

## **Governance Matters**

### **4. Political modernization and “meta-governance”. Inter-systemic “collibration” as special cases of meta-governance. Three examples. Spatio-temporal fixes.**

The phenomenon discussed as “political modernization” has affected Canada along similar lines as it has other developed countries. There has been a comparable redistribution and reformulation of the federal nation-state roles into different constellations of government, market and civil society collaboration initiatives in different social-ecological or socio-economic domains. With a “Westminster” parliamentary structure, Canada seems to present a combined Statist with a somewhat liberal-pluralism constellation. The extensive literature on the Canadian political modernization is not rehearsed here.

Issues raised by political modernization can be addressed under the clever phrase coined by Bob Jessop, Lancaster University in the U.K., as the “governance of complexity and the complexity of governance” which he views as a “paradoxical dialectic” between the two (Jessop 1997). The challenges increase considerably at the scale of re-structured national governments and enhanced roles for international regimes to the point that not only do state and market failures routinely happen, so do the different variants of “network governance” arrangements including neo-corporatist, re-centralized, and multiple-scale polycentric decentralized arrangements. While such complexity may appear to be less daunting at smaller spatial scales, this can be illusory because the inherent dynamics of the larger governance regimes can have local consequences that come as unwanted surprises.

As Arts and Leroy (2006) noted, the policy arrangements framework can be used to describe factors associated with successful outcomes, and thereby seems to be celebrating the virtues of collaborative networks for achievements. But it can also be used to document failures. The latter can easily occur in situations where actor overload, power struggles, conflicting discourses, and/or unclear rules confound the arenas of

interactions. This can become especially apparent when the framework is used to diagnose larger scale (nation-state) endeavours for state, market, and civil society interactions over complex national policy issues. In part this occurs if the horizontal and vertical governance structures include major inter-organizational, and inter-systemic constellations of players without effective setting of rule systems by the State for this “meta-governance” situation. Thus the shift from government to governance is probably best verified in policy discourses (but not implementation) and most policy arrangements are hybrids of new governance with old government practices. Arts and Leroy (2006) conclude that:

*As a consequence, a general shift from government to governance cannot be discerned in environmental politics, despite all the ‘governance talk’ p. 275 [emphasis in the original].*

Jessop (2009) would caution that by focusing our enquiry on landscape regions such as biosphere reserves and model forests we are vulnerable to falling into a “territorial trap” with an apparent focus on defined space (“territory”) that may or may not correspond well with peoples’ “sense of place”. The territory could be irrelevant to functions of governance allocated within a vertical hierarchy of scales and operating through network interconnections among nodes that cross boundaries, jump scales, and link natural, social and cyberspace that give rise to their own complex dynamics. The main issues about governance include the different modes (no one mode fits all circumstances), the agents of governance (the actual governors), the subjects of governance (who are being governed), the objects of governance (policy fields) and the over-all aims of governance (larger rationales to justify what’s being done, i.e. “governmentality”). The role of territory in all this can be both confused and confusing. The mix of collaborative arrangements to deal with the interdependence among the main issues, and policy arrangements relating to them, can easily give rise to inconsistencies among different assumptions about what these arrangements are trying to address.

#### On the Phenomena of “Meta-governance”

For Jessop, this leads to questions about the conditions for coordination that have to be addressed by “meta-governance” through new institutional arrangements or major rule changes. “Meta-governance” is not a new mode of governance but rather a means of

organizing self-organization by re-shaping the context within which collaboration and social learning become possible. These address each of the different modes of governance as well as combinations of them in order to strive for effective balances.

“Meta-governance” for governments is usually expressed as the continual review of existing agencies and programs, adding new layers to them to address new problems while consolidating or terminating older administrative units where problems they address seem no longer very salient or have fallen out of political favour. “Meta-governance” for the market sector comes by government re-jigging of tax policies, subsidies, and regulations as well as the private sector reactions to market-driven bankruptcies, corporate mergers, disinvestments, and new start-up enterprises. “Meta-governance” for civil society comes as changes in government support policies leads to additions of new participants to broaden representation in the processes and create opportunities for deliberative democracy, and “good governance” generally. Meetings and procedures then proliferate.

“Meta-governance” to achieve collaboration among all three modes of governance may be necessary if rising political tensions reveal major imbalances, stand-offs, and/or threaten to become violent. In such cases, the entire interdependent inter-systemic system needs to change through a re-organization that intervenes in the processes of interactions rather than (only) targeting selected players in it. Thus, the role of the nation-state reasserts itself. The State’s basic re-configuration of rules within a governance regime is a process called a “collibration” by Dunsire (1993):

“Co-liberation” means taking part of the balancing process as did the traditional butcher’s thumb, introducing a bias or compensation into such a field that this equilibrium is not quite where it would otherwise have been...in the social context; collibration is defined as an intervention by government to use the social energy created by the tension between two or more social groupings habitually locked in opposition to one another to achieve a policy objective by altering the conditions of engagement without destroying the tension – unless deliberately”.

This can take three forms – changing the variables, changing the values, and changing the relationships (*ibid*:12).

The term is also used by Jessop to identify the most significant meta-governance phenomena that occur from time-to-time. It does not always result in escaping territorial

traps on the assumption that some re-scaling up or down from a given level of governance process can automatically restore some lasting equilibrium. Jessop concludes only that:

“(t)he hardest condition to achieve for effective meta-governance is *an ironic, experimental approach* (italics in the original) that relies on collective intelligence to overcome tendencies towards skepticism, cynicism, opportunism and spin. This requires overcoming the growing democratic deficit in policy-making and the recognition of lay expertise as an important input into the meta-governance processes” (*ibid*: 96).

The “meta-governance” processes affecting the individual modes of governance may seem only to be a kind of regular background noise for local groups (if they’re aware of it at all). Individual case studies may pick up some vibes about these effects, if any, on projects.

Major collibrations are rather rare and they can extend over many years. Three case examples for situations relating to biosphere reserves and model forests can be viewed as examples of this governance phenomenon.

#### Clayoquot Sound BR and the Ecotrust FCP

(This summary is based on Francis and others, 2010).

Prolonged public objections, demonstrations and eventually acts of civil disobedience built up over clear-cutting some of the last remaining old growth temperate rainforests in British Columbia during the 1980s and early 1990s. Clayoquot Sound was a major flashpoint for this. Environmental organizations also campaigned successfully to have consumers boycott purchases from industrial corporations doing the logging. This introduced an expanded international component to disputes that otherwise had been thought to be only local.

In 1993, a newly elected provincial government announced a “land use decision” meant to resolve the issue. The decision included creating 16 new “class ‘A’ (highest level of protection) terrestrial and marine provincial parks in Clayoquot Sound as well as a co-managed “Scientific Panel for Sustainable Forest

Practices in Clayoquot Sound” with equal representation from First Nations and other knowledgeable people to advise on appropriate forest management practices for this region. The government also set up through an “Interim Measures Agreement” a co-managed Central Region Board to approve forest management proposals that came up during the period that formal treaty negotiations were being conducted with negotiators for the Nuu-chah-nulth Tribal Council (that also included five First Nations who together claimed rights and title to all the lands within the 350,000 ha Clayoquot Sound region). These initiatives didn’t stop protests right away. They peaked in the summer of 1993 with an estimated 10-12,000 people participating, many if not most of whom were women, some with children. There was a lot of media attention, some 900 people were arrested, and over 100 imprisoned for various alleged offenses.

From then on, events were paced (slowly) by progress (and lack of it over long periods) in the Treaty negotiations. The Science Panel reported in 1995, and the government soon accepted all of their recommendations for re-organizing forestry on a watershed basis that also adopted site-by-site variable retention of forest cover to protect different forest values (vs required assigned volume cuts) for Clayoquot Sound. The industrial forest corporations either went bankrupt, or were bought out and re-organized with corporate holdings elsewhere. Key forest licenses are now held by Lisaak, a First Nations owned company.

In 1993, a major land use advisor to the government had recommended a biosphere reserve as a promising arrangement for promoting co-management cooperation. The Central Region Board recommended this in 1996, and asked the Prime Minister to arrange this. A nomination document was prepared and UNESCO/MAB approved the designation in 2000. In the same year Environment Canada established a \$12 million endowment fund for the Clayoquot Biosphere Trust (CBT) that itself was modeled on the co-managed Central Region Board; CBT draws upon earnings from the fund for expenses and for funding community-based projects in the region that are consistent with biosphere reserve ideals. At the same time this was expected to promote a healing of relations among former conflicted stakeholder groups.

Cooperation with “Ecotrust” began in 1991, the same year that “Ecotrust USA” was formed in Portland Oregon. “Ecotrust” works at the intersection of conservation and community economic development to promote innovative ways for building the “conservation economy” starting at community levels. A small “Clayoquot Biosphere Project” was created to initiate cooperative activities and consider how these might lead to an international recognition of some kind, such as a UNESCO biosphere reserve. Cooperation between CBT and “Ecotrust” has occurred for specific projects from time-to-time over the past decade. In 2008-2009 they conducted a major survey of social and economic issues to identify possibilities for smaller community-based and more long-lasting development benefits in First Nations communities especially.

“Ecotrust’s current Forest Communities project is conducted in partnership with the Nuu-chah-nulth Tribal Council. A retrospective assessment on the Science Panel’s work was carried out in March 2011. The main conclusion was that the Panel’s approach had been successful as far as it could be, and the approach now has to be extended to the entire region. Currently, co-management is only done for forests and associated watersheds, and for fisheries in the coastal zones. Other sectors, especially aquaculture, tourism, and proposed mining initiatives are market-driven, although First Nations people are working in these sectors too.

Treaty negotiations are well along. Two First Nations groups in the Clayoquot Sound region having reached a final agreement, another has negotiated an incremental treaty agreement, and the other two have secured a provincial Supreme Court decision that recognized aboriginal rights for fisheries (a sticking point). This decision was upheld in 2011 following an appeal by the federal government. All five consider their claims to their traditional territories to have been upheld and are proceeding on that basis. This indicates that after 25+ years the collaboration is well underway. But there are still uncertainties and apprehensions among residents about what else might unfold in the years ahead.

## The Oak Ridges Greenbelt Biosphere Region.

(This summary is based on Francis and McCarthy 2011).

This is a 435,500 ha region based partly on a glacial moraine formation of rolling countryside, farms and rural settlements, with remnant woodlands and wetlands, and groundwater aquifers that are headwater sources for many rivers and streams flowing out of the area directly north of the Greater Toronto Area (GTA, population: 5.1 million in 2006) in southern Ontario. This countryside was subjected to continual pressures from urban sprawl and resulting infrastructure development much of it at the expense of local municipalities. As this intensified throughout the 1980s, so did public opposition to it. In 1989, various groups opposing different local development projects over a wide area formed a Save the Oak Ridges Moraine (STORM) Coalition that called for protection measures to curb further sprawl.

STORM quickly grew into a 36-member organization of both local (NIMBY – not-in-my-backyard) groups and provincial non-governmental environmental and urban improvement (smart growth) organizations. It focused on the 190,000 ha Oak Ridges Moraine (ORM) that is 160 km long and from 3-5 to 15-23 km wide. By the late 1990s public opposition to urban development on this moraine brought the whole process to a halt, especially in a middle section closest to the City of Toronto.

However, in 1991, the Ontario provincial government had initiated a comprehensive land use planning study for the ORM to develop a strategy for its protection and management. Technical working committees and a Citizens' Advisory Committee in which some leaders of STORM participated guided the work that otherwise was done mainly by consultants. Fifteen background studies were carried out from 1992-1994. As political disputes intensified, three major regional municipalities in the region released a joint strategy in 2001 that was prepared with watershed conservation authorities and local municipalities that sought to protect and manage the ORM.

In 2001, the provincial government passed the Oak Ridges Moraine Conservation Act that authorized the Oak Ridges Moraine Conservation Plan that was approved in 2002. The plan drew upon the various background studies prepared over the previous decade. This Plan was binding upon 7 regional municipalities and counties and 25 local municipalities for whatever portion of the moraine formation was located within their jurisdiction. The STORM Coalition dissipated soon after this, but a small subset of people remained to watchdog the implementation of this Plan.

In 2005, the province passed a “Greenbelt Act” and a “Places to Grow Act” (for urban intensification within urbanized areas). This provided a statutory framework for a combined greenbelt area of “protected countryside” (including Oak Ridges and the lower half of the Niagara Escarpment Biosphere Reserve) of some 734,400 ha along a 325 km “arch” in south-central Ontario with a combined population of about 8.5 million (equal to two-thirds of all Ontarians, and one-quarter of all Canadians) who live in the 16 contiguous Regional Municipalities, Counties and Cities (including the GTA). A planned Oak Ridges Greenbelt Biosphere Reserve (ORGBR, in preparation) would comprise the ORMCP area along the immediately adjacent “protected countryside” under the Greenbelt Act.

The much smaller STORM group has established a citizens’ watch arrangement to oversee implementation of these statutes by municipal authorities. They have also convened a number of workshops and two major symposia to discuss issues associated with protection and sustainable development within the greenbelt lands and set up an exploratory committee to work on the concept of a biosphere reserve for this exemplary peri-urban region (the need for these had been re-affirmed in the Madrid statement in 2008). In 2007, STORM spun-off a new Oak Ridges Institute for Applied Sustainability (ORIAS) specifically to take up the role of supporting a biosphere reserve committee that had been appointed, while also at the same time setting in motion a strategy to create a re-invigorated version of STORM to deal with political advocacy issues that are bound to come in the years ahead.



While this “collibration” exercise over a period of more than 20 years was often noisy and boisterous it has so far seemed to have succeeded in re-aligning the governance regime. In retrospect, the cooperative approach the STORM Coalition took has been given credit for helping frame the agenda, defining the landscape formations as a place, and articulating a vision for the Act in 2001. ORIAS has adopted a strategy whereby it will work with groups to enhance network development and cooperation for the “logistics” function in a biosphere region.

Because the Oak Ridges greenbelt region is quite populated with an estimated 300,000-400,000 residents, many challenges can be expected to arise. It will be interesting to discover if, with the greenbelt serving as a reference framework, the modified regime may enhance a sense of a shared “commons” that might be expressed by different interpretations of the rural “imaginaries” the residents value.

#### Northern Cree Communities and Resource Development in the Eastern James Bay Region, Quebec.

(This summary was compiled from a number of sources including especially Craik 2004; Cree-Québec Forestry Board 2010; Desbiens 2004; Feit 1995; Houde and Sandberg 2003; Salé and Lévesque 2010; Scott 2005; Waswanipi Cree Model Forest 2002; 2007).

#### Background to The On-going Collibration

In 1971, the Quebec government announced “the project of the century” that would construct a massive hydro-electric power generation complex using rivers flowing into eastern James Bay. This was to lead to other resource developments in the mining and forest sectors and in the process bring jobs and improved living standards for the Cree, Inuit, and other people who lived in the region. Phase 1 of this scheme was constructed between 1979 and 1984 at a cost of some \$17.5 billion. It is an impressive and elaborate set of engineering works that include seven power generation plants associated with three major dams and associated reservoirs with related engineering works along the 900 km stretch of the La Grande River, including the Caniapiscau River and lake that was diverted to the La Grande. Two other rivers south of La Grande, the Eastmain and the Opinaca, were also diverted into La Grande. Altogether these diversions doubled the

normal river flows and flooded about 13,300 km<sup>2</sup> of land. This power complex has a generating capacity of some 15,300 megawatts. Most of the power is transmitted directly to southern Quebec and some is exported to the northeastern US states. No environmental impact assessments were required at the time, and huge areas of traditional hunting grounds used by Aboriginal communities were effectively destroyed.

Following an unsuccessful court challenge by Aboriginal interests in 1972 to stop this project (it was at first granted but then immediately overturned upon appeal in 1973) and in anticipation of the major impacts to come, the Quebec and federal governments prepared a James Bay and Northern Quebec Agreement (JBNQA) that was subsequently signed by representatives of the Cree and Inuit in 1975. The Agreement acknowledged institutions and programs through which the Aboriginals governed themselves, provided \$225 million as compensation payments over a period of 20 years, and promised jobs and revenue sharing from resource development in this region. A similar agreement was signed in 1978 with the Naskapi, an Innu community further inland. As of 1982, the Aboriginal rights implied by these agreements were deemed to be protected under the new Constitution of Canada.

During the 1980s, the nine Cree communities complained that some of the special local development and services had not materialized while at the same time the forest corporations were clear-cutting the boreal forest at increasing rates, and mining exploration activities did not involve the Cree. In the meantime, each of the Cree communities had become organized as a municipal corporation. They also began meeting as a regional body under the Cree Regional Authority, which in turn operated under the political authority of the Grand Council of Crees. In 1989, Quebec announced the proposed Phase 2 for hydro-electric power development. Besides an additional power plant near the mouth of La Grande River, Phase 2 envisioned three dams and river structures on the Great Whale River flowing into James Bay to the north of La Grande, and also the diversion of three rivers (the Rupert, Broadback and Nottaway that flowed into southern James Bay near its south end) through the Eastmain to the La Grande River. The Crees were opposed to this proposal.

Drawing on the considerable experience they already had from standing up for their own rights, the Cree then launched what turned out to be a 5-year campaign to gain

acceptance of their argument that further development had to respect their autonomy, involve them directly in the process, and respect their environmental and cultural integrity concerns. To do this they built support from other coalitions that were engaged with James Bay development issues and began lobbying key agencies and other organizations in the electric power sectors of the northeastern US States urging them to terminate imports of power from Quebec given the extensive destruction that accompanied the production of it. The large clear-cut areas in the boreal forest over which they had no control were also shown as evidence. This campaign was sufficiently successful that Quebec announced an indefinite postponement of Phase 2 in 1994 following the loss of some markets (before construction on Great Whale River began) and negative publicity about its forest management regime called that into question too.

The Cree also engaged in “judicial activism”. In 1998, they filed a lawsuit in Quebec Superior Court against the federal and Quebec governments and 27 forest companies that had been involved in timber extraction from Cree lands since 1975, seeking many millions of dollars in compensation. In 1999 they sought legal injunctions against all forest operations on their territory on the grounds they did not meet with the terms of the JBNQA and the requirements of the provincial forest management regime. Although these cases and appeals against them did not succeed legally, they did succeed in gaining wide publicity.

In November 2000, the Quebec government decided to seek an out-of-court settlement with the Grand Council of Crees. Discussion involved members of the provincial cabinet including the Premier. When a co-management approach suggested by the Cree was rejected, the Cree then started lobbying US interests to raise countervailing duties on forest imports from Quebec (as part of a long-standing softwood lumber dispute between Canada and the USA). This did result in a revised offer from the Quebec government. It was celebrated in February 2002 as “A New Relationship Between the Quebec Government and the Crees of Quebec – The Peace of the Brave”. This agreement provides \$70 million (in constant dollars) annually for each of the next 50 years for economic and social development; it created a Cree-Quebec Forestry Board and joint working groups in each Cree community to adapt the Quebec forestry regime to the Cree’s traditional way of life (giving recognition to the traditional extended family hunting territories, each under the guidance of an elder, but were referred to as a “trapline” with

a “tallyman”); it allocated to Cree enterprises an annual volume of 350,000 m<sup>3</sup> of timber, mainly through forest management contracts; it created the Mineral Exploration Board with representatives from the Cree Nation and Quebec government; and it agreed to the completion of two hydroelectric power projects on the Eastmain River, one of which includes a partial diversion of the Rupert River into the Eastmain. In exchange, the Cree dropped all of their lawsuits. In 2008, the federal government and the Cree signed a \$1.4 billion 20 year “Agreement Concerning a New Relationship Between the Government of Canada and the Cree of Eeyou Istchee”.

### *The Waswanipi Cree Model Forest*

Waswanipi is the southernmost of the nine Cree communities and is located well within the boreal forest zone. It is also located on the only road that leads directly to southern Quebec from the James Bay region. Its land base extends over 35,000 km<sup>2</sup> and is divided into 52 family hunting territories. The official population in 2006 was 1,473 (with a median age of 22.2 years). The community has a logging company and a cooperative tree farm that were merged to become the Mishtuk Corporation in 1999.

In 1997, Waswanipi, in an agreement with the Chief of the band council, was funded by the CFS to become a model forest. Its first phase was actually carried out during the second phase of the model forest program, when one of the “strategic initiatives” for that phase was to enhance Aboriginal involvement in the work of the MFs. Waswanipi, based on a proposal to the CFS originating in Laval University, then became the only First Nations model forest in the network.

As the MF evaluation report in 2002 noted, there were a number of problems in getting the MF underway, given the origin of it, and the difficult circumstances under which it had to work. However, by its second phase (and the end of the MF program in its original form in 2007) it had completed a “Ndoho Istchee Integration Project” that had helped Cree families to map their traditional hunting territories and identify features of economic, cultural or ecological importance for them. The maps are owned and kept by the families who were helped to develop them during the project. The steps required to use the maps for co-management resource planning processes were also demonstrated as part of the project. All of this seemed to become quite timely when the new Cree-

Québec Forestry Board was created by the 2002 Peace of the Brave Agreement. Working together with non-Aboriginals, additional field studies were also carried out that obtained important planning information such as critical habitat requirements for moose in winter.

In 2010, a new Sustainable Forest Development Act came into force in Quebec. It required a new generation of General Forest Management Plans (GFMPs) with modified rules for annual allowable cuts (AACs) during the 2008-2013 plan period. At the same time, local working groups in the James Bay area were dealing with questions of how to incorporate Cree hunting territory values into these plans. It is not clear whether or how the Ndoho Istchee pilot project is being used for this new version of the forest regime. The Waswanipi Joint Working Group has applied for approval by the Quebec Minister of Natural Resources and Wildlife of modifications for the first few Forest Management Units it reviewed. The model forest group has formed a Cree Research and Development Institute to pick up where the model forest left off in 2007.

This example of a major collibration of a governance regime has been underway for about 40 years and still leaves an impression of much more to be done. In the case of the model forest, the whole process of a major regime change was very external to its residents since the main decisions were made at much higher jurisdictional levels. The enhanced capacity of the Cree communities to conduct their own affairs does, however, seem to be widely recognized.

### **Reflections on Collibration**

These regime change phenomena are operating at the “constitutional” scale of governance where rule changes are deliberately made to steer “self-organization” among complicated sets of autonomous but interdependent entities towards achieving more effective political and socio-economic outcomes from their interactions. Constitutional rules frame “collective choice” rules i.e. policies adopted by or for individual organizations in the state, market, and civil society sectors, and these in turn influence operational practices consistent with the policies.

Collibration occurs over decadal scales during which contradictions, tensions, and conflicts build up among organizational entities. The State finally has to figure out what rule changes might work best to resolve or dissipate these phenomena. It then at some point invokes them as major political decisions to change the rules. The new governance regime then has to adapt to the new context within which it must now function. Jessop (2000; 2004a) and others (e.g. Harvey 2007; 2010) refer to this whole process as a “spatio-temporal fix” within the over-all global political economy dominated by neo-liberal corporate capitalism. They are necessary at all scales as the current global financial crisis, and other financial crises in earlier eras indicate.

From a systems perspective, these “fixes” focus on particular social-ecological systems that can be defined approximately for the needed collibration. In the three examples noted above, the regions are defined by the territorial homelands of the Nuu-chah-nulth (between the mountains and the sea) people on the west coast of Vancouver Island, the territorial homelands of the Northern Cree on the east side of James Bay, and by a legislated Greenbelt in the urban region north of Toronto. But the temporal dimension is really unknown. It seems to be in the order of one or two decades before system dynamics lead to further incremental or sometimes rather sudden changes in the social-ecological system of interest. Thus, the “fix” is always a rather temporary one.

The basic reasons for this are that the global political economy contains many inherent contradictions both within its own functioning and in relations to the environments (major ecosystems) it exploits for resources. The contradictions can intensify and “break out” anywhere at any time. The “spatio-temporal fix” can at best only displace or defer these for particular places and times. As summarized by Jessop (2004 b:13)

“A spatio-temporal fix resolves, partially and provisionally at best, the contradictions and dilemmas inherent in capitalism by establishing spatial and temporal boundaries within which a relatively durable pattern of ‘structured coherence’ can be secured and by shifting certain costs of securing this coherence beyond these spatial and temporal boundaries. This sort of spatio-temporal fix displaces and defers contradictions both within a given economic space and/or political territory and beyond it. It also involves an internal as well as external differentiation of winners and losers from a particular fix, linked to the uneven social and spatial distributions of benefits from a given fix and to its associated uneven development....”

For example, the Greenbelt displaces urban sprawl to regions beyond it. The First Nations examples are creating different versions of co-management that help resolve some local issues compared to other places without co-management. Yet in these particular cases, the co-management is between two very different and mutually contradictory cultures (First Nations and Euro-descendent) that are based on very different cosmological beliefs as reflected in their languages and social practices. This is in addition to contradictions and tensions experienced within their regional economies.

Contradictions can also give rise to dialectical processes that resolve them up to a point. The James Bay situation seems to have exhibited this phenomenon. The Quebec “dirigisme” tradition resists civil society autonomy and strives to retain a top-down command and control over all major sectors of the economy. But it does respond to political and juridical actions that reveal major shortcomings or State failures inherent in this approach. The JBNQA in 1975 and the Peace of the Brave Agreement in 2002, both had large compensation payments and promises of more consideration for Aboriginal interests. But this came only after confrontational approaches had been taken by the recipients. In 2008, a somewhat similar agreement was signed with the federal government.

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