held at Trent University, Peterborough, 29-30 October 1999.

## CHAPTER FIVE

### **From Open to Closed Doors: Taming Ontario's Resource Battles**

The turning point in the Lands for Life initiative was the move from a public exercise to a closed-door process. The events leading up to the Ontario Living Legacy agreement demonstrate how an image-conscious government rallied divergent interests to participate in private negotiations. More specifically however, the post-Lands for Life period confirmed the Partnership for Public Lands' privileged status within the political realm in which environmental interests became synonymously tied with the three moderate partners, the World Wildlife Fund, the Wildlands League, and the Federation of Ontario Naturalists. While these groups were connected and dependent on public support during the consultation stages, making a concerted effort to increase environmental awareness, they got involved in an closed land use planning initiative,<sup>1</sup> arguably putting into question environmental values promoting openness in decision-making and strengthening democracy.<sup>2</sup> While the pro-development recommendations fueling public outrage explain why the Lands for Life recommendations moved behind closed doors, a description and analysis Ontario's Living Legacy serves to clarify the current state of natural resource policy-making in the province. This chapter aims to demonstrate whether the variables of justice and equality were factored in the final decision-making stages of Lands for Life.

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<sup>1</sup>Environmental lawyer, Georgian Bay Land Trust, interview by author. This observer argues that partaking in private negotiations was a fairly new process to the Partnership.

<sup>2</sup>Activist, Peaceful Parks Coalition, interview by author, 10 December 1999.



For two months following the end of the public review stage at the end of November 1998, the government struggled with the contents of the *Consolidated Report*, although it did not organize public reviews. This, despite promising that the recommendations would not be accepted without a ‘vigorous’ public debate.<sup>3</sup> The outrage generated by the roundtables recommendations was regarded as a political liability, especially in the wake of an anticipated spring election call. Negative public reaction to the Lands for Life exercise only served to further darken the government’s already tarnished image pertaining to environmental issues. And in the midst of a pre-election spending period, the need to announce an environmental ‘good news’ story was all the more pressing. In fact, the results of the *Consolidated Report* confirmed what environmental groups had long suspected: that “Lands for Life was little more than the Progressive Conservative government’s secret agenda to allow forestry and mining companies to run roughshod over the province.”<sup>4</sup>

Worried that it could not salve its reputation in light of the adversity generated by an obvious pro-industry *Consolidated Report*, there are indications that by the beginning of December 1998, the government was ready to terminate the Lands for Life program. Only as a last resort was an overture made by government to undertake negotiations with key

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<sup>3</sup>Eric Reguly, ‘Ontario Crown land up for grabs,’ *The Globe and Mail*, 31 October 1998, B2.

<sup>4</sup>*Ibid.*, B2.

interests. Conversely, some critics believe that pressure emanating from the extensive environmental lobbying campaign was the catalyst to high-level discussions.<sup>5</sup> As accusations were leveled at all sides involved in the process—blaming uncompromising interests for the impasse, further deepening rifts between resource users—an attempt at reconciliation was made in January 1999. Denying allegations that it was going to protect approximately 20 percent of the Lands for Life planning area, the Minister of Natural Resources conceded that, in accordance with international standards, he was ready to designate 12 percent of Crown lands as protected spaces; the Partnership's *Planning for Prosperity* ultimately being the basis for discussion.<sup>6</sup> With this change in direction, the government was ready to negotiate privately the terms of discussions that would lead to the Ontario Living Legacy deal.

The events leading up to the secret negotiations between the MNR, the forest industry, and the Partnership for Public Lands point to the intricate interconnection and power dynamics of private relationships within the political realm. Here, the contact for the Partnership and government was David Lindsay. President of the Ontario Jobs and Investment Board, Lindsay is a close political and economic advisor to Mike Harris, but also a member

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<sup>5</sup>Ian Urquhart, 'Behind the scenes of Lands for Life,' *Toronto Star*, 2 April 1999, A19. The journalist notes that government officials did not acknowledge the impact of successful pressure tactics used by environmentalists, but instead believed them to be counterproductive to the Lands for Life process.

<sup>6</sup>Observers say that the contents of the Partnership's document *Planning for Prosperity*, calling for the protection of 15-20 percent of the Lands for Life area was considered by senior bureaucrats and the Minister himself. Environmental lawyer, Georgian Bay Land Trust, interview by author; Executive director, Wildlands League, interview by author. See also, Brian McAndrew, 'Land use plan meets growing opposition,' *Toronto Star*, 13 January 1999, A4; and Richard Mackie, 'Ontario working to protect', A9.

of the World Wildlife Fund board of directors—allowing him to serve as a direct link between the Partnership and the Premier. As Harris’ ‘long-time confidant and chief political fixer’, Lindsay’s involvement in the Lands for Life fray proved the importance of a successful outcome to the Conservative government. Convening a meeting with the environmental coalition to find common ground—mainly acknowledging that the 12 percent figure would be the basis for future discussion on land use frameworks—Lindsay is credited for getting assurances from the Partnership that it was ready to tone down its rhetoric providing the government with more leeway.<sup>7</sup> Mike Harris’ personal involvement is confirmed by his instruction to government officials and MNR bureaucrats to rework the land use plan accommodating a higher percentage of the land base in question to parks and protected areas.<sup>8</sup> With a renewed mandate, MNR Minister John Snobelen met with representatives of the forestry industry, including the CEOs of Tembec and Domtar, giving them an ultimatum to participate in the talks with the newly defined condition at the risk of having to impose a land use plan. Having the forest industry on side, Snobelen met with Partnership members, including the president of the WWF and the executive director of the FON ascertaining their involvement in the proposed negotiations.

Beginning in early February 1999, the secret negotiations, commonly referred as the Fern discussions, were held at a resort on Lake Couchiching for five days and subsequently in Toronto for three days; meetings that were only publicly revealed after reporters were

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<sup>7</sup>Urquhart, ‘Behind the scenes’, A19.

<sup>8</sup>In fact, reports suggest that Mike Harris was among those in Cabinet insisting for more protected land. Richard Mackie, ‘Ontario working to protect’, A9.

informed anonymously. Along with the three Partnership groups, the forest industry was represented by Domtar, Tembec, Abitibi-Consolidated, and Bowater while the MNR Deputy and Assistant Deputy Ministers as well as the director of the Land Use Planning Branch were the government's representatives, with John Snobelen serving as a facilitator.<sup>9</sup> While private discussions are common practice, the Fern negotiations marked a new direction for the Progressive Conservatives. By integrating the Partnership for Public Lands at the table, the Harris government, with close ties to the natural resources extraction industries as well as hunting and fishing interests, introduced new actors previously excluded from the inner political circle;<sup>10</sup> a process reminiscent of a neo-corporatist approach to decision-making. Quoted as saying that the talks were 'constructive' and 'productive' the Partnership announced at the beginning of March that an agreement-in-principle had been reached between the parties citing that "thanks to wood supply adjustments and other mechanisms, no mills will have to close" adding, "[the] agreement will be good for the North and all of Ontario."<sup>11</sup> Considered a breakthrough, the Ministry of Natural Resources spent time prior to the formal launch of the Ontario Living Legacy in late March "selling the deal to non-participants, so that Harris could make his dramatic announcement at a press conference...

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<sup>9</sup>Ministry of Natural Resources, *Terms of Reference: Ontario Forest Accord Advisory Board* (Appendix A), 1 November 1999. Alternates included MNR Assistant Deputy Ministers of Field Services Division, Natural Resource Management Division and the Forests Division; and Richard Mackie, 'Ontario groups make progress on Lands for Life,' *The Globe and Mail*, 5 February 1999, A14.

<sup>10</sup>Environmental lawyer, Georgian Bay Land Trust, interview by author.

<sup>11</sup>Partnership for Public Lands, internet: <http://www.web.net/wild/latest.htm>

with a minimum of sideline sniping.”<sup>12</sup> The exclusion of other key stakeholders such as the mining and prospecting industries, anglers and hunters, the tourism sector, as well as First Nations and Métis peoples was a potential obstacle to legitimizing the deal.

### **Ontario’s Living Legacy Unveiled: The March 29 Announcement—**

Set at the Science Centre North in Sudbury, the media conference announcing Ontario’s Living Legacy was held by Premier Harris flanked by former MNR Minister John Snobelen and then MNDM Minister Chris Hodgson, with representatives from mining, forestry, tourism and environmental groups in attendance. Asserting the government’s fulfillment of a 1995 electoral promise to complete the provincial protected areas and park system, Harris took personal credit “for forcing the diverse interests to overcome their antipathy and work out a deal.”<sup>13</sup> Amid great fanfare and a well organized photo-op, the Premier emphasized the international and domestic significance of protecting 12 percent of the province’s landscape, pointing out how the government signed a deal with standards recognized by the United Nations and the federal government, which according to him was a “standard achieved by few around the world.”<sup>14</sup>

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<sup>12</sup>Urquhart, ‘Behind the scenes’, A19

<sup>13</sup>Richard Mackie, ‘Natives oppose plans for Northern Ontario,’ *Globe and Mail*, 30 March 1999, A13.

<sup>14</sup>Brian McAndrew, ‘Move to protect, expand Ontario’s parks praised,’ *Toronto Star*, 30 March 1999, A7.

Coming at the heels of a highly contentious, expensive, and divisive exercise,<sup>15</sup> the government was eager to announce a positive news story related to the Lands for Life file. While the Ontario Living Legacy deal included several components—the *Ontario Forest Accord*, the \$30 million Living Legacy Trust fund, and new mining initiatives—the creation of more parks and protected areas, 378 to be exact, was greatly emphasized and trumpeted as a victory for all Ontarians. Ostensibly addressing long-standing economic, environmental, and social issues affecting land use, the March 29<sup>th</sup> announcement was put forth as a ‘bold plan’, a major compromise between a broad spectrum of divergent interests: ultimately a move good for business since it was defended by major stakeholders in the natural resources sector, including the environmentalists who had engaged in the negotiations. According to the president of the World Wildlife Fund, the “province has made an unprecedented contribution to conservation on a global scale.”<sup>16</sup> Not only endorsed by the Partnership for Public Lands, the deal was also praised by detractors of the Lands for Life process. The executive director of Earthroots, for example, said that “[w]hat the Tory government has done today is a big step forward in preserving old-growth forests. Credit is given where credit is due.”<sup>17</sup> Other environmental groups such as Northwatch were cautiously optimistic acknowledging the significant contribution to the province’s protected areas system.

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<sup>15</sup>Northwatch, ‘Ontario’s Living Legacy – March 29 Announcement on Land Use Planning,’ Comments submitted to MNR Minister John Snobelen in response to the Ontario Living Legacy EBR posting, Registry Number PB7E4001, 28 April 1999.

<sup>16</sup>Monte Hummel quoted in McAndrew, ‘Move to protect,’ *Toronto Star*, A7.

<sup>17</sup>Lea Ann Mallett quoted in *ibid.*, A7.

Although the Ontario Living Legacy had a little bit of everything for everyone, including concessions to the forest industry, subsidies for the mining and exploration sectors, as well as a trust fund for resource management projects, the contents of the deal quickly began to unravel a different story than first announced amid the euphoria of March 29<sup>th</sup>. In fact, the details and potentially incriminating evidence were revealed throughout the following days. The blatant omission of First Nations' and Métis interests during the Sudbury press conference was one of the first items to hit the media circuit. 'Frozen out' of the Lands for Life process and the subsequent Living Legacy deal were more than 30,000 Aboriginal people who did not have a voice in land use planning, vowing to continue their Lands for Life court challenge.<sup>18</sup> Reports suggest that representatives of the Métis were only contacted by government officials the morning of the March 29<sup>th</sup> announcement promising future consultations and advising them that the deal was not final, but only a proposal.<sup>19</sup> The government's indifference to Aboriginal demands was further demonstrated by John Snobelen's statement "[n]ow that we've got a solid foundation for the forest industry for the future, and now that we've got a good plan for public land use, we can now sit down and say, okay, how do we make the best use of this plan for the [F]irst [N]ations?"<sup>20</sup> Treating Aboriginal peoples as a mere special interest group and relegating their concerns to the bottom of the political agenda arguably contravenes Canadian constitutional law which

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<sup>18</sup>Mackie, 'Natives oppose plans', A16; and Canadian Press, 'Natives vow to take legal action to stop Ontario park plan,' *Winnipeg Free Press*, 1 April 1999, A8.

<sup>19</sup>Editorial, 'Lands for Life: a good beginning,' *Toronto Star*, 30 March 1999, A16.

<sup>20</sup>Richard Mackie, 'Native leaders invited to discuss Ontario parks pact,' *Globe and Mail*, 2 April 1999, A7.

recognizes and affirms the right of Aboriginal peoples to self-determination. Moreover, it ignores the recent Supreme Court rulings of *Delgamuukw* (1997) and *Marshall* (1999), declaring that no jurisdiction has the right to rescind Aboriginal rights and title to the land. Having major implications on the development and management of natural resources, these decisions imply that governments must negotiate with Aboriginal peoples on a nation-to-nation basis.

The lack of public consultation became a major issue affecting the legitimacy of the Living Legacy land use plan, especially in light of the inclusion of issues that were not subject to broad scrutiny during the planning process—the promotion of industrial development north of the 51° parallel; proposed changes to forest management standards; allowing mining and exploration activities in protected areas; and permitting hunting in wilderness parks. Despite the fact that the announcement was based on a mix of press releases, backgrounders, an accord, as well as the *Proposed Land Use Strategy* accompanied by the *Ontario's Living Legacy: Government Response to the Consolidated Recommendations of the Boreal West, Boreal East and Great Lakes-St. Lawrence Round Tables*, there is “[n]o single document [that] tells the full tale, and, indeed the story changes from one document to the next”.<sup>21</sup> Wrought with conflicting messages between documents and imprecise information, analyzing the deal was time consuming for many trying to meet the 30-day time limit given for public review. As seen with the protected areas, tourism, forestry, mining, as well as hunting and angling aspects of the deal, Ontario's Living Legacy entails more questions about the future of land use planning in the province than it provides answers.

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<sup>21</sup>Northwatch, *Tories Unleash Living Legacy*, Bulletin, undated, 1.



## **Additions to the Ontario Protected Areas System: Changing the Rules—**

After the euphoria of the March 29<sup>th</sup> announcement proclaiming a victory for the environment died down, the details and fine print of the Living Legacy deal gradually came out painting a different story than originally expounded by Premier Harris.

The principal component of the Living Legacy program dealt with the creation of 378 new parks and conservation reserves adding 2.4 million hectares of protected green space for a total of 9.5 million hectares province-wide. More specifically, the plan envisioned the formation of 273 conservation reserves and 60 new parks, with 44 additions to existing protected areas.<sup>22</sup> Protected areas that were highlighted during the announcement were the Great Lakes Heritage Coast, Lake Nipigon Basin, Algoma Headwaters, Spanish River Valley, Kawartha Highlands, Killarney, St. Raphael, Nagagamisis Central Plateau Complex, and Woodland Caribou; nine featured regions having significant ecological value that would not be affected by the industrial development. Amounting to approximately 12 percent of the province's water and landscape, the government's approach to the management of newly designated protected spaces was outlined in *Ontario's Living Legacy: Proposed Land Use Strategy*. Released in conjunction with the March 29<sup>th</sup> announcement, the *Proposed Strategy* evolved into a final resource planning document after public consultation based on the EBR Registry posting. The result was a document called the *Ontario's Living Legacy: Land Use Strategy* which was published in July 1999.

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<sup>22</sup>Ministry of Natural Resources, Background: *Ontario's Living Legacy—New Parks and Protected Areas*, 29 March 1999. A further breakdown shows that provincial parks will increase to 334 from the existing 274, and conservation reserves will expand to 305 from the current 32.

According to the Ministry of Natural Resources, proposed protected green spaces will “address a range of objectives, including protection of natural and cultural heritage values, and the provision of opportunities for outdoor recreation, heritage appreciation, and tourism.”<sup>23</sup> With the goal to represent a range of ecological features found in Ontario, newly designated protected areas are subject to interim MNR and MNDM protection policies prior to full regulation. While the *Proposed Land Use Strategy* mentions that identification of more protected green spaces is to occur through a subsequent planning and consultation process, it notes further on that “[p]lanning priorities will be established based on available funding and an assessment of ecological significance, management issues, and public interest.”<sup>24</sup> Although 12 percent was lauded as a significant increase in the protection of Ontario’s Crown lands, critics argue that there is no scientific basis for this figure, but rather, 20 to 75 percent is a more adequate estimate of what is necessary to ensure the regeneration of ecosystems.<sup>25</sup> The minimal requirement for biodiversity conservation as proposed in the Living Legacy strategy does not address industrial activities and mixed uses allowed in areas adjacent to parks, nor does it make provisions for buffer zones, ultimately creating isolated and fragmented pockets of green on the province’s geographic landscape. The lack of precise quantitative goals, a set timeline, or selection criteria to achieve the increased protection<sup>26</sup> points to the vague and

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<sup>23</sup>*Ibid.*, 2.

<sup>24</sup>Ministry of Natural Resources, *Ontario’s Living Legacy: Proposed Land Use Strategy* (March 1999), 6. This was confirmed in the July 1999 *Land Use Strategy*.

<sup>25</sup>Canadian Environmental Law Association, *The Lands for Life Proposals*, 10.

<sup>26</sup>*Ibid.*, 10. See also, Peaceful Parks Coalition, Media Release, ‘Activists Vow to Save Ontario’s Forests and Wildlife’, 28 April 1999.

ambiguous rhetoric of the deal, implying that 12 percent is actually the final goal ‘completing’ the parks and protected areas system. Moreover, with no specific intentions to consult Aboriginal peoples regarding the creation of parks and determination of their boundaries, the MNR perpetuates the colonial paradigm by expropriating and regulating traditional territories at the expense of indigenous peoples ignoring their rights to self-determination.

With the government’s emphasis on improving the business climate in the province and its rush to address definitively the uncertainty created by competing resource uses, Crown land management, as implied in the strategy has the potential to be influenced by a rigidly defined set of options that favour economic opportunities over ecological values. Suggestions that the Living Legacy deal will “improve planning and will offer more flexibility in defining areas for recreational, commercial and resource uses on Crown land”,<sup>27</sup> essentially reflects the Harris government’s minimal interest in environmental protection. Overtly stating that additional protected areas are intended to maintain Ontario’s ecological integrity, only two designations in the new land use strategy—Provincial Parks and Conservation Reserves—actually fulfill, to a certain extent, this goal. Along with the two other land use designations (LUDs) of General Use Areas and Forest Reserves, Conservation Reserves and Provincial Parks, provide policy and guideline directions for natural resource management based on specific geographic realities. Taking into account the different interests of natural resource users the four designations attempt to ensure “ecological sustainability, protection of significant natural heritage and biological features, and continued availability of resources

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<sup>27</sup>Ministry of Natural Resources, *Background, Ontario's Living Legacy—Land-Use Concepts*, 29 March 1999, 1.

for the long-term benefit of Ontarians.”<sup>28</sup> As noted in the *Ontario Living Legacy’s Proposed Land Use Strategy*, and later confirmed in the *Land Use Strategy*, existing conservation reserves and provincial parks—the latter falling under six different classifications of wilderness, nature reserve, natural environment, recreation, historical, and waterway—are regulated by the *Provincial Parks Act* and the *Public Lands Act*, respectively, legislating a ban on industrial activities such as logging, mining and hydro-electric development.<sup>29</sup> While new protected areas will also be regulated by the same statutes, the Living Legacy program makes exceptions for mining and exploration activities, as well as hunting and angling, thus questioning the quality and permanence of protection.

Unlike the Provincial Parks and Conservation Reserves designations, both General Use Areas and Forest Reserves are not regulated by any specific piece of legislation, but rather by a mix of laws, policies, and guidelines. Although making up approximately 70 percent of the Lands for Life planning region, the *Strategy’s* proposals for General Use Areas are vague, only denoting that a range of resource and recreational activities are permitted and that management will be based on ecologically sustainable principles with more rules to be decided during further planning.<sup>30</sup> As for Forest Reserves, the designation applies to a relatively small area and ensures that the “protection of natural heritage and special landscapes

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<sup>28</sup>Ministry of Natural Resources, *Proposed Land Use Strategy*, 16.

<sup>29</sup>The exception is in Algonquin provincial park where industrial forestry is permitted as part of being designated a recreation-utilization zone.

<sup>30</sup>Ministry of Natural Resources, *Proposed Land Use Strategy*, 25. In the meantime, General Use Areas will be subject to the current forest management planning process.

is a priority, but some resource use can take place with appropriate conditions.”<sup>31</sup> Mining and aggregate extraction, for example, are permitted uses while commercial logging and hydro-electric development are not. Ultimately encompassing the vision of floating reserves, this designation withholds land from industrial activity on an interim basis; that is, protecting it only if there is no claim from mining interests. Once it has been established that there is no significant economic justification to exploit an area, it will revert to being either a provincial park or conservation reserve.

In addition to introducing Forest Reserves as a new land use designation, the Living Legacy deal also entrenched Enhancement Management Areas (EMAs) as a new land use category. Encompassing a variety of resources uses, EMAs include natural heritage, remote access, recreation, fish and wildlife, Great Lakes coastal areas, intensive forestry and tourism.<sup>32</sup> As a category intended “to provide more detailed land use direction in areas of special features or values”<sup>33</sup> Enhanced Management Areas are the primary instrument used to put the multiple use concept into practice. In all instances, industrial activities such as forestry, mining and aggregate extraction, hydro-electric development, road construction, hunting, and aquaculture, are permitted; this however, is bracketed with general statements noting that these disturbances must be pursued in a manner that will maintain or enhance the

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<sup>31</sup>Ministry of Natural Resources, *Ontario's Living Legacy: Land Use Strategy* (July 1999), 23.

<sup>32</sup>The *Land Use Strategy* purports that tourism and intensive forestry EMAs require further study and consultation with appropriate stakeholders prior to being implemented.

<sup>33</sup>Ministry of Natural Resources, *Proposed Land Use Strategy*, 22.

wilderness qualities and ecological integrity of the areas in question. While there is recognition that managing mixed resource uses, ultimately benefitting resource industries, entails policy adaptations taking into account the location, timing, access, and method of enforcement, the new land use plan does not specify how public consultation will occur, only mentioning that “[m]ore detailed implementation strategies will be developed with the participation of stakeholders.”<sup>34</sup>

Perceived as a being in touch with environmental issues, the government got accolades from the World Wildlife Fund one month after the March 29<sup>th</sup> announcement. As part of its Endangered Species Campaign, the group gave Ontario a B+ grade for its effort to enhance the parks and protected areas system, described as a “bright light”.<sup>35</sup> This classification ranked Ontario first in Canada, up from eighth position with a D+ in 1998. For some critics, this proved that the Partnership’s endorsement of the Living Legacy deal prevented the Wildlands League, the Federation of Ontario Naturalists, and the World Wildlife Fund from harshly criticizing the Harris government; this despite obvious deficiencies in the land use program, including the fact that the agreement was “reached through a highly undemocratic process—one that excluded [N]atives, many environmental groups, and the public at large.”<sup>36</sup> As demonstrated in chapter three, by creating a ‘two-tiered’ park system—one increasingly

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<sup>34</sup>*Ibid.*, 22.

<sup>35</sup>Brian McAndrew, ‘Ontario green plan wins B+,’ *Toronto Star*, 28 April 1999, A9.

<sup>36</sup>Tony Weis and Anita Krajnc, ‘Greenwashing Ontario’s Lands for Life,’ *Canadian Dimension*, December 1999, 35. See also, Editorial, ‘Risky plan for Ontario’s North,’ *Toronto Star*, 24 May 1999, A14.

lacking in funding and becoming open to natural resource and wildlife exploitation—the Harris government has divested itself from responsibilities to govern in the public trust, in the name of administrative efficiency.

### **Enhanced Certainty for the Forest Industry: The Ontario Forest Accord**

The government's commitment to the forest industry is briefly outlined in the final *Land Use Strategy*. While the synopsis proposes that enhancing economic security and increasing access to Ontario's land base will occur through intensive forest management and the implementation of a compensation program, the basis for discussions relating to forestry issues in Ontario's Living Legacy is the *1999 Ontario Forest Accord - A Foundation for Progress* (OFA). For the forest industry, support for the new land use plan, was primarily channeled through the *Ontario Forest Accord*, an agreement<sup>37</sup> between the MNR, the Partnership, and leading forestry interests. Aiming to increase wood production, the accord is considered as a truce to the 'war in the woods', a cooperative endeavour monitoring industrial activities and forest management with the goal of designating more protected areas. For the president of forest giant Domtar, the agreement is unique since it brought together "traditionally opposing forces to find common ground to meet each other's needs."<sup>38</sup> This

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<sup>37</sup>There is an ongoing debate as to whether the *Ontario Forest Accord* is a contractual document. The Canadian Environmental Law Association believes that the forest industry may have legal claims for compensation through the accord, while the Partnership prefers calling it an agreement rather than a contract. Executive director, Wildlands League, interview by author; and Canadian Environmental Law Association, *The Lands for Life Proposals*, 12.

<sup>38</sup>Raymond Royer quoted in McAndrew, 'Move to protect', A7.

view was confirmed by the executive director of the Wildlands League who noted that “[b]y recognizing the public’s desire for more parks and sustainable forestry, the forest industry has improved the prospects for future cooperation and public support. It’s a wise move.”<sup>39</sup> Ostensibly addressing the province’s incapacitating resource wars, the forest accord is touted as a historic and precedent-setting document bringing together and cementing a new working relationship between interests perceived as traditional antagonists. Resulting from the private Fern talks between the MNR, the Partnership for Public Lands, and the forest industry, the agreement formalizes discussions regarding provincial forest issues at the highest political level. According to the Partnership their “new working relationship with the forest industry bodes well for finding solutions in a world where local meets global through the marketplace.”<sup>40</sup>

A departure from existing policy styles, the *Ontario Forest Accord* commits the signatories to fulfill 31 obligations, signaling a new approach to environmental policy-making; not only transforming the role of government as mediator of the public interest, but granting political authority to selected corporations and environmental groups. This was entrenched with the formation of the Ontario Forest Accord Advisory Board (OFAAB), a body with the mandate to oversee the implementation and enforcement of the *Ontario Forest Accord*. Composed of actors who participated in the Fern discussions, the board includes three representatives, with alternates, from each the forest industry, environmental interests, and

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<sup>39</sup>Partnership for Public Lands, ‘Partnership for Public Lands Endorses Government Land Use Strategy,’ Official Media Release, 29 March 1999.

<sup>40</sup>Partnership for Public Lands, internet site:  
<http://www.web.net/wild/newway.html>



the MNR; the chair's position rotating between the former two interests and the latter taking on a facilitation and advisory role.<sup>41</sup> Answerable to the Minister of Natural Resources, the board's functions range from ensuring adherence to the commitments outlined in the forest agreement, monitoring the creation of protected areas, to developing dispute resolution strategies.<sup>42</sup> A relatively closed organization, the OFAAB instituted mechanisms to ensure more openness such as making meeting summaries publicly available, as well as considering the expansion of the board's membership.<sup>43</sup> However, its structure and position within the MNR bureaucracy entails that community concerns and public input to be considered by the board are routed first through the Minister's office, making it difficult for the process to be fully accessible.

The entrenchment of rights and responsibilities in the *Ontario Forest Accord* contract not only formalized the relationship between traditionally divergent interests, it brought policy formulation to another level, clearly defining the roles and responsibilities of the parties involved. Here, the signing of the accord suggests that changes and nuances associated to forest policy formulation and implementation will be harder to effect since signatories are now constricted to the terms of the agreement and its resultant negotiations. This is particularly

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<sup>41</sup>Ministry of Natural Resources, *Terms of Reference*, 1. The terms of reference also specify that the MNR provide administrative support to the board. For a list of the current board members see the Partnership internet site: [www.web.net/wild/ofaab.html](http://www.web.net/wild/ofaab.html). See also, the Ministry of Natural Resources internet site: [www.mnr.gov.on.ca/mnr/oll/ofaab/termsoref.html](http://www.mnr.gov.on.ca/mnr/oll/ofaab/termsoref.html)

<sup>42</sup>*Ibid.*, 2.

<sup>43</sup>*Ibid.*, 4. Updated meeting agendas and summary notes can be found at the MNR internet site: [www.mnr.gov.on.ca/mnr/oll/ofaab/sumnotes/](http://www.mnr.gov.on.ca/mnr/oll/ofaab/sumnotes/)

seen with the issue of compensation intended to benefit the forest industry. Here, the implementation of a compensatory system highlights the extent of the MNR's commitment to protect forestry interests. In the event that the government, represented by the Ministry of Natural Resources, decides to revoke tenure rights, it is responsible for compensating proponents "for capital investments [regarding] permanent infrastructure and processing assets directly related to regulated land withdrawals as a result of the Lands for Life process and any future unilateral withdrawals."<sup>44</sup> This commitment, unprecedented in Ontario land use policy-making,<sup>45</sup> potentially restricts the flexibility of government in regards to the (re)allocation of natural resources. Setting itself up for the possibility of indemnification, the MNR, under current and future governments, is now obligated to consider the needs of the forest industry as a prerequisite to designating protected areas and other land uses. Not only has government jeopardized its role as active regulator and overseer of the public interest, it has granted political rights "to a selected group of companies, based on an arbitrary, ad hoc, and non-public process."<sup>46</sup>

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<sup>44</sup>Ministry of Natural Resources, *1999 Ontario Forest Accord - A Foundation for Progress* (March 1999): 4. Clause #19.

<sup>45</sup>The Partnership for Public Lands publicly argues that compensation for the loss of capital investments has occurred on a case-by-case basis. However, in an internal document to the environmental community, it noted that there are no requirements to compensate the forest industry for revoking tenure rights such as reducing the amount of annual allowable cuts. See Chris Henschel, *Intensive Forest Management and Tenure Reform in Ontario: A Policy Options Paper for the Environmental Community* (Draft), 26 January 2000, 21.

<sup>46</sup>Canadian Environmental Law Association, *The Lands for Life Proposals*, 12.

While there are provisions to increase protected green spaces beyond 12 percent of the land base in question,<sup>47</sup> the accord is intended to consider the present and future needs of the forest industry. Here, the preamble, which sets the tone for the agreement, notes that “there would be no net increase in the cost of wood delivered to the mill and there would be no long term reduction in the supply of fibre necessary for processing on both a planning area and region basis, as a result of the establishment of new parks and protected areas”.<sup>48</sup> With references to permanent and long term guarantees to the province’s forests, the agreement not only aims to maintain current cutting quotas ensuring the rights of industry, it implicitly deals with tenure reform as seen through the discussion of intensive forest management. Although vague, assertions referring to intensive silviculture within the accord demonstrate the government’s, and the Partnership’s, willingness to address enhanced corporate tenure rights whereby government is to “assign a higher priority to forest protection measures necessary to protect intensive forest management areas.”<sup>49</sup>

Part of forestry management discussions between key stakeholders prior to the Lands for Life process, the concept of intensive forest management (IFM) became inculcated in the forest accord—a vehicle used to publicly convey the controversial idea. Imprecisely defined, intensive forest management, synonymous with enhanced forestry, is based on the theory that “[b]etter use of information, site selection, silviculture, and protection activities to restore

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<sup>47</sup>The 12 percent figure refers to both private and Crown land within the Lands for Life area of study. Note that this percentage does not refer to the total provincial landmass.

<sup>48</sup>Ministry of Natural Resources, *Ontario Forest Accord*, 1.

<sup>49</sup>*Ibid.*, Clause #17.

degraded forest conditions, [will] increase historic productivity and improve quality of crop trees in final harvest.”<sup>50</sup> Increased production yields do not only materialize from more investments in silvicultural research, but are generated by current forest practices such as herbicides and pesticides usage, thinning, stand improvement, better stocking, prescribed burning, fire suppression, clearcutting, and selective harvesting. Ultimately intended for commercial purposes, the quest to increase logging activities through IFM is spawning discussions and scientific research to find more ways to augment fiber harvesting including controversial methods such as fertilization, wetland drainage, planting exotic species, and using genetically modified organisms (GMOs)<sup>51</sup>—an avenue promoted by the *Ontario Forest Accord* and partly funded by the Living Legacy Trust which earmarks approximately \$22 million for developing forestry practices in the far north, improving the access to, and quality of, the wood supply, as well as compensation for loss of infrastructure use such as roads and bridges use resulting from the creation of protected areas.<sup>52</sup> In the context of impending supply shortages, declining quality of timber, and a highly volatile commodities market, intensive use is increasingly becoming a favoured application for the forest industry.

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<sup>50</sup>Wildlands League, *Tenure and Intensive Forest Management*, Draft (21 February 2000). Presentation to the Tenure Sub-Committee of the MNR Provincial Forest Policy Committee.

<sup>51</sup>Henschel, *Intensive Forest Management*, 21.

<sup>52</sup>A further breakdown of the money allocated to forestry initiatives shows that \$1 million will be provided as compensation to the forest industry for the loss of existing logging infrastructure; \$5 million to improve road access; \$3 million to develop forest management projects in the far north; \$7 million for scientific research; \$5 million for employment through intensive forest management; and \$0.5 million to enhance the creation of value-added wood products. See Living Legacy Trust internet site: [www.livinglegacytrust.org](http://www.livinglegacytrust.org)

For the Partnership, intensive forest management is also seen as a mitigating option to the crisis in Ontario's woods. While not stated in its *Planning for Prosperity* blueprint, there is an implicit assumption that IFM practices should be developed if the Partnership's proposals to increase protection within the Lands for Life region while maintaining, and even increasing, wood flow to mills, as well as creating new jobs, are to become a reality.<sup>53</sup> As such, by forming areas specifically intended for production, or special supply zones—to be determined through a public forum, yet it is unclear how—proponents argue that there will be less pressure on the remaining forests, thus creating opportunities for designating them to protected status.<sup>54</sup> More specifically, the Partnership notes that the *Ontario Forest Accord* “explicitly ties future increases in wood harvest/availability to the establishment of protected areas”,<sup>55</sup> whereby any new wood supply surplus will be shared between protection and production initiatives, not only destined for sawmills, as currently is the practice. In this way, by taking advantage of the ambiguous term, the coalition believes that the environmental community can “[s]eize the agenda to define IFM as better forestry.”<sup>56</sup>

Tied to tenure reform, intensive forest management is another mechanism used to enhance certainty in the realm of an international market dictated by fluctuating lumber prices.

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<sup>53</sup>Partnership for Public Lands, *Planning for Prosperity* (November 1998), 3. See also, Partnership for Public Lands, *The PPL Economic Social Strategy 'Making it Work'* Draft (31 January 1998), 5.

<sup>54</sup>Chris Henschel, *Intensive Forest Management Notes* (15 December 1999), 1; and Partnership for Public Lands, *The PPL Economic Social Strategy*, 5.

<sup>55</sup>Partnership for Public Lands, internet site: <http://www.web.net/wild/accord.html>. See also, Tim Gray, ‘Making Sense of Lands for Life,’ *Kanawa*, April-June 1999, 62.

<sup>56</sup>Henschel, *Intensive Forest Management Notes*, 1.

As there are no provisions for government to guarantee Sustainable Forest License (SFL) holders a minimum amount of annual allowable cuts (AAC) or compensation in the event of unilateral land withdrawals, there is evidence suggesting that the “current policy debate envisions tenure reform as an avenue to improve forest management by altering the nature and terms of the [tenure] agreement between the Crown and the private interests that manage it.”<sup>57</sup> By ensuring consistent harvesting levels security is arguably enhanced, not only increasing predictability and economic investment in the forest industry, but encouraging silvicultural research to improve logging practices. Here, the *Ontario Forest Accord* committed the government to ensure forest companies that there will be a return on investments in IFM; more specifically, that industry would be allowed to harvest from intensively managed areas.

While formal discussions surrounding the enhancement of tenure and the viability of compensation are taking place through the Provincial Forest Policy Committee, other motives to encourage IFM are also being reviewed. Here, economic incentives provided by government subsidies and the creation of trust funds such as the Forest Renewal Fund and the Forest Futures Fund, in addition to market-based solutions promoting the sale and division of SFLs, are suggested means encouraging intensive forest practices. Most importantly however, further deregulation is also being considered as a possible policy instrument, highly regarded by the forest industry as a viable option to promote IFM. Although the environmental community has typically rejected the transfer of power to private interests, the *Ontario Forest Accord* stipulates that the implementation of intensive forest

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<sup>57</sup>Henschel, *Intensive Forest Management*, 3.

management practices, and by extension lengthening tenure rights, necessitates potential amendments, even exemptions, from the Timber Class EA and the *Crown Forest Sustainability Act*.<sup>58</sup> It is unclear which provisions will be amended, and there is no statement as to how ecological sustainability principles, as defined by both the CFSA and the Timber Class EA, will be protected through intensive forestry management—there is also speculation that biodiversity requirements will be watered down.<sup>59</sup> While the three signatories are committed to adopting changes, there is no indication of the citizen’s role in the process, potentially compromising public accountability.<sup>60</sup> Although not strictly defined, the move to relax regulatory frameworks facilitating tenure rights is now legally entrenched in the *Ontario Forest Accord*, dislodging any opportunities for extensive public consultation.

Another main, and disturbing, feature of the agreement is the commitment to open up development north of the 50/51° parallels, an area excluded from the Lands for Life discussions.<sup>61</sup> Here, the signatories are obligated to “support initiatives directed toward the *orderly development* of areas north of the undertaking ... on a best efforts basis and *as quickly as possible*...”<sup>62</sup> The integration of this stipulation in the Living Legacy deal clearly defied the spirit of public input in land use planning. What more, it overtly denied Aboriginal

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<sup>58</sup>Ministry of Natural Resources, *Ontario Forest Accord*, 3. Clause #15.

<sup>59</sup>Northwatch, *Tories Unleash Living Legacy*, 2.

<sup>60</sup>Canadian Environmental Law Association, *The Lands for Life Proposals*, 13-14.

<sup>61</sup>A region also referred to in the *Ontario Forest Accord* as north of the Area of Undertaking.

<sup>62</sup>Ministry of Natural Resources, *Ontario Forest Accord*, 5. Clause #24. *Emphasis mine*.

participation in the private negotiations that led to the formulation of the *Ontario Forest Accord*. An area predominantly inhabited by indigenous peoples, the areas north of the 50/51° parallels have been relatively inaccessible to industrial activities primarily because of its rugged terrain which has been, until recently, a disincentive for investment.<sup>63</sup> As the supply crisis looms, more players within the forest industry are eyeing the far north as a significant, and new source of fiber. The viability of logging further north, however, is put into question by global warming trends bringing drier weather patterns to the region which drastically increases the chance of fire, thus putting the onus on taxpayers, through the MNR, to deal with costs for fire suppression. According to a forest fire research officer with the Canadian Forest Service at the federal Department of Natural Resources, “[t]here’s no way we should allow the industry to dump this cost on the public. We run the risk of spending huge amounts of money while having little effect. And when the suppression fails and the forest burns, the industry will ask for expanded logging limits.”<sup>64</sup>

While the *Ontario Forest Accord* recognizes that development can only take place with the full agreement from affected Aboriginal communities, discussions with First Nations have taken place individually with the MNR or with industry. Formalizing the government’s intentions to conduct logging activities in northern regions is currently being done through the Northern Boreal Initiative (NBI). Aiming to provide First Nations with the opportunity

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<sup>63</sup>The push to develop Ontario’s frontier regions necessitates an environmental assessment done in accordance with the *Environmental Assessment Act* and the Timber Class EA.

<sup>64</sup>Correspondence from Tim Lynham, Canadian Forest Service researcher, President, Environment North, dated 19 July 1999.



to take a leading role in new commercial forestry ventures as well as forest management planning in the far north, the NBI is a project integrating western scientific principles with indigenous ecological knowledge.<sup>65</sup> Although the *Ontario Forest Accord* is considered to be one of the driving forces behind the NBI, talks concerning the development of an economic infrastructure predated the Ontario Living Legacy negotiations.<sup>66</sup> Partaking in decision-making processes relating to forest management allows many isolated First Nations to become active participants in the allocation of natural resources, an issue that has eluded many communities as corporations, sanctioned by governmental policies, have extracted wood without sharing the wealth taken from traditional territories. The focus on developing 'strategic action plans' and 'partnerships' with the forest industry<sup>67</sup> in the Northern Boreal Initiative has opened doors to include Aboriginal interests in the wake of the exclusionary Lands for Life/Ontario Living Legacy process. However, critics remark that "deep damage done to relationships between some aboriginal organizations and environmental non-governmental organizations as a result of the Accord and related announcements; and that

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<sup>65</sup>Ministry of Natural Resources, 'Northern Boreal Initiative - Developing new, sustainable management opportunities with First Nation communities in the far north of Ontario.' EBR Registry Number: PB00E1008, 19 July 2000. Three communities, Pikangikum First Nation, Moose Cree First Nation, and Constance Lake First Nation, are currently undertaking discussions with the Ministry of Natural Resources, as well as the forest industry.

<sup>66</sup>Boreal West roundtable member, interview by author.

<sup>67</sup>Correspondence from President, Environment North, to selected environmental activists, dated 6 October 1999; and Boreal West roundtable member, interview by author. The Pikangikum First Nation, for example, created a partnership with Timberline, an inventory company, to form White Feather Forest Management Corporation.

there are big questions about how and where those relationships (between First Nations and ENGOs) fit in the future.’<sup>68</sup>

◆ **Resource-based tourism: More rights for the forest industry?**

Another component of the March 29 announcement included a brief reference to resource-based tourism. Charged with integrating the values and interests of the resource-based tourism sector within the new land use policy, the Lands for Life/Living Legacy exercise confirmed the importance of sustaining an economically and environmentally viable activity in Ontario’s north. Developing tourism opportunities in the northern parts of the province not only entails employment creation, but economic diversification in an area predominantly based on single resource industries. Moreover, the increasing popularity of ecotourism and adventure travel, arguably instilling an environmental consciousness, are also factors leading to the potential invigoration of the sector, underscoring the urgency of protecting Crown land for that purpose. While accompanying materials to the announcement affirm the need to protect northern tourism, the details in the strategy, although vague, suggest that the government’s Living Legacy ultimately promotes forestry interests.

Growing demands on Ontario’s natural resources from conflicting interests is starkly demonstrated by the often uneasy relationship between tourist operations and resource development companies. More specifically, the province’s timber management plans are considered a threat to the vitality of the tourism industry since pressure to allocate Crown land to forestry-related activities is on the rise. As more and more timber harvesting is

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<sup>68</sup>Lands for Life/Living Legacy Debrief, Minutes from a meeting between the environmental community hosted by the Canadian Environmental Law Association offices, Toronto, 11 June 1999.

encroaching remote areas, several guidelines and policies have been approved in recognition of protecting and promoting tourism in the north. The *Timber Management Guidelines for the Protection of Tourism Values* (1987) calls for the consultation between forest management planners and tourist operators in an attempt to “minimize harm to tourist operations by protecting the visual appeal of forest landscapes.”<sup>69</sup> Similarly, the *Resource-based Tourism Policy* (1997) recognizes the significance of providing economic certainty and promoting ecologically sustainable practices within the sector—goals achieved through land use planning. It is in this context that the outcomes laid out in the land use plan identify four salient points that support tourism in northern Ontario: allowing existing tourism operations in all land use designations; updating guidelines and policies to improve the protection of tourism values; establishing dispute resolution mechanisms; and creating new means for negotiating and implementing Resource Stewardship Agreements (RSAs).<sup>70</sup>

A key factor of the Living Legacy’s approach to northern tourism, RSAs are intended to reinforce the ties between forest companies and resource-based tourism operations encouraging information sharing and cooperation throughout land use and forest management planning. While the scope and terms of reference are still to be defined amongst stakeholders, Resource Stewardship Agreements entail the potential for compensation. Considered adjuncts to the already existing guidelines and policies designed to ensure the economic viability of the tourism industry, RSAs incorporate the notion of ‘beneficiary pays’, a stipulation intended to profit the forest industry. Acknowledged in the final land use plan and confirmed in the

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<sup>69</sup>Canadian Environmental Law Association, *The Lands for Life Proposals*, 20.

<sup>70</sup>Ministry of Natural Resources, *Proposed Land Use Strategy*, 8.

*Ontario Forest Accord*, the tourism industry, which is ostensibly intended to benefit from Resource Stewardship Agreements, is responsible for the compensation of any financial or timber volume losses incurred by the forestry sector resulting from their implementation.<sup>71</sup> Not only does this place the industry at a standstill in terms of expanding operations, the “‘beneficiary pays’ principle sends a clear message that forestry industry interests are more important to promote than other economic interests. It will also present a significant chill to the tourist industry since any additional ‘benefits’ will be expensive to a sector that is not known for its high profit margins.”<sup>72</sup>

#### **Recognizing Mining Contributions: More Access and Subsidies—**

The March 29<sup>th</sup> Ontario Living Legacy agreement was accompanied by announcements relating to the mining industry. Alongside Premier Harris, the Minister of Northern Development and Mines, Chris Hodgson, focused on highlighting the government’s continued commitment to the mining industry. Intended to assuage a highly volatile sector, especially in light of potential uncertainty resulting from the creation of more parks and protected areas, the MNDM not only emphasized that it would be ‘business as usual’, but that it was ready to invest more than \$20 million to promote exploration and mining activities.

Having harmonized regulations, reduced bureaucratic restrictions and implemented a tax freeze, the MNDM’s confirmation of exploration subsidies demonstrates how the mining

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<sup>71</sup>*Ontario Forest Accord* (Clause #29). This is supported by the Partnership for Public Lands which “will not oppose the beneficiary pay concept for resource stewardship agreements.”

<sup>72</sup>Canadian Environmental Law Association, *The Lands for Life Proposals*, 22.

industry is considered to be a favoured component of the province's economy. The exploration subsidy 'Operation Treasure Hunt', an injection of \$19 million over a two-year period, aims to create a program geared toward short and long-term exploration with the latest technology; the collection of data through advanced mapping and surveying techniques are tools "needed to accelerate exploration activities in Ontario."<sup>73</sup> Here, the news release relating to the announcement emphasizes the opportunities for employment creation in the private sector and projected financial returns on investment.<sup>74</sup> Furthermore, granting \$4 million to the Ontario Prospectors Assistance Program (OPAP) not only "encourages the discovery of new mineral deposits by stimulating grassroots exploration and prospecting in Ontario", it is considered an insurance against economic downturns often plaguing the industry.<sup>75</sup>

Setting the tone for the government's outlook on mining in the province, the *Proposed Land Use Strategy* report briefly mentions the role of prospecting activities calling for a "flexible approach" and the need for "the maximum possible area open for exploration."<sup>76</sup> The details however, are found in three separate press statements released on March 29; the

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<sup>73</sup>Ministry of Northern Development and Mines, News Release: 'Hodgson Announces \$19 Million for 'Operation Treasure Hunt,' 29 March 1999.

<sup>74</sup>It is suggested that the program will create more than 300 new jobs in the exploration and mining sectors. Revenue returns from the studies and subsequent ore discovery are projected to range anywhere from \$3 to \$250 for every dollar invested.

<sup>75</sup>Ministry of Northern Development and Mines, News Release: 'Hodgson Announces \$4 Million for Ontario Prospectors,' 29 March 1999. It is not clear what "grassroots exploration and prospecting" means.

<sup>76</sup>Ministry of Natural Resources, *Proposed Land Use Strategy*, 10. This was confirmed in the July 1999 *Land Use Strategy*.

defining factor being the notion of multiple use. Without compromising the changes made to the *Mining Act*, as well as the *Public Lands Act* and the *Provincial Parks Act*, which in their current form provide the industry with more financial stability and political leverage, the MNDM confirmed the introduction of floating reserves to offset the industry's concerns emanating from the designation of new conservation areas and park space. As such, 'controlled' mineral exploration could occur in or around parks and in the event of a substantial discovery, a land swap would take place in order not to jeopardize existing mining tenure rights, essentially confirming that "[a]ccess for environmentally sensitive mineral exploration is being protected in areas of provincially significant mineral potential, and it is business as usual for existing claim holders and mining activity already underway."<sup>77</sup>

The ascribed roles of both the government and mining community within the context of Ontario's Living Legacy is documented in a backgrounder accompanying the MNDM's press releases. Relegated to ensuring a pro-mining environment, government is not only responsible for ensuring 'low-impact staking and exploration' on newly proposed protected Crown lands, but is also to work cooperatively with the industry to formulate 'workable procedures' in areas such as monitoring, inspection, policy and regulation reviews, and restoration.<sup>78</sup> The implementation of a contractual agreement demonstrates the extent to which the MNDM is prepared to formalize its partnership with the mineral sector. Seeking to ensure the industry's concerns over the abrogation of the status quo in the wake of the

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<sup>77</sup>Ministry of Northern Development and Mines, News Release. 'Hodgson says *Living Legacy* Good News for Northern Ontario,' 29 March 1999.

<sup>78</sup>Ministry of Northern Development and Mines, Backgrounder. 'Ontario's Commitments to the Minerals Industry.' 29 March 1999.

MNR's new land use plan, the government is legally committing itself to "respect the existing rights of all forms of mining land tenure in new parks and conservation areas" whereby "[c]urrent rules, and access to these lands will be ensured."<sup>79</sup> This pledge was confirmed in a letter sent out by Minister Hodgson to all claim holders in the province asking those that were 'parked' or affected by the contents of Ontario's Living Legacy to sign a contract recognizing that the "proponent will be entitled to exercise the same mineral rights as if its mining properties were located elsewhere in the Province of Ontario."<sup>80</sup> The Prospectors and Developers Association of Canada (PDAC) however, attempted to dissuade its membership from signing the document warning that it might endanger the right to future compensation in the advent of lost ownership to newly protected spaces.<sup>81</sup> This, despite the fact that already 14 percent of the Crown land set aside from industrial development had been staked for future exploration.<sup>82</sup>

The fact that critical statements concerning the future of mining in Ontario were made through MNDM press releases rather than within the *Proposed Land Use Strategy* suggests that there was no proper public consultation, and that by extension the mining component of

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<sup>79</sup>*Ibid.*, 1.

<sup>80</sup>World Wildlife Fund, News Release, 'WWF's Highest Grade for Ontario (B+) Under Review Pending Clarification on Mining in Parks'. 27 April 1999. The Partnership also wrote a letter to the MNDM Minister, demanding clarification on the Ministry's position regarding existing and future mining claims. Correspondence from the Partnership for Public Land to Chris Hodgson, Minister of Northern Development and Mining, dated 26 April 1999.

<sup>81</sup>This cautionary message was posted on the PDAC web site at [www.pdac.ca](http://www.pdac.ca)

<sup>82</sup>Earthroots, *Analysis of the Lands for Life Agreement and Concurrent Government Activities Related to this Agreement*, Background Document, undated, 2.

the Living Legacy initiative was an understanding solely between government and industry. This was confirmed by several environmental organizations who sounded the alarm following Chris Hodgson's announcement on mining incentives. Judging from their reaction in the media, it became clear that they were not made aware of unfolding developments between the industry and government prior to the Sudbury announcement. As support for Ontario's Living Legacy deal quickly unraveled, the Partnership for Public Lands attempted to clarify, and distance, itself from the government's position. Attempting to steer the coalition from controversy for allegedly endorsing a deal promoting exploration, as well as hunting and angling, the World Wildlife Fund's president noted that "[t]here were ... aspects of the Living Legacy announcement that we did not negotiate or support. In fact, these aspects surprised us and disappointed us".<sup>83</sup> The assertion however, that the Partnership for Public Lands was not alerted to an imminent mining side-deal promoting floating reserves contradicts a 16 March 1999 media report stating that "environmentalists say they will not publicly endorse the agreement if the province decides to adopt the mining proposal"<sup>84</sup>—a statement made two weeks

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<sup>83</sup>Monte Hummel quoted in Theresa Boyle, 'Parts of parkland deal bothered wildlife group,' *Toronto Star*, 5 October 1999, A9.

<sup>84</sup>Martin Mittelstaedt, 'Deal to expand Ontario parkland,' *The Globe and Mail*, 16 March 1999, A2.



before the formal Living Legacy announcement.<sup>85</sup> In an effort to further clarify the Partnership's position, Monte Hummel wrote that while mining was discussed on the basis that it would not be allowed in protected areas—as formalized in the *Ontario Forest Accord*—the three environmental groups did agree to allow mining and staking activities already underway during pre-Lands for Life on space designated for future protection with the proviso that exploration would be environmentally sensitive, and that in the event of a significant discovery, there would be a land swap subject to an impartial environmental assessment.<sup>86</sup> Opposed to the secret dealings enhancing mining rights, the Canadian Environmental Law Association pointed to the dangers of transferring more power to mining and prospecting corporations noting that the “that mining initiatives can wipe-out any gains through the Lands for Life proposal. It is about time the government stopped candy-coating what is going on and tell the public that the proposal should be called Lands for the Mining Companies.”<sup>87</sup>

Inconsistencies within the Living Legacy announcement are apparent when analyzing the announcements relating to mining and the *Ontario Forest Accord*. While article one of the accord stipulates that newly protected spaces will exclude mining, it is clear from Ministry of

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<sup>85</sup>This is also contrary to evidence showing that the Partnership for Public Lands was in contact with the mining and prospecting sectors during the Lands for Life consultation period. See, for example, the tentative agenda for the Partnership's 'Concept Workshop' held on 19 February 1998.

<sup>86</sup>Monte Hummel, 'Not perfect, but an historic deal,' *Toronto Star*, 26 August 1999, A12.

<sup>87</sup>Canadian Environmental Law Association, Media Release, 'Mining 'Side Deal' Undermines Lands for Life Proposal, Says Environmental Law Group', 21 May 1999.

Northern Development and Mining media releases that the government's intentions are to maintain the status quo in relation to all mining activities including staking, exploration, and production: an affirmation to be enshrined in a binding contract. Provisions set in clause two of the accord proposing the interim protection of newly selected areas are incongruent with MNNDM's declaration that the mining industry will have continued access to these lands prior to their regulation. Moreover, the MNNDM's guarantee that "[a]ny future expansion of parks and protected areas requires mutual agreement among the minerals industry, the forest industry and the Partnership for Public Lands"<sup>88</sup> contradicts section six of the accord since the Ontario Forest Accord Advisory Board (OFAAB), composed only of MNR bureaucrats, forestry representatives, and members of the Partnership for Public Lands, is the sole body having the jurisdiction over the future designation of protected Crown lands.<sup>89</sup>

### **Extending the Right to Hunt and Fish through Ontario's Living Legacy—**

As demonstrated with the forestry and mining sectors, the focus on the government's achievement protecting more Crown lands is mitigated by concessions given to long-standing and influential interests existing in the province. This was also the case for wilderness management; despite the praise and enthusiasm surrounding the Living Legacy deal, details concerning hunting and angling rights within the Lands for Life region slowly began to emerge. While the March 29 announcement provides an \$8 million subsidy through the Living Legacy Trust promoting scientific research purposes, as well as fish and wildlife planning and

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<sup>88</sup>Ministry of Northern Development and Mining, 'Ontario's Commitments'. 1.

<sup>89</sup>Canadian Environmental Law Association, *The Lands for Life Proposals*, 19.

management, its overall intent is to enhance access to fishing and hunting.<sup>90</sup> Granting extended rights to a minority of interests became one of the most controversial aspects of the Ontario Living Legacy announcement, refueling a debate on animal rights, as well as questioning the preservation of ecological integrity within the province's protected areas system.

Symbols of Canadian identity and personal enjoyment, provincial parks are generally not associated with hunting and fishing activities. This image is, however, radically altered by the fact that the new land use strategy encourages the killing of wildlife in designated protected areas. As public outrage instigated by both activists and media reports critical of Lands for Life began to mount, proponents of the Ontario's Living Legacy were forced to justify their positions. While the Ontario Federation of Anglers and Hunters argued that the government maintained the status quo,<sup>91</sup> many environmentalists and animal rights activists ended up denouncing the conditions, bolstered by a survey revealing that 77 percent of Ontarians polled strongly agreed that sport hunting should not be allowed in provincial parks and protected areas.<sup>92</sup> While the Partnership for Public Lands did not publicly endorse sport hunting in newly designated parks, it acknowledged the Lands for Life objective related to

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<sup>90</sup>Living Legacy Trust internet site: [www.livinglegacytrust.org](http://www.livinglegacytrust.org). Approximately one-third of the fund is dedicated to the fish and wildlife management of which \$3.5 million is allocated to scientific research on habitat and populations; \$0.2 to study fish and wildlife according to a holistic, ecological approach; and \$1.5 to increase access to these resources and stimulate northern economies.

<sup>91</sup>Brian McAndrew, 'Move to protect', A7.

<sup>92</sup>Oracle Poll Research Limited, *Views on Consumptive Activities in Ontario's Parks and Protected Areas*. Survey report prepared for Earthroots (15 October 1999), 4.

the enhancement of hunting and fishing opportunities. The Partnership, therefore, was ready to support hunting with exceptions such as in places where hunting is a way of life, usually in the far north.<sup>93</sup> In a later statement, the president of the World Wildlife Fund attempted to clarify his organization's position in relation to sport hunting noting that "[w]e didn't agree with that, we didn't negotiate that, we didn't propose it."<sup>94</sup> In the end however, it was uncovered that a secret arrangement improved hunting and angling opportunities by allowing hunting in newly designated green spaces, in much the same way that logging and mining access was assured.

Not part of the original Lands for Life objectives, the Ministry of Natural Resources gradually inserted statements implying the need to study the feasibility of increasing hunting and angling rights within documents guiding the land use planning process.<sup>95</sup> By the time the *Consolidated Recommendations* were released in October 1998, they had been firmly entrenched within the public consultation framework, becoming official planning goals as confirmed in the July 1999 *Land Use Strategy*. Concessions to hunting interests were clearly demonstrated by the fact that sport hunting is allowed in all new parks and

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<sup>93</sup>Hummel, 'Not perfect, but an historic deal.' *Toronto Star*, A12.

<sup>94</sup>Boyle, 'Parts of parkland deal', A9. This article was spawned by a news conference held by WWF president Monte Hummel who defends his group's position throughout the Lands for Life/Living Legacy process. There is no mention of the WWF's seminal role in the Partnership for Public Lands. It is interesting to note that the Hummel is a sportshunter.

<sup>95</sup>This was confirmed in the endnotes of a letter sent by Jerry DeMarco, Sierra Legal Defence Fund staff lawyer, to Gord Miller, Environmental Commissioner of Ontario, dated 15 March 2000.

additions—including in Wilderness park additions—except in Nature Reserves and zones.<sup>96</sup> The key issue transforming original park designations however, is the MNR's outlook on permitted uses in Wilderness parks. Considered ecologically significant areas, these parks are designated for enthusiasts seeking personal and recreational challenges set in natural landscapes. Banning motorized access, hunting, and fishing, and encompassing a minimum of 50,000 hectares (or 500 km<sup>2</sup>), there are eight Wilderness parks in Ontario, five of which are in the Lands for Life planning region—Killarney, Quetico, Lady Evelyn-Smoothwater, Woodland Caribou, and Opasquia.<sup>97</sup> Permitting hunting in the two small land additions to Killarney and Woodland Caribou parks while disallowing hunting and fishing in Nature Reserves, which are much smaller in size than Wilderness areas, the government is compromising the ecological values of large natural systems in an effort to appease hunting and angling interests, as well as changing public expectations regarding their interaction with nature.

The government's acquiescence to the gun lobby however, became clear in the months following the release of the *Land Use Strategy*. In February 2000, it was revealed that the Ministry of Natural Resources made a secret commitment with the Ontario Federation of

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<sup>96</sup>These provisions mark an important turning point to park and wildlife management which until the introduction of Ontario's Living Legacy, hunting and fishing opportunities within protected areas were considered on a case-by-case basis.

<sup>97</sup>The other three are Wabakimi, Polar Bear, and Kesagami Wilderness parks. As part of the Temagami region, Lady Evelyn-Smoothwater provincial park was excluded from the Lands for Life discussions. Encompassing a separate land use planning strategy in light of the controversial political climate fueled by natural resource extraction such as logging and mining taking place on the unceded Teme-Augama Anishnabai territory, the area is also claimed by environmentalists as an extremely ecologically sensitive site.

Anglers and Hunters to open up all existing Wilderness Parks to sport hunting as part of the Ontario's Living Legacy. A leaked internal OFAH document shows that Minister John Snobelen promised the federation that the MNR agrees to "amend the individual park plans, such that hunting can be allowed in wilderness parks where there is demonstrated local public support for it, and the recommendation comes forward as part of a park planning process."<sup>98</sup> This was confirmed by an MNR policy briefing document noting that officials were working on a "proposed strategy to address Minister's 99.03.29 commitment to OFAH re: hunting in existing wilderness parks."<sup>99</sup> While the *Land Use Strategy* does stipulate that the "Ministry will consider in future park management planning for existing provincial parks, the opportunity to provide additional hunting opportunities. Where there is demonstrated local public support for hunting in existing wilderness parks, this will be addressed as part of planning for individual parks",<sup>100</sup> this statement was not included in the *Proposed Land Use Strategy*, nor was it posted on the EBR Registry, thus escaping public scrutiny. Moreover, such a major policy change fundamentally contradicts section four of the *Ontario Forest Accord* which purports that "significant changes in parks and protected area policies,

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<sup>98</sup>Correspondence to Herb Frost, president of the Sportsmans Conservation Club of Kenora from Rick Morgan, executive vice president, OFAH, dated 18 August 1999. The author implores his colleague to take strong action such as striking a committee in order to create local public support, as well as undertaking a writing campaign calling for a park plan review.

<sup>99</sup>Ministry of Natural Resources, Confidential Memo, 'Hunting in Provincial Parks', 1. See also, Brian McAndrew, 'Wilderness hunting ban to be lifted,' *Toronto Star*, 8 February 2000, A2.

<sup>100</sup>Ministry of Natural Resources, *Land Use Strategy*, 14.

legislation and permitted uses would occur only after prior public consultation and review.”<sup>101</sup> After mounting pressure from a range of environmental, animal rights, and recreational interests, which included filing a formal complaint to the Environment Commissioner of Ontario, John Snobelen conceded that there will be province-wide public hearings on hunting in Wilderness parks.<sup>102</sup> This move however, does not negate the fact that most of the Crown land ostensibly protected by the Living Legacy program is open to hunting whereby only 48,711 of 2.4 million hectares are actually off-limits to hunters and anglers.<sup>103</sup> The hunting issue has remained on activists’ agendas in an effort to educate Ontarians about the government’s connections with the hunting and fishing lobby. Here, the Peaceful Parks Coalition has attempted to decode the government’s Living Legacy ‘good news’ environmental item. Created in July 1999, this network of environmentalists, animal rights activists, and concerned citizens has provided a forum for advocates concerned about the privatization of public lands, questioning the role of the Partnership for Public Lands as well as the *Common Sense Revolution*’s impacts on the natural environment.

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<sup>101</sup>Ministry of Natural Resources, *Ontario Forest Accord*, 2. This was confirmed in a letter written to Minister John Snobelen from the Ontario Forest Accord Advisory Board, dated 21 December 1999, expressing concern over the MNR’s lack of intention to consult the public in light of proposals to change existing park policy.

<sup>102</sup>The Sierra Legal Defence Fund filed the complaint on behalf of the Canadian Environmental Law Association, Wildlands League, Federation of Ontario Naturalists, Environment North, Earthroots, Animal Alliance, Thunder Bay Field Naturalists, and Ontario Recreational Canoeing Association, on 15 March 2000.

<sup>103</sup>Krajnc, ‘The New Politics of Bloodsport in Ontario,’ *Canadian Dimension*, September/October 2000, 44.

## Post-Living Legacy: The Promise of Political and Media Marketing—

As the reality of the Lands for Life/Living Legacy program is settling in, almost four years after the initiative was first announced, its implementation is being conducted behind the scenes with public consultation mostly occurring through the auspices of the *Environmental Bill of Rights Registry*.<sup>104</sup> The government has also taken steps to announce its continued commitment to land use planning by broadcasting a television ad campaign and introducing a \$10 million investment for youth employment related to the development of Ontario's Living Legacy.<sup>105</sup> An additional \$10 million for youth job opportunities was announced by the Premier in November 2000 as part of a commitment confirming that his government will spend more than \$100 million to protect ecologically sensitive areas existing within the Living Legacy boundaries. Approximately \$20 million of this will also be allocated to acquire land in southern Ontario—areas that were not part of the Lands for Life land use planning program. Furthermore, the package earmarked funding for a variety of projects such as investing in the province's species at risk program; implementing the *Ontario Forest Accord*, Resource Stewardship Agreements, and the Lands for Life roundtable recommendations; as well as spending money to undertake consultations with Aboriginal

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<sup>104</sup>See EBR Registry Number: RB9E6011, Establishing 51 conservation reserves identified in Ontario's Living Legacy, 23 August 2000. This is one example of many postings related to the creation of protected areas inviting public commentary.

<sup>105</sup>Ministry of Natural Resources, News Releases, 'Ontario to Promote Major New Parks Expansion,' 10 August 2000; and 'Ontario Invests \$10 Million for Youth Employment to Support Living Legacy,' 13 April 2000.



peoples regarding natural resource management.<sup>106</sup> Observers maintain however, that this announcement was made shortly after the provincial auditor released a report heavily criticizing the government for not addressing bureaucratic mismanagement. Critics contend that Harris' positive news story was a 'diversionary tactic', a means to deflect attention from the report which singled out the MNR for its poor forest management practices.<sup>107</sup>

The Living Legacy deal also became an international marketing tool. In June 2000, MNR Minister John Snobelen participated in a tour of European cities which included London, Berlin, Hamburg and The Hague, promoting the province's 'successful' approach to environmental disputes. Invited to present at a conference and trade fair entitled 'A Vision of the World's Forests', organized by the World Wildlife Fund in London, England,<sup>108</sup> the Minister was accompanied by senior bureaucrats and representatives from the Ontario Lumber Manufacturers' Association and the Ontario Forest Industries Association representatives—conspicuously lacking from the Ontario delegation were environmentalists who endorsed the plan. Meeting with his European counterparts, parliamentarians, as well as forest industry groups and trade media journalists to promote the Living Legacy model, Snobelen used the opportunity to declare that the agreement "demonstrates to the world that

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<sup>106</sup>Ministry of Natural Resources, Fact Sheet, 'Ontario's Living Legacy: Protecting Our Natural Environment for Future Generations,' November 2000, 1-3.

<sup>107</sup>Richard Brennan, '\$100 million plan to create parks, protected areas,' *Toronto Star*, 24 November 2000, A4.

<sup>108</sup>The two-day conference addressed issues dealing with the development of international certification standards for forest products, the current state and future of the planet's forests, as well as trends and obstacles facing forest industries.

Ontario's forest industry is environmentally responsible and committed to sustainable forest management",<sup>109</sup> adding that "this province is a great place to invest and do business."<sup>110</sup>

In essence, Ontario's Living Legacy confirms that Ontario is moving toward increasing the pace of deregulation and privatization of Crown lands. This was done by inviting a select group of interests to participate in private negotiations signaling that natural resource planning is leaning toward a corporatist style of decision-making. A relatively closed and highly structured system, corporatism is based on

interest representation in which the constituent units are organized into a limited number of single, compulsory, non-competitive hierarchically ordered and functionally differentiated categories, recognized or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and support.<sup>111</sup>

The decision-making approach leading to Ontario's Living Legacy is reminiscent of this perspective. First, the Harris government imposed the terms of reference for private negotiations setting the 12 percent planning goal. Second, it recognized the Partnership for Public Lands and select forestry companies as legitimate entities—the Partnership in particular

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<sup>109</sup>Ministry of Natural Resources, News Release, 6 June 2000.

<sup>110</sup>Ministry of Natural Resources, News Release, 2 June 2000.

<sup>111</sup>Philippe Schmitter, 'Still the Century of Corporatism?' in *Trends Toward Corporatist Intermediation*, eds. P. C. Schmitter and G. Lehmbruch (Beverly Hills: Sage Publications, 1979), 13.

was perceived to be the leader in the environmental policy community. Finally, by “maintaining a degree of representativeness consistent with popular ideas of legitimacy,”<sup>112</sup> along with media campaigns, the government is able to implement its land use initiative with minimal opposition.

As part of its implementation strategy, the government is ensuring that the Living Legacy deal is visible, a move arguably facilitating the legitimation of the new land use policy. Giving off the impression that the agreement was reached with the approval of a broad cross-section of interests, negates the fact that both Lands for Life and Ontario’s Living Legacy remain controversial. By suggesting that there was wide consensus in the decision-making process, the Harris government is able to minimize any latent dissension. This, despite ongoing struggles to resolve land claims in light of continued privatization of traditional Aboriginal territory,<sup>113</sup> and the continued quest to protect the province’s biodiversity. While the latest attempt at land use planning has increased the protection of green spaces, including enhancing logging, mining, and hunting rights—essentially fulfilling the Lands for Life objectives—it is the process in which this was arrived at that is problematic. Although

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<sup>112</sup>A. Paul Pross, *Group Politics and Public Policy* (Toronto: Oxford University Press, 1986), 214. See also, Alan Cawson, *Corporatism and Political Theory* (Oxford: Basil Blackwell Ltd, 1986), 22-44; and Joseph Szarka, ‘Environmental Policy and Neo-Corporatism in France,’ *Environmental Politics* 9:3 (Autumn 2000): 89-108.

<sup>113</sup>The Wahgoshig First Nation and New Post First Nation in northeastern Ontario were involved in a dispute with Abitibi-Consolidated over the company’s plans to log traditional territories. Both communities held rallies, blockades, and hunger strikes in protest. After more than six months of impasse, an agreement was reached in November 2000 protecting a sacred burial ground and enhancing Aboriginal employment opportunities in the forestry sector. Canadian Press, ‘Natives, Abitibi reach landmark deal,’ *Timmins Daily Press*, 3 November 2000.

engaging in extensive public consultations, decisions made behind closed doors, away from public scrutiny, as well as the exclusion of Aboriginal interests, demonstrate that the new land use system in Ontario essentially maintains the status quo; dominant interests continue to monopolize planning, carving up the province with minimal integration of public concerns and no significant participation from Aboriginal peoples. Ultimately then, the concepts of equity and justice did not figure prominently during both the Lands for Life or Ontario's Living Legacy initiatives.

## CHAPTER SIX

### **Conclusions: Land Use Planning and Environmental Justice**

The Lands for Life planning initiative and the resultant Living Legacy policy exemplify the restrictive elements of natural resource management, indicating that the public sphere in provincial environmental politics is increasingly becoming privatized. The Lands for Life process epitomizes a changing planning system in Ontario which recognizes the need to integrate the plurality of views and activities pertaining to Crown lands. An extensive project mandated to address the creation of additional parks and protected areas, Lands for Life also looked at provisions ensuring the continued access of industry to the province's natural resources, enhancing hunting and angling rights, and expanding northern tourism opportunities.

Lands for Life, however, moved from a seemingly open exercise to closed doors. In the end, principles of justice and equity did not figure prominently in Ontario's Living Legacy. It became clear that the Lands for Life public consultation was a formality whereby the government took a piecemeal rather than a comprehensive approach to planning, appeasing divergent, and the most powerful, interests—protecting the status quo.

Deregulation and privatization initiatives promoted by the *Common Sense Revolution* were a backdrop for land use planning. The urgency to create certainty, to clearly delineate the allocation of natural resources led to a rushed process and, with the use of roundtables stacked in favour of business interests, facilitated the privatization of the public sphere in environmental politics. As such, when the roundtables announced a minimal increase in

protection of green spaces, the government was forced to concede in the face of growing opposition—an obstacle to the upcoming provincial election. Inviting specific interests to participate in private discussions demonstrates that corporatist tendencies are emerging in natural resource planning; only a few selected interests, in this case the most institutionalized, have access to the corridors of power. In all of this, Aboriginal interests were excluded from the negotiating table indicating that the government refuses to recognize their Aboriginal and treaty rights to the land.

Why then, did Lands for Life move from an open context to private negotiations prior to the release of Ontario's Living Legacy agreement? The first element points to the influence of environmental interests throughout the consultation process. Having created awareness about the stakes of Lands for Life, mainly the need to conserve and protect natural areas from industrial development, individuals and groups within the ecological movement advocated for different amounts and used different means to achieve their objectives. The 12 percent benchmark was demanded as a minimum to bring Ontario to par with biodiversity protection standards recognized by the United Nations Commission on Environment and Development and the International Union of Conservation and Nature. Aiming to infuse the debate with alternative voices, environmental groups became catalysts toward getting a greater number of concerned citizens actively involved in the process. The use of modern technology such as the internet and e-mail, as well as an extensive lobbying effort through the form of letter writing, information sessions, roundtable presentations, and media campaigns further thrust resource allocation issues into the public's consciousness. By the time the MNR released the *Consolidated Report* in October 1998, the momentum built throughout the previous year had

sensitized many Ontarians to the beneficial values of protecting more green spaces. Consequently, the roundtables' recommendations to protect an additional 1.6 percent of the land base in question instigated major opposition from a cross-section of concerned citizens. In light of an overwhelming negative response during the public review, the Harris government was forced to acknowledge that after almost two years of engaging the public into a time consuming, complicated, and controversial exercise, only to maintain the status quo, was potentially detrimental to its reputation, and could cause problems of legitimacy during the implementation stages of the process. In a rush to mitigate negative public reaction—instigated by environmental groups—the government proceeded to start private negotiations finding a compromise to increase the amount of protected areas.

A second factor explaining why Lands for Life moved behind closed doors points to the image conscious nature of the current government. Concerned that it would become a central issue in an upcoming provincial election, Cabinet struggled with the Lands for Life portfolio, intent on preventing its disputed contents from taking over the electoral agenda. Interference from the executive branch after the release of the *Consolidated Report* suggests that the government recognized the roundtable recommendations could not achieve the Premier's personal commitment to complete the parks and protected areas system. The importance of increasing the protected landmass to 12 percent prompted the Progressive Conservatives to explore the option of private talks with specific interests. Here, groups that participated in closed door negotiations represented the most powerful forestry companies in the province. On the environmental front, the Partnership for Public Lands represented the most institutionalized organizations within the provincial ecological movement. The personal

and professional ties between these interests, the provincial government, and the bureaucracy facilitated the outcome of an agreement implying that Ontario's Living Legacy was ultimately a product of elite accommodation. Although more empirical research needs to be done in this area, preliminary evidence suggests that both structural and normative elements were at play—constant personal interaction, similar socio-economic backgrounds, and similar preferences and understanding of the political system—which led to a consensus.<sup>1</sup>

Pressure from the environmental lobby coupled with the preoccupation of entering an election with a controversial environmental track record are the two factors that led to the Lands for Life program being concluded through private means. On the surface then, the *Consolidated Report*, which was heavily criticized from all sides for not meeting the needs of participants, was the cause activating the Living Legacy negotiations. The underlying reason for the negative reaction to the recommendations, however, is traced to the policy-making instruments utilized by the Ministry of Natural Resources during the consultation process. The reliance on roundtables as a policy formulation tool structured the Lands for Life recommendations.<sup>2</sup> The latest trend in environmental policy development, multistakeholder roundtables are largely recognized by policy-makers as a model that implicitly addresses sustainable development objectives. Implemented by the MNR to integrate a diversity of

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<sup>1</sup>See Robert Presthus, *Elite Accommodation in Canadian Politics* (Toronto: Macmillan of Canada, 1973), 11-12. The author notes that elite accommodation is a fundamental component of democratic society.

<sup>2</sup>A similar public consultation process recently occurred in Alberta. See Lorna Stefanick and Kathleen Wells, 'Alberta's Special Places 2000: Conservation, Conflict, and the Castle-Crown Wilderness,' in *Biodiversity in Canada: Ecology, Ideas, and Action*, ed. S. Bocking (Peterborough: Broadview Press, 2000), 369-373, for a discussion of the problems associated with the use of roundtables in land use planning in that province.



interests existing in the environmental and natural resources policy community, roundtables are considered a public-private dispute resolution mechanism,<sup>3</sup> an instrument, at least in theory, able to address ongoing binary, and often debilitating, disputes between pro-development and environmental interests. In the Lands for Life program, roundtables were responsible for facilitating the plethora of views informing particular interests which, in the context of natural resource management, have often been characterized by rhetorical positions advocating an either/or approach to land use planning. Criticized for its inconsistent, ad hoc, and ineffective conservation policies, the MNR's use of roundtables was meant to overcome existing and rising tensions over land use on Crown territory in a comprehensive manner.

Although roundtables are ostensibly 'neutral' policy-making instruments, the composition of the three regional roundtables ended up clouding the consultation process. With a majority of members directly or indirectly connected to industrial and recreational interests such as forestry, tourism and hunting, the roundtables were stacked according to a pro-development agenda. Certainly representative of northern realities, members had either personal or professional ties to natural resource industries thereby influencing the manner in which the roundtables approached land use issues. On one hand, the pro-business views tended to ignore protectionist and conservationist interests despite the latter being a viable force in northern rural communities. Instead, roundtable members reinforced the stereotypical exclusionary dualism of a pro- versus anti-jobs discourse. Conversely, it can be argued that while deeply entrenched personal and professional biases were inherently part of the roundtable experience, the fact that the government appointed members with minimal

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<sup>3</sup>Howlett, 'The Round Table Experience', 581.

community involvement situated Lands for Life as a program with limited scope even before public consultations began. Given an original mandate to address industry's ensured access to natural resources, as well as improving tourism opportunities, with the later addition of enhancing fishing and hunting rights, it is the language surrounding the completion of the natural areas system that informs how the roundtables approached the issue of protection. While the three former objectives succinctly identified the government's intentions—protecting vital socio-economic interests in northern regions—environmental considerations were framed by questions asking if, not how, green spaces should be protected. Arguments calling for increased protection were overshadowed during the consultation process as ecological issues were consistently set within a pro-development paradigm minimizing, even obscuring, alternative voices. This does not discount the fact that the environmental lobby was well organized, poised to ensure that it had a presence during roundtable meetings and information sessions, nor the fact that some roundtable members were genuinely interested in ecological concerns.

A second policy development tool, used exclusively during the review of the Living Legacy strategy, was the *Environmental Bill of Rights* Registry. Although a major instrument used to assure informed participation through the posting of proposed policies, the registry's effectiveness, like the roundtables, was influenced by the nature of, and accessibility to, information, as well as time restrictions available for public comment. During both the Lands for Life and Ontario's Living Legacy planning components, the amount of information generated during the consultation exercise was difficult for roundtable members and MNR support staff to assess in an in-depth and comprehensive manner. For the general public too,

the nature of technical data rendered the task of selecting candidate areas difficult. Moreover, the flow of information between the Ministry of Natural Resources, roundtable members, interest groups, and individuals was often hampered by a lack of communication and coordination. Access to some government documents in particular, was controlled by user fees and the need for personal identification. Strict time schedules during commentary periods added to the restrictions. The 30-day deadlines did not give many reviewers enough time to digest and comment on complex and often conflicting land use options.

Underlying the use of roundtables and the *EBR* Registry is the Progressive Conservative government's preference for self-regulation incentives. While not directly used as a policy-making tool, privatization and deregulation of the mining, forestry, and wildlife management industries under the *Common Sense Revolution* served as a backdrop for land use planning. The drive toward greater deregulation became particularly evident in the Ontario Living Legacy agreement and its related deals. In the forestry sector, for example, the *Ontario Forest Accord* provides more opportunities for the industry to potentially operate outside the confines of the *Crown Forests Sustainability Act* and the *Timber Class EA* guidelines, in addition to reconfiguring the regulatory system to integrate intensive forest management. Self-regulation initiatives were also accompanied by subsidies to all three natural resource industries—the Living Legacy Trust being the main vehicle for funding forestry and wildlife programs, and the Ministry of Northern Development and Mining being responsible for financing exploration activities. The use of financial imperatives arguably encourages innovation in policy formulation and legitimation during the implementation

stages.<sup>4</sup> The interplay between deregulation and privatization of natural resource industries, coupled with governmental subsidies is a paradoxical situation; most importantly though, it demonstrates that despite the new economic and political realities permeating the provincial landscape, the Lands for Life/Living Legacy strategy did not move away from traditional approaches toward business.

Indeed, enhanced economic opportunities decided away from public scrutiny, as well as the restrictive aspects of roundtable consultation and *EBR* input, were obstacles to public participation, ultimately challenging assumptions of democratic decision-making. It can be concluded, therefore, that the latest land use planning program did not ensure meaningful citizen involvement. From this perspective, the consultation exercise may be viewed cynically as endorsing a *fait accompli* where the government actually used Lands for Life as a vehicle to confirm its attempt to enshrine the existing land use designations and existing dominance of tenure holders over the land.<sup>5</sup> While this was case, there was a more complex aspect to comprehensive land use planning. In many ways, 'consulting the public' has become a mantra for policy-makers as governments have come to realize, through pressure from the environmental movement, that it legitimates policy implementation. An avenue for public participation, consultation processes rely heavily on the collection and exchange of information, and it is this element that plays an important role in planning. This suggests that

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<sup>4</sup>Michael Howlett and M. Ramesh, *Studying Public Policy: Policy Cycles and Policy Subsystems* (Toronto: Oxford University Press, 1995), 92-94.

<sup>5</sup>Executive director, Wildlands League, interview by author. This was a sentiment expressed by a senior MNR official in an attempt to appease industry at a Board of Trade meeting prior to launch of Lands for Life in 1997.

the process “may not be about involvement as much as it is about information, education, public relations, or simply ‘getting a project through’ ... where the role of information is not to guide or inform the process, but rather to guide and form the opinions of stakeholders—to persuade them to buy into policy.”<sup>6</sup> Information, and the knowledge that derives from it, is fluid and constantly changing being embedded in different sources; it invariably influences the manner in which questions to a problem are formulated. As such, the intangible aspects of information and its interconnections with social, political, and economic structures must be taken into account. The success of consultation, therefore, cannot be solely measured by the degree of public involvement since participation introduces new information and interpretations, in addition to diffusing knowledge to interests at the periphery of the process.<sup>7</sup> More detailed studies need to address how information and participation intersected during the Lands for Life initiative, especially considering the role of Aboriginal interests who were largely excluded from the planning process.

### **The Lands for Life Policy Community and Network—**

While the bias of policy instruments determined how land use issues were framed, ultimately influencing how the consultation proceeded, considering the nature and structure of the policy community and network sheds some light as to why Lands for Life moved to a private forum prior to the release of the Ontario Living Legacy accord. First, the concessions

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<sup>6</sup>Kevin S. Hanna, ‘The Paradox of Participation and the Hidden Role of Information: A Case Study,’ *Journal of the American Planning Association* 66:4 (Autumn 2000), 399.

<sup>7</sup>*Ibid.*, 401.

made to the mining, forestry, and wildlife sectors reflect the historical connections between the provincial state and industry. These ties have been made more explicit by the Harris government's emphasis on keeping Ontario open for business, whereby the intricate interplay between natural resource companies, labour, politicians, and bureaucrats has fueled the province's economy, and continues to do so as Ontario relies on the export of primary sector products. Here, the relationship between corporate and administrative managers is also instructive as the personal and professional interchanges between the private and public domains both directly and indirectly affect policy-making decisions. In the Lands for Life study it became apparent that this was the case during both the roundtable consultation process and Fern discussions, confirming that resource policy-making is not strictly mediated by the government, but is a process by which private interests are equal partners in policy and guidelines formulation.

Partly due to the political professional/personal interplay, the institutionalization of industrial organizations is also responsible for accentuating ties between business and government. Financial resources, organizational capacities, political and bureaucratic connections, media access, as well as ideological underpinnings, have allowed corporations to inform bureaucracies about the state of the regulatory infrastructure, as well as technical knowledge pertaining to the management and development of natural resources on Crown lands. In an era characterized by staff and budgetary cutbacks affecting the operations of the MNR, information provided by interest associations is becoming increasingly valuable to policy formulation and implementation. This, along with industry's influence through both its

social engagements and political presence via wise use groups advocating multiple use of the land lend it legitimacy in communities, and by extension in the natural resource bureaucracy.

Likewise, the emergence of institutionalized environmental groups in the policy network, namely the Partnership for Public Lands, has provided the Ministry of Natural Resources with information relating to the scientific and technical aspects of Crown land preservation. Lands for Life demonstrated how the Partnership, supported by environmental coalitions such as Northwatch and Environment North, was instrumental in mapping proposed candidate areas with the help of a data exchange agreement with the MNR. The professional/personal intersection between state officials and environmentalists also played an important role. The collective political experience of the World Wildlife Fund, the Wildlands League, and the Federation of Ontario Naturalists reveals how the Partnership had access to the corridors of power. The president and some members of the WWF, for example, have political and corporate connections; the Wildlands League is a well known activist group within the bureaucracy; while the FON is a revered naturalist organization dating back to the 1930s. In terms of land use planning, these groups were involved in the Strategic Land Use Planning (SLUP) process twenty years ago. Staff interchanges between these organizations and past experience have contributed to a sense of continuity, allowing for a more cohesive approach to natural resource politics. As a respected entity within government, the Partnership for Public Lands has also earned the accolades from industry, specifically the forestry sector. Although the rhetoric of jobs versus environment inflamed tensions between business and environmentalists as seen through media accounts, privately however, the relations between some forestry companies and the Partnership, facilitated an agreement.

Here, micro-level analyses of bureaucratic interchanges can provide a better understanding of the power dynamics between actors—an area necessitating more exploration.

The changing role of government, mandated by the *Common Sense Revolution*'s deregulation, privatization, and defunding directives, is invariably transforming the structure of the policy system, forcing a gradual reliance on non-governmental organizations for program delivery—partnerships with the private sector being increasingly relevant. Negotiations between a select group of interests—forestry, environmentalists, and government—leading up to Ontario's Living Legacy clearly indicate that corporatist trends are being considered as a viable policy style. The provincial government has recognized that the forest industry and the Partnership have organizational capacities integral to decision-making and policy administration. Engendering a more concentrated approach to policy-making, corporatism implies a more closed, structured, and relatively equal relationship between competing actors. From this perspective, the changing role of the provincial government, and by extension the state, explains the move toward this policy style. Pressure from an increasingly globalizing economy and the advent of a highly fragmented society is forcing policy-makers to find different means of accommodating divergent interests—the *Ontario Forest Accord* being the direct result. This was done, however, at the risk of alienating other sectoral members from the policy community who were excluded. Indeed, divisions surfaced within the environmental movement over the involvement of the Partnership in private discussions. In this way, as the primary environmental association within the corporatist structure, the coalition had to mobilize their allies by providing updates on developments and mounting a public education campaign to legitimize its



position—arguably making it accountable to other environmental groups and its constituency. The relationship between the forest companies that took part in the Fern discussions and their counterparts who did not, remains to be studied especially since negotiations were not undertaken with an organization representing the industry, such as the Ontario Forest Industries Association. On a different front, the side deals made with the mining industry and the Ontario Federation of Anglers and Hunters exemplified a bipartite approach to policy-making whereby natural resource allocation plans were formulated without the public's knowledge, reminiscent of traditional bargaining styles between government and business.

The inclusion of corporatist elements in decision-making can serve as an indicator to determine the relative degree of state autonomy. The *Common Sense Revolution* has altered the relationship between government and citizens whereby the state has become more decentralized with respect to the environmental portfolio. The drive toward deregulation and devolution of responsibilities to lower levels of government and non-governmental entities has gradually come to define natural resource management. While the Lands for Life/Living Legacy process was set within a decentralizing political structure, the latest land use exercise has demonstrated that the government and the resource bureaucracy continue to retain a significant concentration of authority. This was seen through the imposition of the Lands for Life objectives and the extent to which senior politicians and bureaucrats proceeded to ensure that the public consultations and private negotiations met the economic needs of industry. At first glance then, it looks like the subnational state is relatively autonomous in matters pertaining to resource management, being able to intervene and even change the course of the process in its favour; in other words, the Harris government was able to get a deal with

minimal opposition and emerge as a mediator competently addressing multiple, and often conflicting, land uses.

Upon further consideration though, there are indications that the state may have a weak position within the land use planning policy community. This is especially evident when considering the influence of industry within the Ministry of Natural Resources. First, due to staff and financial reductions, the MNR is increasingly relying on the private sector for technical and scientific information to formulate policies—the Lands for Life initiative showed that the Ministry is also relying on information from environmental groups who have the necessary information gathering capacities. With a decreasing number of resources available, the MNR's ability to collect and interpret information is becoming increasingly limited. Second, the quest toward greater self-regulation and privatization is effectively removing the state from traditional regulatory structures reducing its role as resource manager. Increasingly identifying pressure groups as clients, a weak state tends to supercede the interest of the general public.<sup>8</sup> The *Ontario Forest Accord*, along with the mining and hunting side deals revealed that the government is willing to further concede its position as arbitrator to private interests while simultaneously continuing to subsidize these industries. The interaction between the MNR and other agencies such as the Ministry of Northern Development and Mining remains to be explored. Although the MNR was the lead agency throughout Lands for Life, conflicting interpretations regarding exploration and mining rights on candidate areas demonstrate a relatively uncoordinated approach to planning.

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<sup>8</sup>Michael M. Atkinson and William D. Coleman, 'Strong States and Weak States: Sectoral Policy Networks in Advanced Capitalist Economies,' *British Journal of Political Science* 19 (1989), 52.

Canadian natural resource management has been largely analyzed according to a pluralist policy-making perspective. In this vein, different interests have relatively equal opportunities to effect their demands—a stance espoused in the Lands for Life introductory documents. Policy outcomes then, are the result of fair competition between business and non-material interests interacting within the policy community for the attention and ultimate accommodation of policy-makers. Considering the Lands for Life results, this model of inquiry would suggest that the Partnership for Public Lands was coopted by industry and government since both have more leverage within the policy network. Conversely, analyzing the Lands for Life/Living Legacy program through the corporatist lens suggests that there is a symmetrical relationship between competing interests. Despite both industry's and the Partnership's increasing power base over policy-making, the government's terms of reference and policy instruments mandating Lands for Life influenced the relationship between actors—invariably accommodating 'antagonistic' interests to formulate a comprehensive land use plan. Although more research needs to be done to explore the Lands for Life/Living Legacy initiative along the pluralism-corporatism continuum,<sup>9</sup> land use planning was not based exclusively on either model, but was formulated through the integration of both corporatist and pluralist policy styles.

What does this say for environmental justice in Ontario? The latest land use exercise confirmed how the public sphere is increasingly becoming privatized. Traditionally a closed policy sector, natural resource management has incrementally opened up due to the influence

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<sup>9</sup>See Peter J. Williamson, *Corporatism in Perspective: An Introductory Guide to Corporatist Theory* (London: SAGE Publications, 1989), 49-74.

of activists espousing the concepts of environmental assessment and sustainable development over the past thirty years. The approach taken toward the formulation of Ontario's Living Legacy, however, indicates that land use planning continues to be a restrictive exercise despite the inclusion of a massive public consultation. The Lands for Life and Living Legacy programs ultimately reveal an economic rationale. The notion of public trust—for the benefit of all citizens—is being challenged by the provincial government which has embarked on a program that transfers enforceable political and economic right to natural resource industries. Lands for Life, therefore, is part of a neo-conservative project that “aims at a restrictive definition of politics, the counterpart of which is looked for in the market, the family, or science. This search for the unpolitical is hoped to lead to a narrower and more viable concept of politics, one that ‘reprivatizes’ those conflicts and issues that are not to be dealt with properly by means of public authority.”<sup>10</sup> By further limiting space for political action, the provincial government has not only transformed its relationship with Ontarians, but has reinforced and validated a close-ended approach to policy making suggesting that the drive toward a corporatist policy style is an impediment to environmental justice.

By its nature, the phrase Lands for Life implies sustainability for future generations imbued with a sense of justice. Despite meeting the 12 percent protection target, Lands for Life was set within development discourses restricting discussions about environmental values and alternative, more sustainable, resource extraction. It was the means by which more protection was achieved that must be to be challenged. The end result of Lands for Life is

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<sup>10</sup>Claus Offe, ‘New Social Movements: Challenging the Boundaries of Institutional Politics,’ *Social Research* 52:4 (Winter 1985), 819.

considered by many as a victory, a game in which participants had to ‘play by the rules’ to arrive at a consensus. As this ‘successful’ planning exercise is now being implemented, the controversies surrounding it are slowly being erased from the public eye primarily in light of the MNR’s media campaigns.

The most striking aspect of the Lands for Life and Living Legacy program, however, is the exclusion of Aboriginal interests. There are various ways of analyzing this reality. First, because indigenous concerns are equated as a special interest by the Harris government, the pluralist policy design would imply that they have an equal chance of partaking in the decision-making process. This was not the case however. Indeed, this perspective denies that access to power is mitigated by institutional racism within the bureaucracy, and the fact that many First Nations and Métis do not consider the MNR as stewards of their land, resisting the abrogation of their Aboriginal and treaty rights. Here, the Lands for Life exercise showed the fallacy of participation in a comprehensive land use program. The Crown land under consideration ultimately belongs to First Nations as they never ceded their rights to manage the land. Despite this, Lands for Life further consolidated the privatization of traditional territories for the benefit of industrial, recreational, and environmental interests ultimately reinforcing the colonial paradigm.

Second, while environmentalists can be credited for ensuring that the consultation process remained opened, evidence suggests that there was little communication between the Partnership for Public Lands and Aboriginal representatives throughout Lands for Life. This is not to say that other environmental groups like Northwatch and OPIRG did not have ongoing contact with First Nations. Here, the assumption that indigenous interests are similar

to ecological ones is problematic. At a time when Aboriginal peoples are struggling against poverty and injustice, the development of natural resources is considered as a viable option in their quest to increase their economic base. Though attachment to the land may be considered in parallel to ecological values, it is becoming increasingly clear that Aboriginal peoples have a different agenda than environmentalists—the idea that indigenous peoples are isolated from a globalizing economy reinforces the stereotype that they oppose development. Likewise, accusations that Aboriginal peoples are carelessly depleting natural resources are growing in light of the *Delgamuukw* and *Marshall* Supreme Court decisions, rulings upholding their rights to the land—racial conflicts are on the rise as First Nations and Métis are increasingly asserting their rights, as seen in the Bruce Peninsula Ojibwa commercial fishery<sup>11</sup> and the East Coast lobster fishery at Esogenôpetitj (Burnt Church, New Brunswick). As tensions over resource allocations continue to define the political landscape, Aboriginal peoples are not only forced to delineate themselves according to either a pro- or anti-development dichotomy, but are consistently being denied the necessary tools to manage resources as they deem appropriate. In many ways, the lack of financial capacity and expertise is an impediment to management—which continues to be informed predominantly by western scientific knowledge—but this does not preclude the fact that policy-makers are breaking constitutional law while natural resources continue to be exploited primarily benefitting southern markets at the expense of Aboriginal communities.

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<sup>11</sup>See Roberta Avery, 'Hostility grows in town over native fishing,' *Toronto Star*, 7 January 2001, A2.

Third, while different views of the land have influenced indigenous-environmental interactions the government's new land use mandate also determined the relationship between these interests. Lands for Life was characterized by a blitzkrieg, fast-paced approach creating a sense of urgency to allocate Crown land as fast as possible in order to settle conflicts perceived to be detrimental to the province's investment potential. The government's general anti-Aboriginal stance inherently placed indigenous concerns at the periphery of land use planning, despite introductory statements promising to respect Aboriginal and treaty rights. This, along with the rush to finalize consensus, did not facilitate the interaction between environmentalists, specifically the Partnership for Public Lands, and First Nations representatives. Without governmental direction ensuring indigenous participation, Lands for Life ultimately became a carving project where the most powerful interests exercised their prerogative without considering Aboriginal rights. Although the federal government has a fiduciary responsibility toward First Nations, the provincial government has the obligation to deal with indigenous governments according to a nation-to-nation basis: clearly, this was not the case during the Lands for Life/Living Legacy initiative. As such, it is not up to interest groups within the policy community to ensure that peripheral actors are included in the decision-making process. The move to develop Crown land north of the 50-51° parallels is forcing environmentalists, industry, and the MNR to consider the involvement of Aboriginal communities in future management plans, the Northern Boreal Initiative being one example. The exclusion of indigenous interests from Lands for Life and Ontario's Living Legacy suggests that questions of justice and equity were not actively incorporated within land use planning. Indeed, Lands for Life was not an open process since its inception. This preliminary

policy study has shown how the government's choice of decision-making instruments, along with its view that Aboriginal peoples are a special interest, influenced the framing of land use questions.

It remains to be seen how Ontario's Living Legacy will be remembered in future allocation programs. As long as sustainability discourses are set within an economic development context, questions of justice and equity will remain at the periphery of land use planning.



## APPENDIX A

### Interviews and Consent Form

The following people were interviewed for the purpose of this research:

- ◆ Ian Attridge, Georgian Bay Land Trust corporate counsel (Peterborough) 3 February 2000.
- ◆ Tim Gray, Wildlands League executive director (Toronto) 31 October 2000.
- ◆ Anita Krajnc, Peaceful Parks Coalition activist (Toronto) 10 December 1999.
- ◆ Julian Holenstein, Environment North president (Thunder Bay) 20 October 2000.
- ◆ Brennain Lloyd, Northwatch co-ordinator (North Bay) 30 January 2000.
- ◆ Bruce Petersen, Boreal West roundtable member (Thunder Bay) 16 November 2000.

It is important to note that Monte Hummel, president of the World Wildlife Fund; Eva Ligeti, former Environmental Commissioner of Ontario; and Ben Cheechoo, Boreal East roundtable member declined to be interviewed for this project.

#### **Consent Form approved by the Trent University Committee on Human Research and the Trent University Aboriginal Education Council**

I, the undersigned, have been told by the researcher the purpose and goals of the project relating to the Lands for Life/Ontario's Living Legacy land-use initiative. The information and quotations gathered during the interview(s) will solely be used toward the completion of a Master's thesis in the Canadian Studies and Native Studies, Frost Centre program at Trent University.

My participation in the research is voluntary: I have the right not to answer questions if I feel uncomfortable and I can discontinue my participation in the research at any time. I understand that my anonymity will be guaranteed, but the name of my workplace will be identified in the research project. I am also aware that the information gathered will be securely stored in a file box and will only be accessible to the researcher.

*Please initial requested conditions:*

- ◆ I agree to my interview being tape-recorded. \_\_\_\_\_
- ◆ I would like a copy of the thesis after completion. \_\_\_\_\_
- ◆ Other conditions: (please specify) \_\_\_\_\_

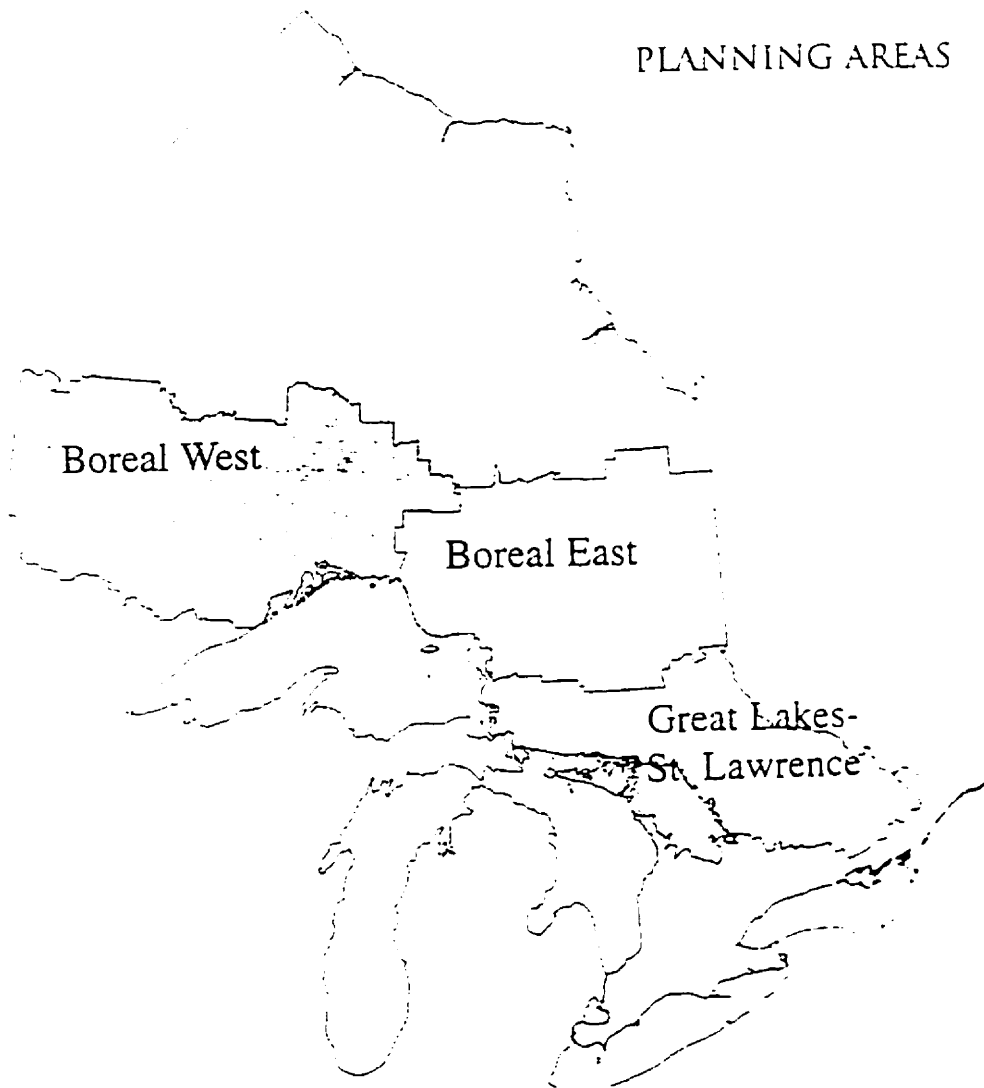
I am fully informed of the above-mentioned conditions and freely give my consent to participate in the research.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

## APPENDIX B

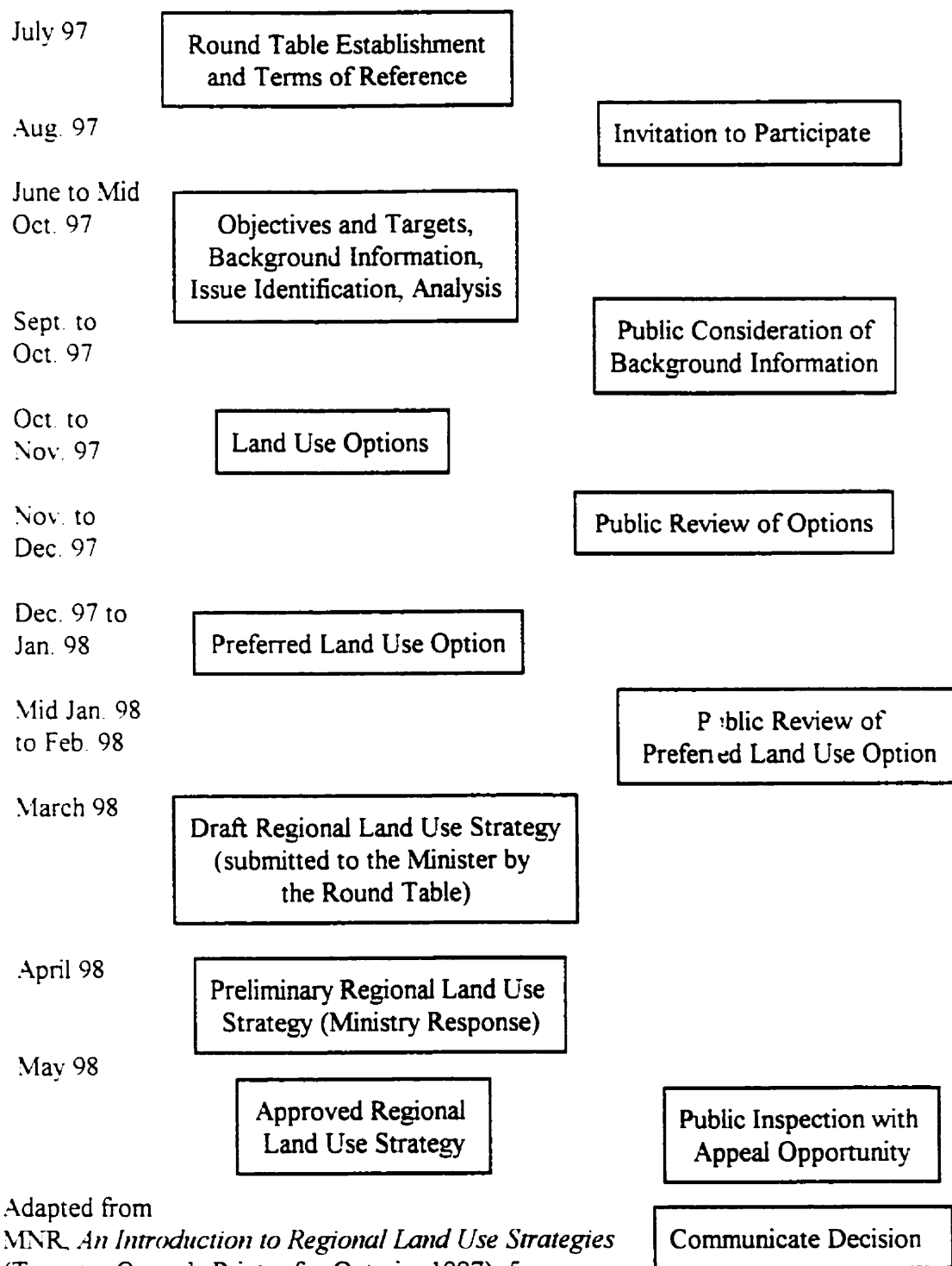
### The Lands for Life Geographical Area



Source: Ontario's Living Legacy, *Proposed Land Use Strategy*, March 1999.

## APPENDIX C

### Proposed Steps in the Regional Planning Process



## APPENDIX D

### Land Use Options Considered by the Regional Roundtables

#### Boreal West

Area	Hectares	Percentage of Total Area Protected
Existing Protected Area	1,936,706	9.2%
New Protected Area*	383,582	1.8%
<b>Total Base Area</b>	<b>21,035,989</b>	

\*Table based on the roundtable option with the most protection

#### Boreal East

Area	Hectares	Percentage of Total Area Protected
Existing Protected Area	417,975	2.8%
New Protected Area*	644,031	4.3%
<b>Total Base Area</b>	<b>14,811,641</b>	

\*Table based on the roundtable option with the most protection

#### Great Lakes-St. Lawrence

Area	Hectares	Percentage of Total Area Protected
Existing Protected Area	615,222	5.9%
New Protected Area*	343,928	3.3%
<b>Total Base Area</b>	<b>10,419,429</b>	

\*Table based on the roundtable option with the most protection

Source: Partnership for Public Lands, internet site: [www.web.net/web/wild/latest.htm](http://www.web.net/web/wild/latest.htm)

## APPENDIX E

### Advertisement Promoting Multiple Use During Lands for Life



# Avenor

**Our forest is open.  
It's only natural.**

Often many uses of our healthy forest exist together - people fish, hike and camp where there is tree planting, harvesting, unthinned forest, open space and water. At Woodlands Northwest, we plan and manage for all the values our forest delivers such as recreation opportunities, wildlife habitat, watercourses and wood fibre.

Our lands have always been open, because we believe forest management areas should be accessible to everyone in Ontario.

It's our strength. It's only natural.

*People working for healthy forests*  
**Woodlands Northwest**

## APPENDIX F

### A PUBLIC RESPONSE TO LANDS FOR LIFE

*We the undersigned believe that the Lands for Life process represents a final chance to ensure a healthy ecological and economic future for Ontario. The process will only succeed in this objective, however, if it adopts realistic and measurable conservation objectives and goals, and recognizes the link between a healthy environment and healthy communities.*

#### GOALS AND OBJECTIVES

##### COMMUNITY GOAL

To establish land-use allocations, policies and procedures for managing our public lands that support healthy, sustainable communities with an economic base capable of providing continuity and diversity of employment, an attractive investment climate and the same range of community services available in the rest of Ontario.

##### LAND PROTECTION GOAL

To protect Ontario's biological and geological diversity through a comprehensive network of distinctive and representative lands protected from mining, logging, and hydro-electric development.

##### LAND STEWARDSHIP GOAL

To ensure that public lands outside protected areas are managed such that plans, practices, processes and timing of resource-use operations are conducted to maintain the ecological integrity of the region.

*To move toward the proposed goals, the following objectives will provide direction and a focus for action:*

##### COMMUNITY EMPLOYMENT OBJECTIVE

Establish a system of land-use allocation that will develop greater community and regional employment through land-use diversity and greater "added value". For example, industries that provide satisfactory assurances of added employment/unit of resource used should receive greater initial allocations. Establish targets for increased employment attributable to improved land and resource allocation.

##### COMMUNITY TRANSITION OBJECTIVE

A community transition program should be established, funded from resource-extraction or general provincial revenues, to provide communities with access to venture capital for value-added business, economic diversification, retraining to enhance employment and productivity, support for Community Forest Boards, and First Nation forest programs.

##### FOREST STEWARDSHIP OBJECTIVE

Ensure that harvest operations meet the highest possible environmental standards, adapt to new technologies and maximize community benefits within a management regime that maintains natural landscape processes, wildlife habitat and biological diversity. Old-growth forests in the production forest require specific consideration and must be maintained through modified harvesting and harvest-scheduling. A minimum of 10% of each forest type must be maintained in this stage within the production forest of each forest management unit. Where land is allocated for industrial forest uses,

excellent practices should be required and poor practices penalized. The adoption of voluntary third-party forest certification standards should be encouraged.

#### **PUBLIC ACCOUNTABILITY OBJECTIVE**

Ensure that communities and the public at large have the authority and resources to oversee and monitor public-land management. Provide public access to resource information and guarantee annual reporting of key statistics on public-land issues.

#### **COMBINED PROTECTED AREAS OBJECTIVE**

Ontario should formally designate and protect not less than 15 to 20% of the lands in each ecological district for remote wilderness, old growth forests, wetlands, parks or protected areas and for wilderness-based recreation and employment opportunities. The completion of a protected system also contributes to the achievement of voluntary forest-certification standards and the protection of international markets.

*(This percentage is a goal for the Lands for Life Planning area as a whole and may be higher or lower in particular areas. Some protected areas will be within parks and be roadless or contain old-growth forests; others may be conservation reserves or wildlife management areas. Their cumulative area should be in the range of 15 to 20% of the total land-base.)*

#### **PROTECTED AREAS INDICATORS**

##### **Remote Roadless Areas**

At least 15% of each ecological site district must be protected and maintained in a road-free, unfragmented condition, in areas of 10,000 ha or more.

##### **Old-Growth Forests**

The amount of old-growth forest maintained in each ecological site district should reflect the amount that would naturally occur within each ecological site district. Selection criteria for protected areas establishment should favour forests that are in a later successional state and have been undisturbed by human activities. The amount of old-growth forest area to be protected in each site district should be based upon an assessment of the remaining extent of each old-growth forest type. Remaining rare old-growth forest types should be more fully protected. Our old-growth forest system should be anchored in the protected areas system and the balance of the old-growth forests should be maintained in the managed forest area (refer to forest stewardship target).

##### **Wildlife**

Sufficient natural habitat to maintain the full range of native species in Ontario must be assured when evaluating land-use alternatives and designating protected areas.

##### **Wetlands**

Provincially significant wetlands must be identified and designated within the protected areas system.

##### **Parks and Ecological Representation**

In order to meet the Premier's commitment to protected areas, sufficient and appropriate lands should be reserved to complete the protected areas system to represent all 67 site districts; chiefly within the parks system. It is estimated that this will require doubling of the extent of protected areas within the Lands for Life planning area.

As of May 25, 1998

Source: Partnership for Public Lands.

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