Governance Matters

5. Interpretations from the actor coalition framework. Jurisdictional levels. Reconciling competing coalitions. Scaling-up and re-framing issues.

The Forestry Sector in Canada and Model Forests

The proponents for the Actor Coalition Framework (ACF) are pre-occupied with developing theory in the context of the role of governments in the nation-state. The Canadian forestry sector offers a number of possibilities for insights guided by the ACF. In a review of 31 case studies from North America and Europe, Sabatier (1998) identified two forestry examples from Canada. One study from British Columbia (BC) had tracked changes in the provincial forest policy realm over about a 20-year period from the mid-1970s. It found the ACF a useful way to consider these changes, but it had underestimated the influence of social learning and resulting discourses needed by the dominant industrial coalition to reinforce and assert the legitimacy of its long-established positions (Lertzman and others 1996).

Another study of events that occurred in the Clayoquot Sound region especially, noted the emergence of contending ACFs but also commented on elements of the political context in which this happened. These observations drew upon other interpretations of policy change such as the commingling of problems, politics and policy streams and the role of "epistemic communities", especially in the old industrial forestry paradigm (Kamieniecki 2000). When a long historical perspective (150 years) of forest policy and practice in BC was undertaken, factors identified by the ACF seemed rather minor among all the other factors and events associated with the province's history (Hagerman and others 2010). Conversely, the minor modifications in operational policies made in response to a mountain pine park beetle infestation over large areas of northern BC in the past decade or so simply ignored a number of basic issues about the functioning of the dominant policy coalition when confronted with this challenge (Nelson 2007).

Other applications of ACF have been drawn upon to assess forests policy issues in Quebec (Houde and Sandberg 2003) and for Prairie Forest Policy Networks (Wellstead and others 2004).

The main contending ACFs in these situations are quite similar. One is an industrial forestry coalition based on logging ("fibre extraction") for a historically large export economy based on lumber, paper products, or just raw logs for value to be added elsewhere. This coalition is deeply embedded in the global corporate economy supported by provincial policies for forest tenures, federal policies for trade, and most people in the forestry profession. Support also comes from organized labour and service businesses that are dependent on the forest economy, and from many groups including local politicians in forest-dependent communities across Canada. For many years, this coalition has been committed to a "liquidation-conversion" strategy for a sustainable yield of timber with the long-term goal of removing large areas of native old growth forests and gradually replacing them with forest plantations of commercially valuable tree species (as determined by foresters at the time). Other forest values are either secondary or just ignored.

The other ACF has been developing in Canada since at least the 1980s, especially in BC, and it has been growing in direct opposition to what they see as the gross excesses of the industrial forestry coalition. This environmental coalition emerged out of local protests movements in a number of locations, and is gradually consolidating around beliefs about the fundamental ecological importance of native forests including old growth stands of it, and values for biodiversity conservation, wilderness eco-tourism, and possibly, for carbon sequestration that might ameliorate global warming. Associated groups include urban-based environmentalists, outfitters and guides for remote hunting and fishing experiences and for adventure tourists.

Aboriginal communities can be found in both camps, but increasingly might best be viewed as a third smaller coalition that is developing in response to their assertions of aboriginal rights and titles over large areas of forested lands in the boreal and eastern mixed woods forest zones that are otherwise dominated and used by descendents of the European settler society. This development has been paced almost entirely by court

decisions relating to past treaties and advocacy for negotiating “modern treaties” that might effectively replace the old ones.

There is a large literature about all of the above that is not reviewed here. Much of it is commentary from academics, advocacy groups from the different coalitions, and media outlets on the merits or otherwise of the coalitions, and strategies and tactics they employ for their purposes. Players claiming their decisions are all “science-based” invite criticisms from opponents about shortcomings in how these claims are applied. Determinations of annual allowable cuts (AACs) by the forest industry have proven to be a vulnerable target. In addition, the extensive closures of mills, consolidation of assets, and corporate bankruptcies in the forest sector over the past decade or so have been used as clear evidence of the unsustainability of industrial forestry practices over many years. This leads to observations about major shifts in the structure of the global forest economy that might well be irreversible in Canada.

ACF Perspectives at the Jurisdictional Levels in Canada

UNFF, CCFM and the NFSs

Canada has supported the UNFF processes while striving to gain UN acceptance of a global forest Convention that would strongly reflect an industrial export trade in forest products as the best strategy for sustainable forest management. This has not been successful. Canada has also tried to win acceptance of its National Forest Strategies statements as being equivalent to firm national commitment to what’s in them. UNFF apparently agreed to this under the principle that each nation retains the right to do what it judges best in the context of UNFF’s adoption in 2007 of the “Non-legally Binding Instruments on All Types of Forests”. The latter reflected a number of concerns among member States. (e.g. Howlett and others 2004; Rayner and Howlett, 2007).

From a wider perspective, the “international regime” is reportedly of increasing influence on the management of both the economic outputs and environmental outputs of forests in Canada. The former comes through trade agreements such as those overseen by the World Trade Organization, and the North American Free Trade Agreement (NAFTA) between Canada, the US, and Mexico that have specific legal obligations and enforcement measures (“hard law”). The latter come under “aspirational” agreements

such as the Convention on Biodiversity (CBD), and the Reduction of Emissions from Forest Destruction and Degradation (REDD) under the Framework Convention for Climate Change that provide strong rationales for protecting forest ecosystems (Nelson and Vertinski 2005). Components of all these systems can reinforce or contradict one another.

The Canadian Council of Forest Ministers (CCFM) is generally seen to have an important "vertical coordination" role between the two levels of Canadian federalism, especially given the crucial role provinces have in forest policy, including the option of ignoring commitments the federal government might make in international bodies relating to forests. The early national forest strategies (NFSs) clearly reflected the industrial forestry model including the federal role for trade, research, and international agreements. As the NFSs evolved into a more participatory process in an effort to build stronger support for them, the wording of NFSs began to include language that could suggest some commitment to the health and biodiversity of forest ecosystems and recognition of the importance of ecosystem products and services other than wood fibre.

This draws attention to the role of discourse analyses, as noted by the ACF as well as by the "policy arrangements" described by Bas Arts and colleagues. Descriptions of the NFS processes give the impression that word-weaving exercises occupied impressive amounts of time (e.g. Young and Duiker 1998; Howlett and Rayner 2006). In fact public discourse was increasingly not very subtle (e.g. Driscoll 2006). The resulting documents can easily appear to be political statements intended to draw wider public support without challenging the on-the-ground business as usual practices in the provinces.

The Canadian Model Forest Network (CMFN)

The model forests were to exemplify the ways in which local partnerships among a wide-range of partners/stakeholders who shared commitments to sustainable forest management can work collaboratively together to achieve that goal. It was left to the individual MFs to create partnerships, something that the first 5-year funding (1992-1997) from the Canadian Forest Service (CFS) was intended to accomplish. Each got started with a small staff, an administrative office (sometimes in a provincial agency's or corporate partner's office) with access to GIS technologies. The MF do not own lands

included in their forested areas, but they do include as key members of the partnerships the corporate holders of forest management tenures, along with provincial forestry officials who administer tenure agreements, and CFS representatives from the funding agency. The partnerships had seed money to initiate operational trials of new methods/technologies for different silvicultural practices in forestry, initiate public education about forestry, explore opportunities for local economic diversification through forestry, and collaborate with others on field research topics.

These "partners-with-authority" represented an "epistemic community" of forestry professionals devoted to industrial forestry needs, and were embedded in the local situations to the point they were sometimes perceived to form a virtually closed policy community that operated on its own. Given this differential in inherent power relations with other representatives of organizations having some interest in sustainable forestry, the partners-with-authority tended to form a core of the executive committee for the larger groups. The MFs also varied considerably in the number and range of partners they secured from other stakeholder categories. The qualitative nature of the partnerships formed also varied (from individuals just voicing opinions at general meetings through to representatives of other organizations co-funding and/or otherwise supporting projects consistent with the goals of the MF), as did the extent to which the ideals of consensus were reached for program decisions (e.g. Sinclair and Smith 1999; Sinclair and Lobe 2005). The bias in favour of the needs of industrial forestry was built into the assessment criteria used by the national advisory committee and technical review committee convened by CFS to review the initial 50 proposals in early 1992, and given that the provinces were perceived to be not enthusiastic nor cooperative about the program, this limited how innovative the MF program could be (Beyers 2002).

Under CFS direction, each MF submitted annual operating plans and progress reports, and prepared strategic plan proposals to seek follow-up funding from the CFS for each succeeding five years. CFS arranged for independent program evaluations to be conducted as a basis for deciding upon new funding, and they provided general guidance in terms of expectations they had for what was to be done by each MF in each succeeding five years through to 2007. It was apparently made quite clear to participants that the partners-with-authority were under no obligation to adopt whatever results came from the MFs, and that criticisms of forest policy matters during MF

gatherings went beyond the terms of reference for the program. Possibly, the sensitivity here was due in part to the hope that the collaborative nature of MFs performed a brokerage role between conflicting and competing advocacy coalitions (Wellstead and others 2003).

The 15 years during which the MF program was carried out turned out to be a dramatic time for downturns in the industrial forest sector across Canada. Of the 12 MFs supported during this time, 9 had major pulp and/or saw mills idled or closed, and at least 4 had seen major restructurings of corporate assets held by their industrial partners. While no doubt this led to major concerns and discussion among people in the communities affected by these changes, the official reports from CMFN members made little or no specific mention of these events in detail, nor of the local socio-economic impacts of corporate sector adjustments and/or permanent closures of mills on their partnerships. This appears to be consistent with the taboo on policy discussions.

The Forest Communities Program (FCP) follow-up in 2008-2013 focused much more directly on the plight of communities impacted by these closures or other socio-economic changes. While industrial partners were certainly welcomed in the new partnerships, and could be quite influential because of their experience, they were not given the same privileged control over the programs as before. The CFS did require, however, that emphasis be given under the FCP to initiatives within the forest sector, such as developing niche markets for non-timber forest products (NTFP) or assessing the feasibility of scaling down local sawmill production to whatever small local or regional markets might support. This appeared in some cases to severely limit what could be done. The forest communities themselves were often looking much more widely for new opportunities in multiple resource sectors.

Reconciliation of Competing ACFs

The ACF does recognize that with circumstantial changes over time, some learning from experience among the players, and new entrants into contending coalitions as the years go on, opportunities to reconcile differences to the mutual advantage of both can open up. One time only “snap-shot” case studies overlook this.

It has been suggested that the forest certification processes promoted or endorsed by environmental groups have served this function. It is a kind of market solution, so there is some mutual acceptance at the deep belief level of the logic of neo-liberalism and globalization (since certification with chains-of-custody and the cessation of consumer boycott campaigns have gone hand-in-hand). Humphreys (2009) notes that forest certification programs are but one example of the extent to which the principles of neo-liberalism are pervasive in international forest policy. This in turn is an example of a much larger phenomenon, that of the emergence of private regime formation as a response to increasing power of private sector vis-à-vis the State and the role of NGO campaigns that focus on the reputation of corporate brands. These in turn, can be viewed as a substitute for the inability of governments to agree on binding international regulations for private sector operations (e.g. Pattberg 2005a).

There are four certification programs in use in Canada. Versions of the International Forest Stewardship Certification (FSC) are becoming widely accepted and are generally the most favoured by environmental groups. The FSC was founded in Toronto in 1993 by a wide range of organizations and has now become an extensive international program. It has a clear set of 10 generic principles accompanied by 56 criteria that specify the content of regulations taking into consideration contextual difference in different regions (four in Canada) and countries. It includes sustainable forest management practices as well as chain of custody standards for forest products that can be branded as certified. It also has standards for accreditation of independent certifier organizations that carry out continual audits and verify the performance of FSC certification holders (e.g. Pattberg 2005 b).

The Canadian Standards Association's CAN/ICSA – Z809-02 was developed with support from the Forest Products Association of Canada and is the most widely used by industry; it focuses on operating procedures adopted by corporations. Some industrial forestry corporations also seek the International Organization for Standardization's (ISO-14001 Environmental Management System) certification for energy and other efficiencies in mills and other infrastructure facilities; ISO doesn't cover forest management directly. Some firms have obtained a Sustainable Forestry Initiative (SIF) certification set by the American Forest and Paper Association; US-owned forest corporations may see this as helpful to facilitate exports to the US from their Canadian-

based operations. As of 2010, some 153 million ha of forest, much of it in the boreal zone are under one of these industry certification requirements.

Model forests have also encouraged forest certification, especially for areas throughout eastern Canada where much of the forest is privately owned, often by large numbers of owners of small woodlots. The Eastern Ontario MF has pioneered in obtaining certifications on behalf of several different groups of owners; this means the MF is responsible for assuring their conformance with the requirements. The need for similar initiatives for private forest owners elsewhere was one strategic initiative in Phase 2 (1993-2002) of the MF program, and it has also been recognized to be important under the FCP.

Re-Scaling and Re-Framing

With reference to issues of the geographic and jurisdiction scales of sustainable forest management, there are several recent examples of re-scaling or re-framing the contexts within which the ACF interactions are played out. Some could be interpreted as "venue-shopping" for different decision-making arenas.

The main example of re-framing is the *Forest Communities Program* itself. As noted, the focus shifted from that of complementary activities to industrial forestry driven by export opportunities for wood and wood products to the predicaments of human communities in forested areas that have been stranded by the loss of the forest industry and/or other downturns in their resource dependencies. The FCP remains focused on the forestry sector, and for those that had been participants in the earlier MF, there was a certain amount of carry-over commitments to earlier projects and partnerships. The main difference was a new concentration on NTFPs. The Royal Roads University Centre for Livelihoods and Ecology serves as a major centre for research and applications for NTFP development, and has done work for the CMFN (e.g. Mitchell 2008). A recent Canada-wide survey of the opportunities and issues associated with NTFP is summarized by RRU 2009. Research on the feasibility of biofuel alternatives is being conducted mainly by other federal government agencies, and/or industrial research organizations.

The *Great Bear Rainforest* is a 6.4 million ha coastal forest region along the central Pacific coast of British Columbia, extending from about the northern tip of Vancouver Island to Alaska. A long struggle to protect this region from industrial timber extraction began in the mid-1990s, and became bogged down in bitter controversy. At one point it was decided that a "Joint Solutions Project" among a core group of five industrial forest corporations and three large environmental organizations would negotiate trade-offs. This eventually lead to proposals that were also acceptable to eight First Nations communities and to the BC provincial government in 2009. Collaborative work among these four main groups is now underway to implement 2.1 million ha of protected areas; devise major revisions in logging regulations; and initiate transitions into a "conservation economy". This experience has been described and interpreted from several perspectives including the use of an "integral ecology" approach in the negotiation processes (Riddell 2005), the policy decision processes (Rayner and Zittoun 2008), governance issues (Howlett and others 2009), and social innovations (Tjornbo and others 2010).

After seven years of campaigning, a *Canadian Boreal Forest Agreement* was announced in May 2010 on behalf of 21 forest product companies that are members of the Forest Products Association of Canada, and 9 major environmental organizations. The Agreement applies to over 73 million ha of forests across northern Canada that are licensed to the companies. The goals of the agreement include developing "world-leading" on the ground sustainable forest management practices based on ecosystem management in the boreal forest; taking action on climate change as it relates to forest conservation and forest product life cycles; completing a network of protected areas that represent the ecological diversity of the forest; implementing plans to protect species-at-risk, especially woodland caribou; and taking action to improve the prosperity of the forestry sector and communities that depend on them. In return, industry will refrain from logging for two years in caribou habitat and environmental organizations will refrain from campaigns against forest management practices.

A Canadian Boreal Initiative (CBI), based in Ottawa, supports applied research, on-the-ground conservation planning, sustainable resource management initiatives and policy development. In 2003, it established a Boreal Leadership Council (BLC) for which the CBI serves as its secretariat. The BLC also promotes the Boreal Conservation

Framework, a “shared vision to sustain the ecological and cultural integrity of the Canadian Boreal Forest in perpetuity”. This framework is reported by the BLC to be supported by 1,500 scientists, 25 Aboriginal organizations, 100 corporations, and many conservation groups. Independently, a Global Forest Watch Canada, established in 2000 (by the World Resources Institute in the USA) tracks the impacts on forests and associated resources from “developments” by preparing detailed maps and databases; this complements the BLC and they work informally together.

The BLC has representatives of 20 organizations, including corporations, First Nations, conservation organizations and special investment funds. Six of these organizations, including CBI endorsed the Canadian Boreal Forest Agreement. This Agreement was apparently brokered and funded through an Environment Group of The (US) Pew Charitable Trusts. Next steps include trying to secure the endorsement and support of provincial governments and of First Nations in this huge region. A number of other boreal forest organizations have reservations about what this Agreement signifies.

In 2006, the *Northern Ontario Sustainable Communities Partnership* (NOSCP) came together as a response to the “forest industry crisis in northern Ontario”. It argues that the existing forest tenure system is not capable of producing social and economic development because the people of the region have no control over the resource. NOSCP has prepared a “Northern Ontario Community Forest Charter” based on considerable background studies of experience across Canada in developing viable locally owned and controlled community forests. The group is based in Thunder Bay ON and draws upon various expertise, mainly from the Faculty of Natural Resource Management at Lakehead University; the Faculty offers degree programs in various aspects of forestry related studies. Meanwhile, as of 2011, NOSCOP is working out how best to incorporate itself and define its role in promoting and/or supporting community forestry across such a large region (some 1,100 + km from Kenora in the west to Algoma in the east). This region also includes the Northeast Superior FC and Lake Abitibi MF.

The ACF and Biosphere Reserves in Canada

There are several regions in Canada where model forests and biosphere reserves have been established in close proximity to one another and cooperate in different ways. Examples include Clayoquot Sound BR and Ecotrust Canada FCP; Eastern Ontario MF and Frontenac Arch BR; Fundy MF and Fundy BR (formed through the MF); and Southwest Nova BR and Nova Forest Alliance. In each of these cases, forestry issues are left to the MFs although BRs take up issues of conservation that often include forests. Otherwise, most biosphere reserves are located in the more settled areas of Canada where they encounter different actor coalitions, especially in the agricultural sector but also at least implicitly, in the urban development sectors if located close to major cities or in urbanizing regions,

Particularly complicated ACFs are revealed by the successive 5-year Federal-Provincial-Territorial Framework Agreements on Agriculture and Agri-Foods that are accompanied by very detailed Implementation Agreements adapted to each province. In Ontario for example, under the current Agreement "Growing Forward" (2009-2013) with $300 million in funding over 5 years, the two governments are pursuing three outcomes: "a competitive and innovative sector; a sector that contributes to society's priorities: and a sector that is proactive in managing risks".

A set of "Best Practices" program will address:

- Environment and Climate Change by encouraging adoption of environmentally sound practices to improve the quality of soil, water, air and biodiversity;
- Food Safety and Traceability that will support practices to improve food safety on farms and in the food and beverage processing industry, and to support facility-level traceability systems;
- Business Development for producers and processors though identifying and implementing key management best practices; and
- Bio-security to protect plants and animals from disease and pests and protect industry from losses.

An “Innovation and Science” program will encourage research and commercialization through:

- Science Clusters that are industry-led;
- a Farm Innovation Program to support adoption of innovative on-farm technologies that respond to changing demands and opportunities; and
- an Agri-tech Commercialization Centre to expand opportunities by accelerating the commercialization process and attracting investments.

The Business Risk Management Program (a “safety-net” program) consists of:

- Agri-Invest, a savings account program with government contributions that compensates producers for small income declines;
- Agri-Stability, for larger farm income losses of more than 15% of a producer’s average income from previous years;
- Agri-Recovery, for disaster relief that enables governments to respond rapidly when disasters strike;
- Agri-Insurance, for production losses for specified perils such as weather, pests, diseases.

It is anticipated that many projects developed under this Agreement will be administered through the Agricultural Adaptation Council. Successful initiatives for local sustainable livelihoods and community wellbeing in the agricultural economy have to learn to navigate through these administrative structures that can otherwise thwart local initiative.

The organizational structures are complicated. It can appear that every domesticated crop and livestock species and each of the products derived from them has its own organization to advertise, lobby and otherwise promote use of the product. Different combinations form under umbrella organizations for products, for different farm organizations, for sub-sectors in agriculture, and for policy options most favourable to them. This gives rise to an image of coalitions within coalitions within…etc. each with their own debates and divisions but united for the larger scale issues they jointly face such as protection and support for primary producers (farmers and farming communities), or opening up trade for products (through new or expanded free trade agreements), Nevertheless as the wording in the framework implies, the dominant theme is one of promoting industrialized agriculture in very competitive export markets where

niche production units have to remain efficient, innovative and competitive at every turn. The “epistemic communities” of professionals with the most involvement in agricultural policy arenas are agricultural economists whose disciplinary perspectives mesh well with neo-liberal economic doctrines. Biotechnologies, and the impressively large corporations that own and control them, are fast becoming the major scientific underpinnings for innovations and “growth”.

Given the joint jurisdiction over agriculture built into the Canadian Constitution, some groups link more closely with one or the other level of government depending upon what they see as their primary business interests. In addition, there are strong policy ties with international bodies notably the World Trade Organization (WTO), and to some extent the UN Food and Agriculture Organization that result in the ”increasing enmeshment of local agriculture policies with the new global arrangements” Coleman, (2003:7). But oversight through active WTO Committees on Agriculture, and for an Agreement on Application of Sanitary and Phytosanitary (SPS) Measures, both of which are open to all 128 members of the WTO, is very cumbersome. They are also highly bureaucratic and technical (thus serving as an exclusionary device against most countries), and prone to divisions into conflicted clusters to the point that governance regime formation is unlikely. As Coleman also states with reference to the international trade component of agriculture: “In summary, the emergent transnational policy space in agriculture has quickly come to feature a complex, if not chaotic, politics” (*op. cit*: 12).

Other aspects of national agriculture policy are also subject to debate about whether or to what extent the policy regime has undergone “paradigmatic” radical changes in its formulation over recent decades or whether the changes are only tactical programmatic ones that have protected the key features of it. One long time observer suggests it is the latter given the persistence of Canadian farm income support, supply management in dairy and poultry production, and government assisted orderly grain marketing (e.g. Skogstad 2008).

But, at least in southern Ontario and in southwestern BC, there is a somewhat counter coalition in the form of local “civic agriculture” that shares broad goals such as the “Rome Declaration on World Food Security” (1996) i.e.

> "Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life".

They differ greatly on how this should be achieved. The often urban-based alternatives are organizing steadily under the notion of food sovereignty at community levels. In cooperation with local health departments, social justice movements and anti-poverty activists they declare that safe, sufficient, culturally acceptable, nutritious food is a basic human right. To achieve this they are building alternatives to the corporate controlled industrial food systems as more and more people become aware of where their food comes from, how it is produced, and the sheer vulnerability of global-scale food supply systems to various kinds of breakdowns. Alternatives include community-supported local agriculture (direct ties between consumers and farm producers), promotion of local farmers' markets, community gardens, food preparation skills for users of food banks, ecological agriculture/organic products, and related measures to engage schools, and community organizations in these joint initiatives.

This is a consumer-driven actor coalition framework rather than a producer-driven one. It is also supportive of the "multi-functional landscape" approach that would provide payments to farmers for non-commodity ecological goods and services they protect or otherwise provide for on their lands. In Canada it is called "alternative land use services (ALUS)". The WTO has accepted these "subsidies" at the insistence of European countries and the European Union.

BRs located in urbanizing regions (such as those in southern Ontario) participate in different aspects of these local food initiatives. In some cases they supplement initiatives already being taken by rural counties to promote closer links between rural farms and non-farm residents in local towns or smaller settlements. Frontenac Arch BR is the most engaged in networks for this and maintains an up-to-date website "Local Flavours" guide with information on over 100 different producers and outlets including farm-gate stands, farm stores, farmer markets, and food services offering local specialties from local chefs.

The context is quite different in the prairie region given that it is much more economically dependent on exports of crops and livestock. Competing producers in other countries

have been quick to propose boycotts on the grounds of health of animals. Three BRS in this region are pre-occupied with maintaining farmlands/ranches in production for livestock. The Waterton BR experienced continuing threats to the Rocky Mountain front range lands from land development and has pioneered use of conservation easements to secure ranch lands; Redberry Lake BR is quite involved with practical issues about cattle production generally, and Riding Mountain BR responded quickly to a perceived emergency by organizing a technical team to assess the causes and consequences of an outbreak of bovine tuberculosis in cattle and elk adjacent to the national park during the early 2000s.

Re-scaling and Re-framing – A Case Example

The Bras d'Or Lakes Biosphere Reserve in Cape Breton, approved by UNESCO/MAB in 2011, provides an interesting example.

A major conference on "The Future of the Bras d'Or Lakes" was held in Baddeck in October 1991. It was occasioned by a variety of concerns about the degrading conditions in the area from a number of sources that were impacting on the water quality to the detriment of fishing, shellfish culture, and recreational uses of the "lakes" (actually they are a complex marine estuary system with different portions of it ranging all the way from regular seawater to fresh water inflows and inlets along the shores). As a follow-up, the University College of Cape Breton (now Cape Breton University) conducted public consultations and issued a "Taking Care of the Bras d'Or: a New Approach for Stewardship of the Bras d'Or Watershed" (April 1995) that called for a new representative management structure that would be community-based and have some independent authority to undertake a range of stewardship measures. The report was submitted to the federal and provincial governments. In the meantime, local community-based organizations formed to address different issues relating to the Bras d'Or. In 1997 the provincial government rejected the recommendations of the report because it would entail a transfer of some provincial authority to communities. If a proposed community-based Bras d'Or Stewardship Commission had been formed, it might well have been proposed for inclusion in Phase 2 of the model forest program (Carrow 1999). Thus, in retrospect, the decade of the 1990s was basically one of dysfunctional stasis in the governance regime for resource management in the Bras d'Or region.

In 1999, the Supreme Court of Canada ruled (in the Marshall decision) that under the terms of the Peace and Friendship treaty signed with the British in 1760-61, the Mi'kmaq people retained the right to engage in commercial fishing to secure a moderate livelihood subject to conservation restrictions that the Department of Fisheries and Oceans (DFO) might impose on the entire fishery. DFO then initiated negotiations with 34 affected First Nations, most of which were in NS and NB, including the five in the Bras d'Or region.

Eskasoni, in the Bras d'Or region, is the largest Mi'kmaq community of them all, and it had an official population (in 2006) of 2,952 people, with a median age of 21.2 years. Under a series of agreements with the Eskasoni First Nations (through the Eskasoni Fish and Wildlife Commission – EFWC), DFO provided funding for two multiple purpose fishing vessels along with fishing licenses (bought from willing sellers) for snow crab, shrimp and groundfish in the Gulf of St Lawrence. They also provided two other new vessels; new buildings and a floating dock with offices, meeting rooms, and laboratories for use by the EFWC and by the Unama'ki Institute of Natural Resources (UINR) established in 1996 by the EFWC; and support for training courses, and scientific research to be done by the First Nations. Other First Nations in the Bras d'Or received equipment and facilities and transferred licenses on a much smaller scale. From then on, both the EFWC and the UNRI became increasingly active in resource management activities in all sectors. The UNRI now has about 15 staff to guide the research, monitoring, and contract work that they are engaged in, including at least one project with the Nova Forest Alliance FCP.

In addition, under the terms of the Oceans Act (SC 1996) and the federal Oceans Strategy, DFO had been very active in coordinating a variety of agencies in developing a collaborative program for the Eastern Scotian Shelf Integrated Management Unit (ESSIM) extending offshore to the limits of national jurisdiction over a marine region of some 325,000 km^2. It also established a major marine conservation area for the Sable Gully, a deep undersea canyon at the outer edge of the continental shelf. In addition, selected coastal management areas are included as smaller nested-set components of the larger offshore regions.

In 2003, as a result of a request from the First Nations to develop an overall environmental management plan for the Bras d'Or Lakes and watershed lands, DFO set up a co-management body (DFO with EFWC) that initiated the Bras d"Or Lakes Collaborative Environmental Planning Initiative (CEPI). The CEPI strived to integrate traditional ecological knowledge (TEK) with western science ("Two-Eyed Seeing") and it adopted the Mi'kmaq "Medicine Wheel Inspired Planning" to seek a balance among spirit, knowledge, feelings, actions. A Bras d'Or Charter was developed at a workshop in 2004 and signed by 21 government representatives (Regional Directors of federal departments; Deputy Ministers of provincial Ministries; Chiefs of First Nations, and Wardens or Mayors of Counties or other municipalities. The CEPI is organized in three tiers, with a Management Committee (for decision-making) guided by a Senior Council and served by the UMRI as its Secretariat; two advisory committees, a 21 member Steering Committee and a Council of Elders and Youth; and Task Teams for management planning; development standards; communications; and State of the Environment reporting. In July 2011, CEPI issued "The Spirit of the Lakes Speaks – A Way Forward" that outlines an evocative management process for protecting the Bras d'Or Lakes. This document also confirmed a widely shared sense of place at the landscape/watershed scale among many people in the region.

The Bras d'Or Biosphere Reserve Association became associated with the CEPI in 2006, and people associated with the BR have served on the steering committee and the management committee of CEPI since then.

The re-framing of the situation came as an unexpected result of the Supreme Court 1999 decision on the Marshall case. This did not change the rules of the governance regime, but it definitely re-interpreted a few key ones. This stimulated the new initiatives that have unveiled the potential for the Bras d'Or Lakes well beyond provincial authority. The BR is now situated in a much larger regional context than was available during the 1990s, and opened up many new possibilities for network development and partnerships.

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