We Rise Together

Achieving Pathway to Canada Target 1 through the creation of Indigenous Protected and Conserved Areas in the spirit and practice of reconciliation

THE INDIGENOUS CIRCLE OF EXPERTS' REPORT AND RECOMMENDATIONS

MARCH 2018

Front Cover photograph:
The Indigenous Circle of Experts and participants of the Northern Regional Gathering on Indigenous Protected and Conserved Areas (IPCAs) at Aurora Village in Yellowknife, NWT.
Photographer: Jeremy Williams, River Voices Productions

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Nous nous levons ensemble : atteindre l'objectif 1 du Canada en créant des aires protégées et de conservation autochtones dans l'esprit et la pratique de la réconciliation

FOREWORD

By Eli Enns and Danika Littlechild, ICE Co-Chairs

Since time immemorial, Indigenous Peoples in Canada have been diligent and ingenious cultivators of biological diversity through advanced economic practices that were founded on natural law. Indigenous economies followed Indigenous worldviews, which understand that human systems are a part of, and must remain in balance with, ecosystems. The outcome and effect of these worldviews and economic practices was abundant, thriving biological diversity.

Historical efforts to create "parks" and "protected areas" by Canadian governments were not centred on the health and well-being of nature; nature was instead the backdrop for recreational experiences. In these early days of parks creation in Canada, Indigenous Peoples were understood as obstacles to the enjoyment of nature. Thus, they were often forced to relocate or were restricted by imposed jurisdictions that effectively eliminated the Indigenous practices and economies that were so critical to healthy biological diversity.

In more recent years, Canadian park agencies have made biological diversity a management priority for parks and protected areas. This refocusing has come with a gradual realization that Indigenous Peoples have something to offer regarding biodiversity conservation, protection and promotion. The work of the Indigenous Circle of Experts (ICE) represents a significant milestone in that history.

The ICE Report marks a clear turning point in Canadian history. It is an opportunity for all levels of government, and Canadian society at large, to salvage what is left of the Creator's great gift, and begin to rebuild our natural heritage for future generations. This will require a close re-examination of the dominant narratives about the conservation and protection of nature. The dominant narratives we refer to have enjoyed de facto acceptance within existing frameworks about conservation and protection. They have not been fully challenged until now.

This report posits that the time has come for Indigenous knowledge systems, legal traditions, and customary and cultural practices to be appropriately recognized as equally valid and binding versus other frameworks. To achieve this, we have endeavoured to illustrate an important aspect of such appropriate recognition: Indigenous Protected and Conserved Areas (IPCAs). We hope that through our articulation of IPCAs, we can contribute to a more hopeful vision of the future—a future where Indigenous Peoples decide what conservation and protection means to them and to the lands and waters and are given the space to lead its implementation in their territories.

Canada is a vast and diverse country geographically, climatically and geopolitically; each region has distinct opportunities and challenges. For example, north of the 58th parallel, the opportunities for IPCAs are different than in southern regions due to the vast open spaces and sparse populations in the north. British Columbia is largely without historical Treaties; Quebec has unique civil laws and historical realities; the Atlantic provinces are small and island-based. And of course, Indigenous Peoples across the country are as diverse as the land itself.

We do not prescribe a one-size-fits-all solution. Rather, we offer a tapestry of diverse stories, perspectives, knowledge, languages, cultures and understandings about Mother Earth. We do not aspire to provide "the" answer, or to describe a "finish line" for reconciliation in the context of conservation and protection. More importantly, we want to elevate Indigenous Peoples, their worldviews and their lived realities. As such, we have woven their voices into our report in the form of quotations. These quotations share stories, wisdom, ideas, observations and guidance that we had the privilege of hearing at Regional Gatherings across the country.

In this time of shifting paradigms—when conceptions about the legitimacy and veracity of Indigenous voices are expanding—this report represents a partial answer to the following questions:

- If Indigenous Peoples were to have a role in achieving greater conservation and protection moving forward, what might that role be? What would it look like?
- How would established practitioners of conservation and protection "make room" for Indigenous Peoples?
- What does reconciliation mean in the context of conservation and protection in Canada today?

This report is only a partial answer to these questions, because we have only just begun the journey to address them. It is a partial answer also because we understand that the richest contributions will come from affected Indigenous Peoples in all their diversity. And it is a partial answer because it requires all of us to participate in the process of co-creation, collaboration and reconciliation.

We could not have completed this report without the many forms of significant support that came to us along our journey.

Foremost, we want to acknowledge our ancestors, who made paths for us to follow to live the good life; and the unborn future generations, who compel us so deeply and to whom we are all ultimately accountable. Similarly, we must acknowledge the Elders—those who have gone before us and continue to walk among us today—who gave so much of their lives to prepare the ground for our work; and their families, who supported them and held them up when the weight of the burden must have seemed unbearable.

On that sacred and solemn note, we also wish to acknowledge our own families, who, as our Elder Larry McDermott so often says, have "kept the home fires burning." What a simple but profound acknowledgement, for how it must feel to come home to a cold and quiet hearth, with no love to light our many homecomings? Along these lines, the Elders always remind us to acknowledge the many helping hands along our journeys, whether it is the pilot who delivered us safely to our (many) destinations, or the cooks who prepared our meals. All lives are sacred, and it always takes a community, or a multitude of communities, to achieve a goal such as the one we have collectively undertaken.

Our work was conducted with the highest level of commitment and dedication of all the members of ICE. Each member has played a vital role in carrying our collective learnings forward in a good way. In particular, we would like to thank ICE member Eduardo Sousa for his professionalism in shepherding this report through to publication.

We also thank the Assembly of First Nations, the Metis National Council, and numerous federal, provincial and territorial governments and departments for supporting their members to participate in ICE. In particular, we thank the provincial governments of British Columbia, Northwest Territories, Alberta, Ontario and Nova Scotia, and the following federal departments: Environment and Climate Change Canada, Crown-Indigenous Relations and Northern Affairs Canada, Parks Canada Agency and Fisheries and Oceans Canada.

We are grateful as well to the participants of our Regional Gatherings for their immensely stimulating discussions, sharing and truth-telling, and to the POLIS Institute for its support during and after the Regional Gatherings.

We were honoured to have been hosted at each Regional Gathering by an Indigenous Nation, as follows:

- The Tla-o-qui-aht First Nation at the Western Regional Gathering,
- The Bear River First Nation at the Eastern Regional Gathering in Mi'kma'ki,
- The Yellowknives Dene First Nation at the Northern Regional Gathering, and
- The homeland of the Metis Nation and the traditional lands of the Anishinabe (Ojibway), Ininew (Cree), Oji-Cree, Dene and Dakota at the Central Regional Gathering.

Each of these host nations welcomed us, fed us well, supported us and made significant contributions to our collective work.

We wish to thank the Parks Canada Secretariat of the Pathway to Canada Target 1 for its hard work and efforts to facilitate and support ICE. Its staff members have been indispensable partners in our process. Their willingness to consider new methodologies and critical thought, as well as to ensure Indigenous protocols and practices had the necessary space, has been admirable and commendable.

In the words of Elder Albert Marshall: "*We thank the Creator for giving us this beautiful day to come here and to share with one another our words. And those words will hopefully be used to heal and to inform each other as to how we can begin these discussions and be instrumental in living out our responsibilities, not just to be the stewards of the present but for the next seven generations.*"

Klecko, Klecko! Hai Hai!

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EXECUTIVE SUMMARY

McAvoy Rock in Yellowknife, NWT
Photographer: Susan Mather

In 2010, at the 10th meeting of the Conference of the Parties (COP 10) to the Convention on Biological Diversity (CBD) in Nagoya, Aichi Prefecture, Japan, countries around the world adopted a Strategic Plan for Biodiversity. The plan included 20 global biodiversity targets, which together became known as the Aichi Targets.[1] Each party to the convention agreed to contribute to achieving these by 2020. Canada, the European Community and 195 other parties were encouraged to develop their own targets using the Aichi Targets as a guide.

In response, in 2015, Canada adopted a suite of national targets known as the "2020 Biodiversity Goals and Targets for Canada." These four goals and 19 targets cover issues ranging from species at risk to sustainable forestry to connecting Canadians to nature. Canada Target 1 states: "*By 2020, at least 17% of terrestrial areas and inland water, and 10% of coastal and marine areas, are conserved through networks of protected areas and other effective area-based conservation measures.*"

The Pathway to Canada Target 1 focuses on the terrestrial and inland waters aspects of Canada Target 1, based on Aichi Target 11.

It was widely understood that Canada Target 1 could only be achieved through collaboration amongst government departments, communities, municipalities, Indigenous Peoples and others. To this end, a National Advisory Panel and an Indigenous Circle of Experts (ICE) were formed to provide advice and recommendations on achieving Canada Target 1.

ICE comprises Indigenous and non-Indigenous citizens of Canada who have worked together to make progress on Pathway to Canada Target 1. This is ICE's report.

[1] Terms in italics are defined in the Glossary.

ICE'S PROCESS

ICE's vision is for Canada's entire system of protected and conserved areas to be identified and managed in partnership with Indigenous governments, consistent with the principle of Free Prior and Informed Consent (FPIC) as expressed in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). To develop its recommendations, ICE conducted a variety of activities between May and November 2017. It held seven face-to-face meetings and bi-weekly conference calls; the ICE Core held two additional face-to-face meetings. ICE also convened three subcommittees to advance various aspects of its work, including subcommittees for planning and overview, analysis and drafting, and communications and outreach.

ICE hosted four Regional Gatherings across Canada (Section 2.0), each lasting several days. These gatherings created the opportunity for ICE to hear from diverse communities and governments about their thoughts on Indigenous Protected and Conserved Areas (IPCAs). Through gatherings and other outreach work, ICE collected input based on on-the-ground experiences in Indigenous-led conservation. A subcommittee also developed a data collection template and distributed it to the broader ICE committee and their networks to inform ICE's recommendations. ICE made 28 recommendations in all. These are outlined in detail in Section 5.0, Recommendations.

INDIGENOUS PROTECTED AND CONSERVED AREAS (IPCAS)

"IPCA" is the term chosen by ICE to describe a variety of land protection initiatives in the Canadian context. Examples include Tribal Parks, Indigenous Cultural Landscapes, Indigenous Protected Areas, and Indigenous conserved areas.

IPCAs are lands and waters where Indigenous governments have the primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems. Culture and language are the heart and soul of an IPCA.

Through our engagement processes across Canada and our research on national and international case studies, we learned while IPCAs can vary in terms of their governance and management objectives, they generally share three essential elements:

- They are Indigenous-led.
- They represent a long-term commitment to conservation.
- They elevate Indigenous rights and responsibilities.

In the Canadian context, IPCAs represent:

- a modern application of traditional values, Indigenous laws and Indigenous knowledge systems,
- an exercise in cultural continuity on the land and waters,
- a foundation for local Indigenous economies,

Aurora Village, NWT. Photographer: Marilyn Baptiste

- opportunities to reconnect to the land and heal both the land and Indigenous Peoples,
- an acknowledgement of international law, such as Canada's Treaties, UNDRIP, CBD and other relevant instruments and commitments,
- an opportunity for true reconciliation to take place between Indigenous and settler societies, and between broader Canadian society and the land and waters, including relationships in pre-existing parks and protected areas, and
- an innovative expression of Section 35 (*Constitution Act 1982*).

Indigenous governments are responsible for setting the conservation standards for IPCAs. As such, they must have full scope to design their IPCAs to meet their individual and diverse needs. While IPCAs embody a common goal for conserving the ecological and cultural values important to Indigenous Peoples, the priorities and objectives of individual IPCAs may vary greatly. As such, they may take various shapes and forms based on the objectives for the area. But they share some commonalities. IPCAs should:

- promote respect for Indigenous knowledge systems,
- respect protocols and ceremony,
- support the revitalization of Indigenous languages,
- seed conservation economies if possible,
- conserve cultural keystone species and protect food security, and
- adopt integrated, holistic approaches to governance and planning.

Photographer: Harvey Feit

HOW IPCAS BENEFIT ALL CANADIANS

IPCAs are first and foremost designed to benefit Indigenous communities, but they have considerable potential to benefit all Canadians. When protected and conserved areas across Canada increase, more lands and waters are relieved of the stresses of unsustainable human and industrial development. The result is biodiversity conservation and healthier ecosystems, which in turn benefit all Canadians in the form of clean air and water, improved human health, and the mitigation of risks from climate change and disease. In this way, IPCAs can be expected to provide a variety of ecosystem services for generations to come.

Protecting and conserving areas will also enhance Canada's ability to meet international conservation commitments, such as protecting 17 percent of terrestrial lands and waters by 2020. Beyond our borders, we should not underestimate the impact IPCAs will have internationally, not to mention the potential for Canada to take on a global leadership role by supporting Indigenous IPCA expert participation in dialogues, such as at the International Union for Conservation of Nature (IUCN) or the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The beneficiaries of this work are our future generations, all living beings on Mother Earth, and the spirit of place found in every protected and conserved area.

ETHICAL SPACE

With opportunity comes risk. Indigenous Peoples are understandably hesitant to (re)build or establish relationships of trust with non-Indigenous governments. The usurpation and dispossession of lands, territories and waters still resonates in the lived realities of Indigenous Peoples across Canada. In addition, Indigenous systems of knowledge, language, laws, customs, protocols and practices have never been respected as such. There have

Lutselk'e, NWT. Photographer: Pat Kane

been countless instances of rights violations. Indigenous land stewards and defenders have been criminalized along with their traditional and contemporary relationships with lands and waters.

Nonetheless, with guidance from Elders, ICE came to understand that the newly evolving framework has the potential to enable an "ethical space" that respects the integrity of all knowledge systems. This ethical space provides a venue for collaboration and advice, sharing and cross-validation (where one side validates the other's decisions). Its methodology applies Indigenous knowledge in the context of the Pathway to Canada Target 1 initiative as well as more broadly in conservation and protection measures going forward.

In ethical space as ICE understands it, relationships should be nurtured on multiple levels—not just on a political level—and founded on the principles that define our understanding of ethical space. This should be done by implementing Indigenous knowledge, the recommendations of this report, and Indigenous protocols. Relationships require all parties to contribute and decide which areas they want to advise on, or which issues they believe require cross-validation. Best practices and protocols may be developed as the relationships evolve.

For a better understanding of what ethical space is and is not, here are additional principles to consider:

- The focus of ethical space is on creating a place for knowledge systems to interact with mutual respect, kindness, generosity and other basic values and principles. All knowledge systems are equal; no single system has more weight or legitimacy than another.
- One system does not need the other to "corroborate" it to achieve internal validity. For example, the written system does not always need archaeological evidence to provide sound "proof" of an Indigenous practice or story.
- While agreeing to formally enter ethical space may be straightforward for most parties, actually being within that space together requires flexibility. Parties may frequently need to adjust to change, surprise, and other factors that cannot be envisioned at the initial stage.
- While engaged in ethical space, no party can claim to have achieved (or even entered into) processes of consultation or accommodation as defined under existing or previous provincial or federal legislation or policies. That is not the purpose of ethical space.

ICE hopes that by adopting the ethical space approach, federal, provincial and territorial governments can move toward achieving the numeric goals of Pathway to Canada Target 1 while ensuring that the qualitative elements of the goals are retained and strengthened.

UNDERSTANDING RECONCILIATION

The Truth and Reconciliation Commission of Canada defines reconciliation as "an ongoing process of establishing and maintaining respectful relationships." It adds that "a critical part of this process involves repairing damaged trust by making apologies, providing individual and collective reparations, and following through with concrete actions that demonstrate real societal change. Establishing respectful relationships also requires the revitalization of Indigenous law and legal traditions. It is important that all Canadians understand how traditional First Nations, Inuit, and Metis Nation approaches to resolving conflict, repairing harm, and restoring relationships can inform the reconciliation process."[2]

Reconciliation can mean different things to different people. At ICE gatherings, it was acknowledged as "a very powerful word and highly charged, evoking a lot of emotions." As such, it is up to each nation to define reconciliation for itself. In this manner, reconciliation means identifying the appropriate healing process for restoring relationships: first, between Crown and Indigenous Peoples, recognizing what has not worked in the past so it is corrected moving forward in the spirit of peace and friendship; and second, between all people (Indigenous and non-Indigenous) and the lands.

[2] *Canada's Residential Schools: Reconciliation, The Final Report of the Truth and Reconciliation Commission of Canada.* Volume 6, page 11. 2015. See http://www.trc.ca/websites/trcinstitution/index.php?p=890.

Participants at ICE Regional Gatherings shared truths about the impact of past conservation and protection measures on their lives, livelihoods and connections to lands and territories. Their contributions represent both an expression of reconciliation and a part of the larger process of reconciliation in protection and conservation.

ICE's work has been and will continue to be grounded in and reflect the principles of the overall Pathway initiative, including reconciliation, respect, inclusiveness and collaboration, transparency, innovation and creativity, and evidence-based decision-making grounded in science and traditional knowledge. Its work is therefore a manifestation of and contributor to reconciliation in a rapidly changing world.

THE NEED FOR A PARADIGM SHIFT IN CONSERVATION

The path toward the conservation of lands and waters must be thoughtfully and respectfully navigated. Science, legislation and policies continue to play the guiding role. However, ICE suggests that Indigenous expertise become a part of this guidance, in both substance and method. This will require:

- dedicating time and resources to further exploring Indigenous-led conservation and engagement with Indigenous governments regarding IPCAs,
- supporting innovative funding models,
- identifying new partners, allies and champions, and
- creating the kinds of resources that would be useful to Indigenous governments on their path to IPCAs, including, for example, a toolkit.

Strengthening existing IPCAs and creating or co-creating future IPCAs will obviously resonate within IPCAs' own respective geographical borders. There will also be broader impacts on people, communities, provinces and territories, and the country as a whole. We have yet to measure the full benefits and true value of IPCAs in that regard.

THE IMPORTANCE OF RESPONSIBILITY

Finally, it is important to emphasize that we all have a duty and responsibility to be real stewards of the land itself. In that context, what is needed most of all is the leadership of Indigenous Peoples, who feel a deep-seated responsibility to leave their lands and waters in abundance for future generations.

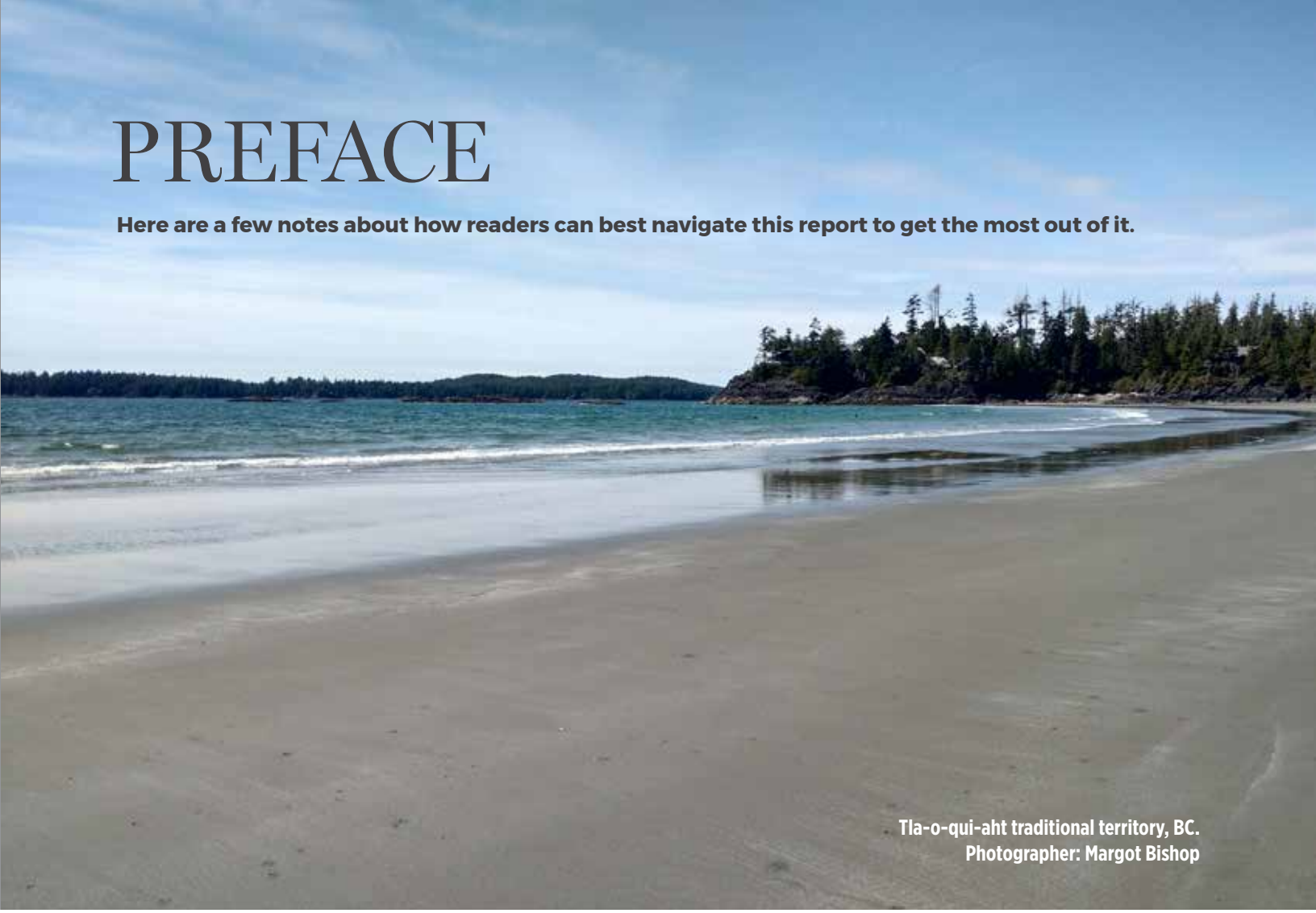
Beyond having rights over lands and waters, responsibility implies stewardship and caretaking—making thoughtful, well considered choices that factor in the impact of decisions made today on future generations' ability to enjoy the bounty of the land.

The conservation approaches discussed in this report build on the notion that protected and conserved areas do not represent an assertion of rights, but rather an exercise of responsibility. This spirit of stewardship or guardianship is perhaps best understood through the lens of natural law, which was often referred to by Elders during the ICE Regional Gatherings. In Indigenous worldviews, the natural world is not separate from humans, but is rather a place where all living beings and spirits are connected. This understanding requires us to care for, respect and live within the bounds created by the rest of the natural world.

Natural laws are not negotiable. Indigenous law stems from natural law, which in turn came from higher universal principals connected to observations of nature and the principle of peaceful relationship with the rest of creation in the forms of duty, responsibility and guardianship of the lands and waters.

PREFACE

Here are a few notes about how readers can best navigate this report to get the most out of it.



Tla-o-qui-aht traditional territory, BC.
Photographer: Margot Bishop

We chose to begin with a narrative entitled "The Four Moose." We placed this narrative ahead of the introduction because its purpose is to convey the spirit in which the Indigenous Circle of Experts (ICE) conducted its work and in which we hope you will read the results.

The concept of the "Four Moose" has helped inform ICE's thinking. It prepared us for some of the difficult conversations that were bound to arise as we travelled across the country in the four directions to gather input and exchange ideas. In each of the four regions, we tested the waters, gathered stories and shared experiences. The "Four Moose" will help readers to understand our approach in creating this document.

The report then unfolds in the usual manner, with an introduction, context, history, information about Indigenous Protected and Conserved Areas, and concrete recommendations. We have provided 10 case studies in an appendix, which we hope readers will find useful for envisioning potentials and avoiding pitfalls in future IPCA discussions and arrangements. Snapshot versions of these case studies are also sprinkled throughout the report to give life to the ideas being explained or proposed.

Similarly, we have woven Indigenous voices throughout the report with brief quotes from Elders, youth and others who participated in the Regional Gatherings and provided sincere, insightful perspectives. These should give readers a deeper sense of how the gatherings were conducted and what Indigenous Peoples' overriding concerns are. Additional and longer quotes can be found in Section 7.1, Voices of the People.

Abbreviations and Glossary
This report uses abbreviations and terminology that may be unfamiliar to some. To help readers make the most of the report, we have provided a list of abbreviations and their descriptions as well as a glossary near the end of the report.

INCLUSIVE INTENT OF LANGUAGE

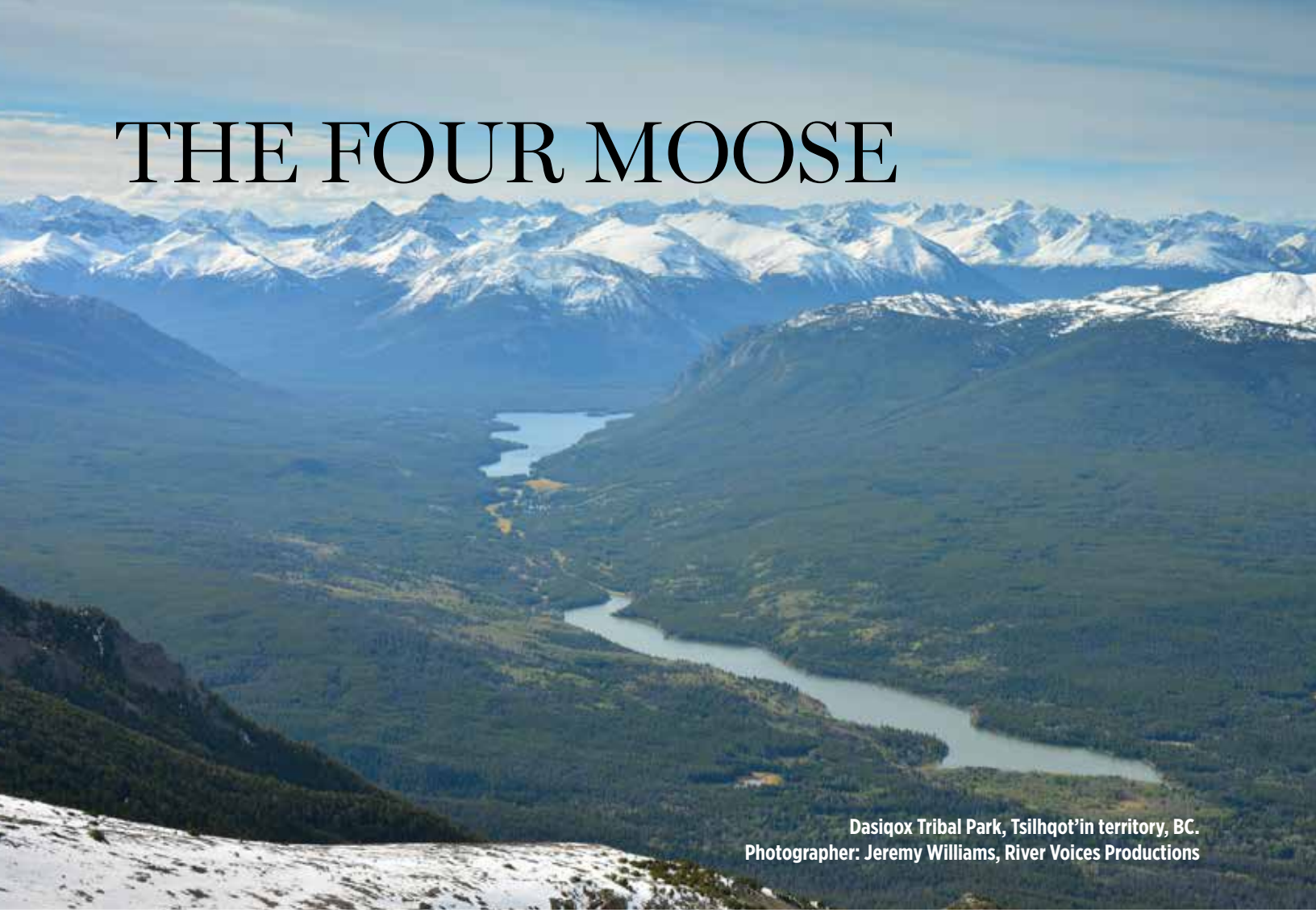
Our intention throughout the report is that words importing the singular shall include the plural, and words importing the masculine shall include the feminine (and vice versa).

Indigenous Peoples see the land and water as inseparable when it comes to stewardship and conservation. **In this report, any references to land should be assumed to include water.** For example, both *Aski* (in the Ininiw or Swampy Cree language) and *Hishuk Ish Tsá'walk* (in the Nuu-cha-nulth language) essentially mean that everything is one and interconnected.

Lutselk'e, NWT. Photographer: Pat Kane

Please note
This report represents the consensus views of ICE members, not those of the governments and organizations they represent. ICE presents this report in the hope that this work will help federal, provincial, territorial and Indigenous governments build a new relationship on protected and conserved areas. This new relationship will almost certainly enhance Canada's ability to meet international conservation commitments, such as protecting 17 percent of terrestrial lands and waters by 2020.

THE FOUR MOOSE



Dasiqox Tribal Park, Tsilhqot'in territory, BC.
Photographer: Jeremy Williams, River Voices Productions

The narrative of the "Four Moose" emerged over the many months of the Indigenous Circle of Expert's (ICE's) work. It has its roots in the late summer 2016 International Union for Conservation of Nature (IUCN) World Conservation Congress in Honolulu. ICE co-chair Eli Enns met with the Canadian co-chairs of the newly established National Steering Committee (NSC), who invited him to present on Tribal Parks and Indigenous and Community Conserved Areas (ICCAs) at the Parks Canada Agency national office. At this meeting, Eli began "testing the waters of good faith" by stating explicitly that he would not be a "token Indian" to endorse or support a watered-down version of Tribal Parks.

What he encountered instead was a unique setting of openness with no presupposed ideas. As he shared his vision for ICCAs and Tribal Parks, instead of moving away, NSC members moved closer, inviting him to lend his vision to build a committee of Indigenous experts that would advise the federal, provincial and territorial governments on how they could meet their international commitments to protecting biodiversity through Pathway to Canada Target 1 in the spirit and practice of reconciliation. Ultimately, this committee became the Indigenous Circle of Experts, or ICE.

Over subsequent meetings with the NSC, Eli talked about the four "elephants in the room" that would need to be addressed: jurisdiction, financial solutions, capacity development and cultural keystone species. But the "elephants in the room" soon became known as the "Four Moose in the room" since, as someone eventually pointed out, there are no elephants native to Canada.

The concept of the Four Moose has helped inform ICE's thinking. It was clear from the outset that to develop the concept of Indigenous Protected and Conserved Areas (IPCAs) as a living example of reconciliation, and for ICE's potential contributions to the Pathway to Canada Target 1 process to succeed, there had to be careful and direct

consideration of these moose. And so together, ICE has continued to "test the waters of good faith" by exploring the Four Moose among its own members, as well as among members of Indigenous communities and among government officials. It has been ICE's experience that no one has ever left the room when raising and discussing the Four Moose.

The First Moose in the room was **jurisdiction**. ICE said clearly that if Canada is willing to have conversations about jurisdiction with Indigenous Peoples across the country and actually give life back to the Treaties—sharing jurisdiction and responsibilities to and for the land—then the government will succeed in achieving the Pathway to Target 1. ICE does not represent Indigenous governments, but we know this is going to be the first thing Indigenous governments want to talk about when discussing IPCAs.

Dasiqox Tribal Park, Tsilhqot'in territory, BC.
Photographer: Jeremy Williams, River Voices Productions

The Second Moose in the room was recognized as **financial solutions**. Dynamic and substantial financial solutions are needed to give life to IPCA governance and management structures. IPCAs need to be endowed with their own energies so they can become viable and self-sustaining. Nobody in the room was surprised by this moose.

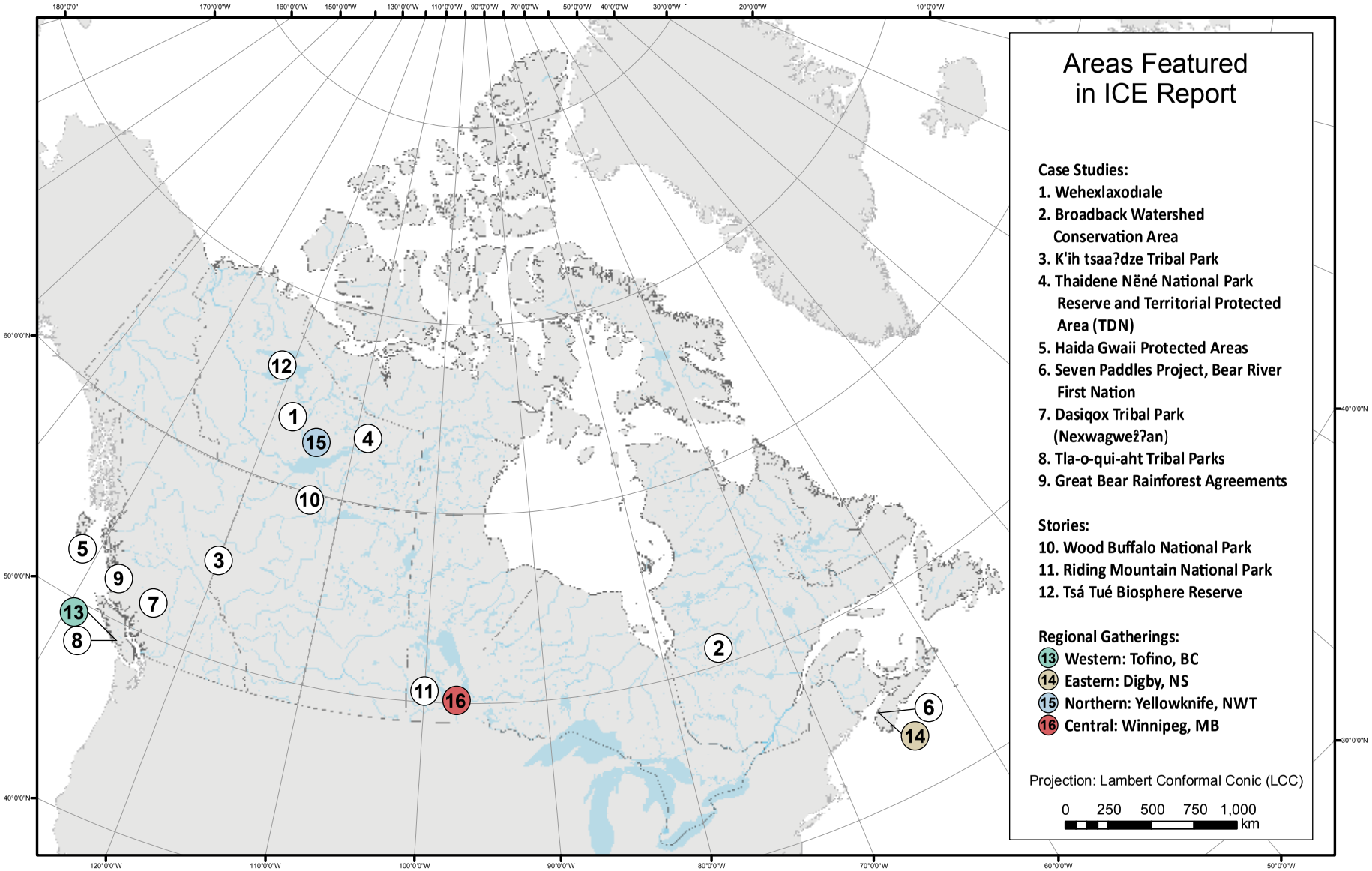
The Third Moose in the room was **capacity development** to support IPCAs with subject matter expertise, such as that available through Indigenous guardian stewardship programs that are popping up across the country. We must be thoughtful about creating a capacity support structure that benefits communities and their lands and waters. Again, there has been no disagreement.

The Fourth Moose in the room was **cultural keystone species and places**. This Moose arose from Eli's travels across Canada, including his conversations with Elders and communities about Tribal Parks, ICCAs and IPCAs, where people have not been all that interested in the Aichi Targets or Canada's biodiversity conservation targets. The Elders and the people on the land are concerned about the fish, the moose and the birch bark trees. These are examples of culturally significant species that are important to the ongoing survival of the people, their ability to be on the land, and their interactions with the land. Many also expressed concern about the importance of special places for personal and community ceremonies. Together, these cultural keystones species and places are sacred.

The Four Moose narrative, then, has been an exercise in testing the waters of good faith. We had to be prepared to have those difficult conversations as we journeyed across the country in the four directions. In each of the four regions, we continually tested the waters, gathered stories and shared experiences about those territories and what our collective future holds. These were the Regional Gatherings of Indigenous Peoples, and they included Elders, youth, community members and government representatives.

As we visited each of the four gates, the Four Moose narrative became richer. A Woolly Mammoth, a duck and a skidoo were added (you will meet them later in this report). At each Gathering, we also undertook ceremonies and left prayer flags behind to honour and commemorate the important work we had just accomplished and the work that still lay ahead.

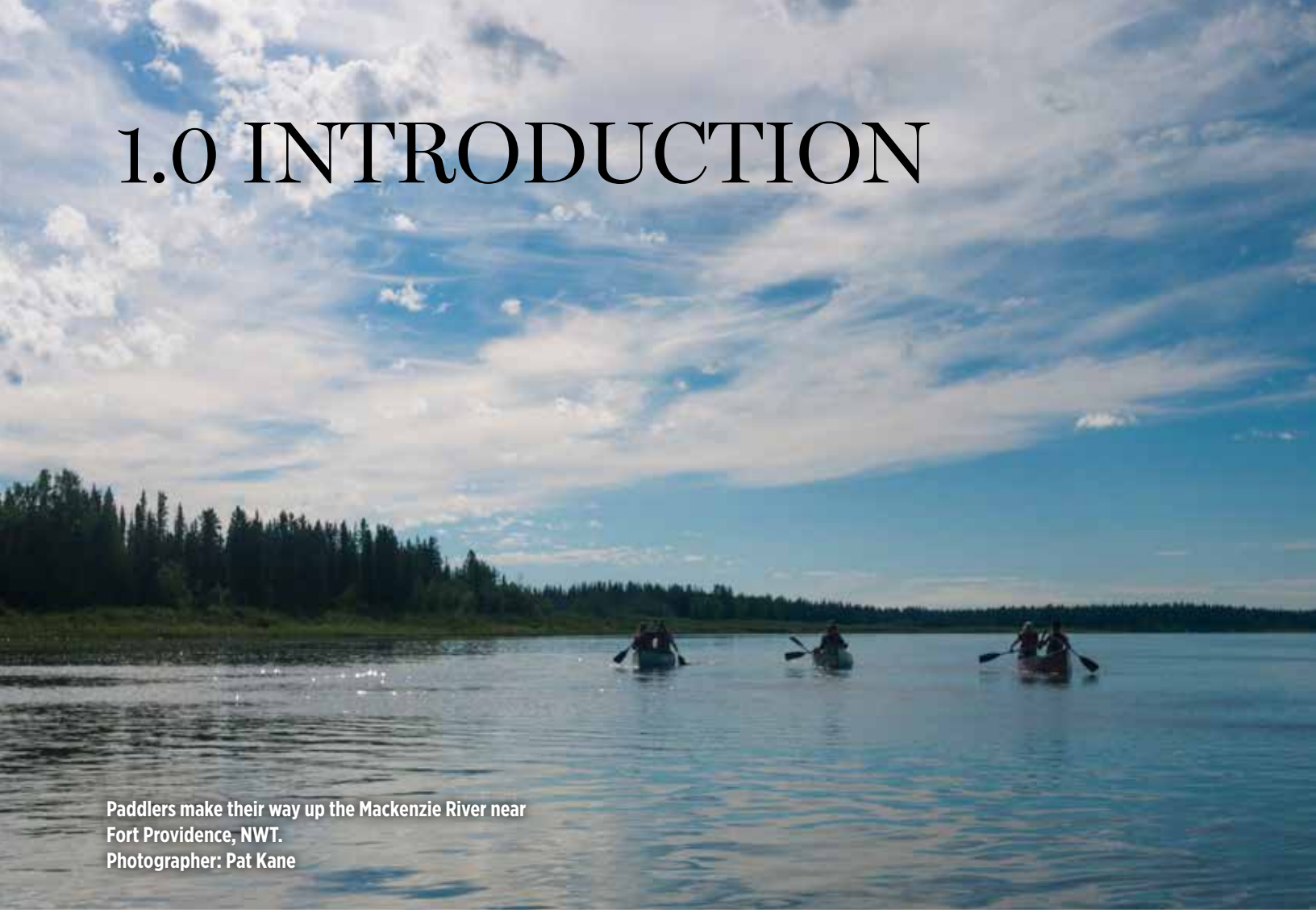
— Eli Enns, October 2017



Areas featured in the ICE report.

Map developed by Jenna Joyce, Parks Canada Agency

1.0 INTRODUCTION



Paddlers make their way up the Mackenzie River near Fort Providence, NWT.
Photographer: Pat Kane

The Indigenous Circle of Experts (ICE) comprises Indigenous and non-Indigenous citizens of Canada who have worked together to make progress on Pathway to Canada Target 1. ICE has adopted a distinction-based approach whereby First Nations, the Metis Nation and Inuit are recognized in the Canadian Constitution and consist of distinct, rights-bearing communities with their own histories, including with the Crown. A distinction-based approach ensures that the unique rights, interests and circumstances of First Nations, the Metis Nation and Inuit are acknowledged, affirmed and implemented. The work of ICE to advance the concept of Indigenous Protected and Conserved Areas (IPCAs) reflects the understanding that moving forward, the unique interests, priorities and circumstances of First Nations, the Metis Nation and Inuit must receive appropriate recognition in the context of reconciliation and self-determination.

ICE members came together to participate in this singular initiative with ambitious goals and good hearts to hear and elevate the voices of Indigenous Peoples across Canada with respect to conserving and protecting lands and waters. ICE listened to many and diverse voices of Indigenous Peoples at Regional Gatherings held to further the work of ICE. Participants shared truths about the impact of past conservation and protection measures on their lives, livelihoods and connections to lands and territories. Their contributions represent both an expression of reconciliation and a part of the larger process of reconciliation in protection and conservation.

ICE's collective work on Pathway to Canada Target 1 was commemorated in a sacred pipe ceremony conducted June 7, 2017 in Ottawa by Elders Dr. Reg Crowshoe (a Blackfoot cultural and spiritual adviser and former chief of the Piikani Nation) and Larry McDermott (a member of Shabot Obaadjiwan First Nation and the executive director of Plenty Canada). Other participants were ICE members and two major committees involved in Canada Target 1: the National Steering Committee (NSC) and the National

Advisory Panel (NAP). The ceremony demonstrated our intent to do good work together and to co-create the ethical space within which we would accomplish this work.

Conducted in both English and Indigenous languages, the pipe ceremony provided the venue and the action that grounded our work moving forward. Indigenous knowledge systems were lifted and elevated in the Pathway to Canada Target 1 process. In participating and contributing, all NSC, NAP and ICE members in the Pathway process committed to obligations that were grounded in both written and oral systems represented by the weaving of Indigenous and other knowledge systems and sciences. It meant we had collectively undertaken the task: through our Terms of Reference on the written side of things, and through ceremony on the oral side of things, which together validated our agreement to work hard on our stated goals and objectives. Beginning our collective work through ceremony also bound us together in a way that written documents could not have done.

The ethical space that was co-created and commemorated through ceremony has also been vital to the work conducted by the NAP and the NSC.

Elders Dr. Reg Crowshoe (right) and Larry McDermott (left). Photographer: Marilyn Baptiste

> "In many ways, we are the refugees in our own country, we've been banished to the outskirts of the cities, to sections of land that nobody else wants. It has not been a good 150 years for us, and we know that and yet somehow what has endured through all these years is what was there in the first place when we first welcomed the first immigrants and refugees—we want to share, we want a good life for everybody."
>
> — Stephen Kakfwi, K'asho Got'ine Elder, former Northwest Territories Premier and Dene Nation President

1.1 UNDERSTANDING ETHICAL SPACE

For ICE, it was important to describe our work within a legislative, political and policy framework; however, that framework has fundamentally shifted recently. The shift is apparent in the Canadian government's unequivocal endorsement of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and stated intent to implement the Calls to Action (CTAs) of the Truth and Reconciliation Commission (TRC). Some provincial and territorial governments have taken similar positions. As well, recent Supreme Court of Canada rulings that deepened our understandings of Aboriginal title and rights to traditional territories—and acknowledged the Metis Nation as an Indigenous People—have changed the framework of our collective endeavour.

In 1982, the Canadian *Constitution Act* included the Metis Nation as one of the three recognized Aboriginal Peoples under Section 35. In 2003, the Supreme Court of Canada delivered its landmark decision in R. v. Powley, which further recognized the Metis Nation as a distinct Aboriginal People with existing rights protected by Section 35 of the Constitution Act. This was the first Supreme Court of Canada case for the Metis Nation. It was followed by two others: one, Manitoba Metis Federation v. Canada in 2013, said Canada did not fulfill its constitutional duty to the Metis on lands promised in the *Manitoba Act, 1870*;

the other, Daniels v. Canada 2016, made the historic declaration that Metis and non-status Aboriginal Peoples are "Indians" within the meaning of Section 91(24) of the *Constitution Act, 1867*.

Finally, existing Treaties, Agreements and Other Constructive Arrangements—as well as Section 35 of the Constitution and other aspects of the changed framework—inform how we understand relationships and the possibilities of reconciliation.

With opportunity comes risk. Indigenous Peoples are understandably hesitant to (re)build or establish relationships of trust with non-Indigenous governments. The usurpation and dispossession of lands, territories and waters still resonates in the lived realities of Indigenous Peoples across Canada. In addition, Indigenous systems of knowledge, language, laws, customs, protocols and practices have never been respected as such. Often, roles for Indigenous Peoples in the conservation and protection of lands and waters have been negative and have diminished Indigenous Peoples rather than creating space in which to be themselves and contribute meaningfully to decision-making processes. There have been countless instances of rights violations. Indigenous land stewards and defenders have been criminalized along with their traditional and contemporary relationships with lands and waters.

Creating a Venue for Collaboration

However, with guidance from Elders, we have come to understand that the newly evolving framework has the potential to enable an "ethical space" that respects the integrity of all knowledge systems. This ethical space provides a venue for collaboration and advice, sharing and cross-validation (where one side validates the other's decisions). Its methodology applies Indigenous knowledge in the context of the Pathway to Canada Target 1 initiative as well as more broadly in conservation and protection measures going forward.

Ethical space is not a new concept; it existed as a fundamental principle of engagement between Indigenous Peoples and settler governments until 150 years ago. It supported the creation of the original set of Treaties, defining equitable relationships between Indigenous and settler societies, and gave life to the principle of co-existence, since it was the space that Indigenous Peoples first entered into with settlers. However, the assimilation policies that began about 150 years ago served to undermine the spirit and intent of the Treaties (and, consequently, of the ethical space). The spirit of equitable engagement and ethical space is only now resurfacing through reconciliation efforts.

Defining Principles

In this new ethical space, relationships should be nurtured on multiple levels—not just on a political level—and founded on the principles that define our understanding

Chief Gordon Planes, ICE Core. Photographer: Jeremy Williams, River Voices Productions

> We have western management strategic sessions and plans, consultation, collecting information and assessments and putting the strategic directions together. It's all done through a western concept, but we also in our culture have collective stories and Indigenous strategies. Bringing home the stories and truthing the stories are the same as any western management strategic practice direction...The Elders have said we need to make these parallels, and once we make these parallels, we need the systems or the practices to be easy to use, because if we can make them easy, then we can start working together in reconciliation."
>
> — Dr. Reg Crowshoe, a Blackfoot Elder and cultural and spiritual advisor and former chief of the Piikani Nation; stated in Ottawa, June 2017

of ethical space (see diagram, "Understanding Ethical Space," on p. 18). This should be done by implementing Indigenous knowledge, the recommendations of this report, and Indigenous protocols. Relationships require all parties to contribute and decide which areas they want to advise on, or which issues they believe require cross-validation. Best practices and protocols may be developed as the relationships evolve.

For a better understanding of what ethical space is and is not, here are additional principles to consider:

- The focus of ethical space is on creating a place for knowledge systems to interact with mutual respect, kindness, generosity and other basic values and principles. All knowledge systems are equal; no single system has more weight or legitimacy than another.

- One system does not need the other to "corroborate" it to achieve internal validity. For example, the written system does not always need archaeological evidence to provide sound "proof" of an Indigenous practice or story.

- While agreeing to formally enter ethical space may be straightforward for most parties, actually being within that space together requires flexibility. Parties may frequently need to adjust to change, surprise, and other factors that cannot be envisioned at the initial stage.

- While engaged in ethical space, no party can claim to have achieved (or even entered into) processes of consultation or accommodation as defined under existing or previous provincial or federal legislation or policies. That is not the purpose of ethical space.

Ethical space is not the fulfillment of Indigenous rights as described under the UNDRIP, the Canadian Constitution, and/or Treaties, Agreements or Other Constructive Arrangements. Instead, ethical space is *framed* by those foundational agreements and documents.

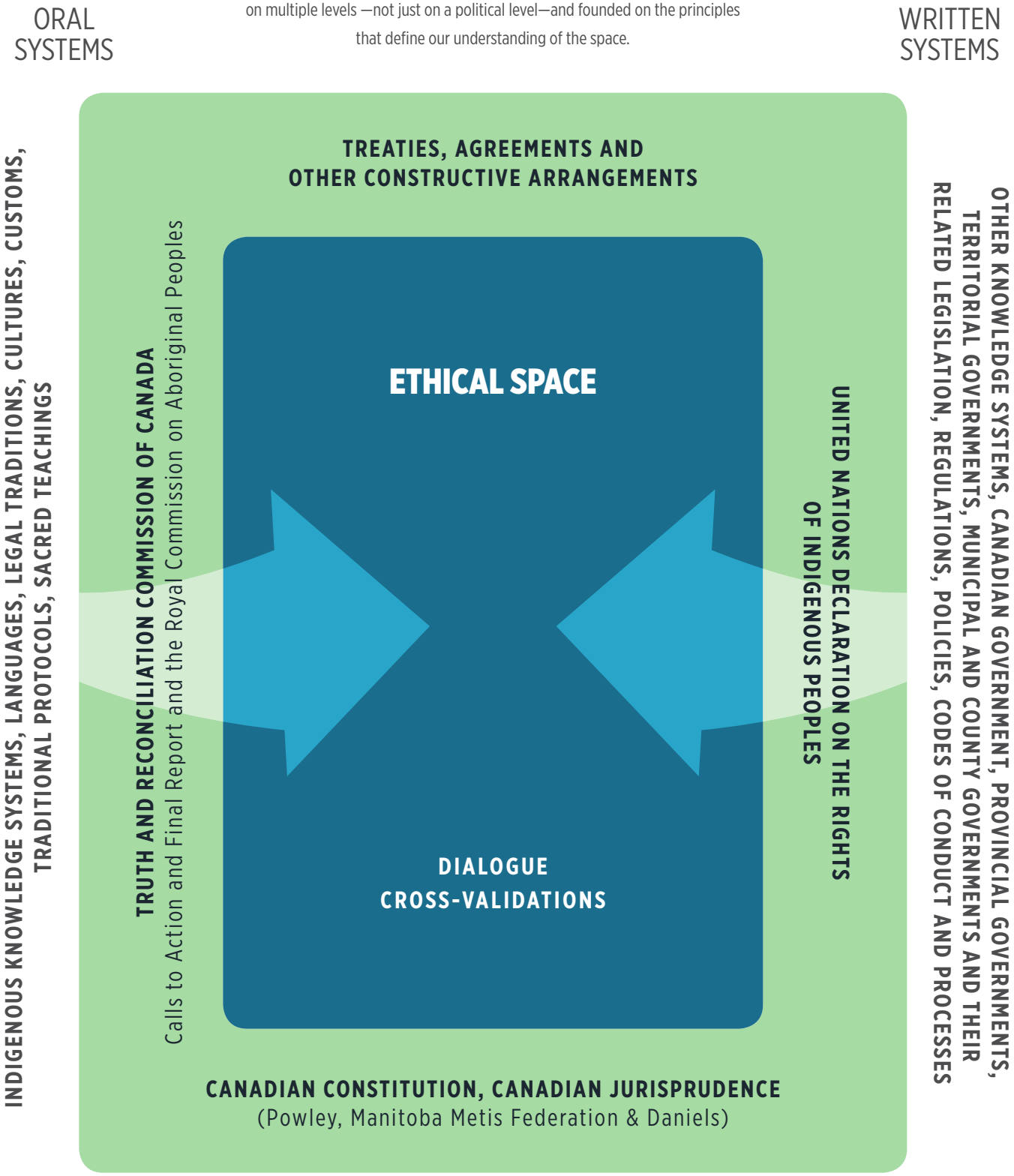
Nor is the intent of ethical space to provide a venue for critique. Rather, its purpose is to co-create a space for collaboration and achieving common ground.

Concepts and proposals such as an IPCA would, in the ethical space model, be processed and assessed through the respective systems of Indigenous and non-Indigenous Peoples. Elder Reg Crowshoe has described for ICE and NAP how an issue or matter is fed into both the oral and written systems of governance, assessment, administration and validation. In his analysis, a proposal for an IPCA would, for example, go into an Indigenous oral system in accordance with Indigenous protocols and customs. The proposal would be assessed and any final decisions validated through the Indigenous governance system. The same process would unfold on the non-Indigenous side as well, with a proposal going through the appropriate avenues of government and legislative/policy assessment. As a result, the respective systems would be guided by integrity in their consideration of such concepts and would not disrupt or interfere with each other. Then—within the framework provided by UNDRIP, the Truth and Reconciliation Commission (TRC) Calls to Action, the Royal Commission on Aboriginal Peoples, the Canadian Constitution, jurisprudence, and Treaties, Agreements and Other Constructive Arrangements—the oral and written systems would enter into dialogue and cross-validate their respective decisions and considerations with regards to an IPCA.

ICE is hopeful that by adopting the ethical space approach, federal, provincial and territorial governments can move toward achieving the numeric goals of Pathway to Canada Target 1 while ensuring that the qualitative elements of the goals are retained and strengthened. We also encourage governments to look at the 20 Aichi Targets and the 19 related biodiversity targets for Canada as a whole, as they are meant to work together to conserve biodiversity across the country and worldwide.

Ethical Space

As the below image shows, in an ethical space, relationships should be nurtured on multiple levels —not just on a political level—and founded on the principles that define our understanding of the space.



1.2 PATHWAY TO CANADA TARGET 1 AND INDIGENOUS ENGAGEMENT

The Pathway to Canada Target 1 (the Pathway) is an initiative that was launched by the federal, provincial, and territorial authorities responsible for parks, protected areas and biodiversity conservation to meet Canada's Target 1 to conserve at least 17 percent of lands and inland waters by 2020.

Areas important for biodiversity and ecosystem services are among the qualitative elements being looked at through the Pathway process, which is also looking at defining protected areas and other effective conservation measures; equitable management from a non-Indigenous perspective; guidance on assessing ecological representation; guidance for connected and integrated parks and conservation areas; and guidance on measuring effective management.

For a sense of the scope of the initiative, Canada currently protects 10.5 percent of its land base. Most of the areas that have been set aside were established through protected areas legislation. But to meet Target 1, Canada needs new solutions, because the methods by which parks and protected areas have been established in the past are no longer viable from an Indigenous rights and UNDRIP perspective. Various jurisdictions are developing solutions by working in partnership with Indigenous Peoples and other relevant sectors of Canadian society.

The overarching goal of the Pathway, which is co-led by Parks Canada and Alberta Environment and Parks, is to establish a coordinated and connected network of protected and conserved areas (including IPCAs) through decisions that are grounded in science and Indigenous knowledge systems. These areas will serve as a foundation for biodiversity conservation for generations to come.

Although the project was initiated by protected areas and conservation authorities in Canada, the Pathway involves partnerships with Indigenous Peoples and governments, municipalities, industry, academia, and private and non-governmental entities managing lands. In addition, there is strong emphasis on including the voices of Elders and youth. The Pathway was designed to reflect renewed nation-to-nation, government-to-government, and Inuit-to-Crown relationships that respect the rights, responsibilities and priorities of Indigenous Peoples and supports their involvement in every aspect.

The NSC was formed to coordinate efforts to achieve Canada Target 1 with representation from the Government of Canada, provinces, territories, national Indigenous groups and municipalities. The NSC reports to a community of federal, provincial and territorial ministries responsible for the Pathway, including those responsible for parks, protected areas and the conservation of biodiversity. The NAP was also convened to provide its own advice and options to organizations, Canadians and governments at all levels on how to achieve Canada Target 1. Its membership is drawn from land trusts, conservation non-governmental organizations (NGOs), industry, academia, youth and Indigenous organizations. Another component of the Pathway initiative is the Expert Task Teams, comprising subject matter experts who provided discussion papers to the NAP and NSC to complete their work. Please refer to Appendix 7.6 for a diagram outlining how the Pathway elements interact.

1.3 THE AICHI TARGETS

Canada Target 1 is one of the 2020 Canadian Biodiversity Goals and Targets developed by Canada as part of its national action plan to meet its international commitment to the Strategic Plan for Biodiversity, adopted in 2010 at the Conference for the Parties for the Convention on Biological Diversity (CBD) in Nagoya, Aichi Prefecture, Japan. The plan includes 20 biodiversity targets, known as the Aichi Targets, which are to be achieved by 2020 to reverse the global decline in biodiversity. Aichi Target 11 as expressed in Canada Target 1 aims, through protected areas and other measures, to conserve at least 17 percent of Canada's terrestrial areas and inland waters and 10 percent of its marine and coastal areas by 2020.

As noted throughout this report, ICE believes federal, provincial and territorial governments must take an integrated approach to meeting their domestic biodiversity goals and contributing to the global good. The 20 Aichi Targets and 19 related Canadian biodiversity targets are intended to work together. This approach aligns with Indigenous worldviews and thinking that have conserved biodiversity effectively for millennia.

1.4 THE INDIGENOUS CIRCLE OF EXPERTS

ICE is a key element of the Pathway, comprising Indigenous experts from across Canada working together with members from federal, provincial and territorial jurisdictions. It was established to provide recommendations and guidance on developing new types of protected and conserved areas that are Indigenous-led, and on how a spectrum of IPCAs could contribute to Pathway to Canada Target 1 in the spirit and practice of reconciliation. The process placed a high priority on a nation-to-nation relationship, with a direct line of reporting from ICE to the NSC and the ministers without filtering by any non-Indigenous body.

ICE met various times over 2017 to develop the IPCA concept and work through how Indigenous governments

could contribute to the Pathway. It also convened four Regional Gatherings to consult Elders and other Indigenous Peoples about these matters.

The Pathway was created to address the terrestrial and inland waters components of Canada Target 1, while Fisheries and Oceans Canada was tasked with leading the marine component—all in partnership with provincial, territorial and Indigenous governments and interested Canadian organizations. ICE sees this split in responsibilities (i.e., the separation of terrestrial and inland waters from marine and coastal areas) as alien to Indigenous Peoples' worldviews, which understand land and water as indivisible, whether in terms of planning or stewardship.

As such, ICE believes that IPCAs do not apply only to lands, but also to waters. Its position is that it is necessary to address Aichi Target 11 (Pathway to Canada Target 1) by ensuring full coordination and conservation planning of terrestrial and marine environments across all departments at the same time.

1.4.1 MANDATE

The key deliverable is a publicly accessible report submitted to Pathway ministers and Indigenous governments and organizations. The committee's detailed mandate can be found in the ICE Terms of Reference available at http://www.conservation2020canada.ca/resources.

ICE began its work in March 2017. Its current term will end in March 2018, when the Pathway ministers meet and publicly release the report and its recommendations.

While the focus of ICE was to develop recommendations for IPCAs and spell out how they could contribute to achieving Canada's Target 1 in the spirit and practice of reconciliation, ICE has elected to provide its recommendations in a broader context, noting that while some IPCAs will contribute to Canada Target 1, others may not, depending on the priorities and needs of the relevant Indigenous governments and Peoples.

While ICE was not mandated to develop recommendations for marine areas, its recommendations are expected to reflect a holistic approach. As stated earlier in this section, ICE views land and water as indivisible, and acknowledges the intimate relationship between the two as perceived by many Indigenous Peoples. Our recommendations reflect this integrated and holistic approach to planning and stewardship.

In addition to its work on IPCAs, ICE was created to ensure Indigenous expert advice would be applied to various elements of the Pathway initiative. To that end, ICE has been interacting with the Pathway's NAP and NSC to align efforts and mutually inform the recommendations of both bodies. In addition, a subset of ICE, composed of Indigenous members (the "ICE Core"), has provided feedback on Expert Task Team discussion papers regarding qualitative elements of Canada Target 1.

1.4.2 MEMBERSHIP AND APPROACH

ICE has 20 members and is co-chaired by Eli Enns and Danika Littlechild. Eli Enns is a Tla-o-qui-aht political scientist who co-founded the Ha'uukmin Tribal Park in Clayoquot Sound and is the regional coordinator in North America for the Indigenous Peoples' and Community Conserved Territories and Areas (ICCA) Consortium. Danika Littlechild is a lawyer from the Ermineskin Cree Nation in Treaty 6 territory in Alberta who specializes in governance, Indigenous legal traditions, environment and international law.

ICE also includes one member selected by the Assembly of First Nations, one selected by the Metis National Council, and eight Indigenous experts (or their representatives) from First Nations across Canada. Government members include one each from the governments of British Columbia, Northwest Territories, Alberta, Ontario and Nova Scotia, as well as one each from Environment and Climate Change Canada, Crown-Indigenous Relations and Northern Affairs Canada, Parks Canada Agency and Fisheries and Oceans Canada.

The Inuit Tapiriit Kanatami was invited to participate on ICE, and Inuit representatives were invited to various Regional Gatherings; however, Inuit governments have opted to use other mechanisms to advance their interests with respect to protected areas. That said, Inuit representatives did attend two out of the four Regional Gatherings.

Indigenous and government members of ICE worked cooperatively in the spirit and practice of reconciliation, operating on a consensus basis, with all members having equal opportunity to express their views and make recommendations.

ICE is not a consultation body. Its members are serving as subject matter experts and were mandated to work together to produce the best advice and recommendations possible. Recommendations made by ICE do not necessarily reflect the views or positions of individual ICE members or their respective governments or representative organizations.

2.0 REGIONAL GATHERINGS

Eastern Regional Gathering Participants and ICE members with the four flags at Bear River First Nation, NS. Photographer: Jeremy Williams, River Voices Productions

2.1 INTRODUCTION AND OVERVIEW

To conduct its work, ICE hosted four Regional Gatherings across Canada between May and September 2017, according to the four directions: West (Tofino, BC), East (Digby, NS), North (Yellowknife, NWT) and Central/South (Winnipeg, MB). Lasting several days and bringing together First Nations, the Metis Nation, Inuit, and federal and provincial government representatives, these gatherings were key components of a condensed eight-month work plan that ICE implemented to prepare its recommendations on IPCAs. The gatherings enabled ICE to gather input from Elders, regional and community Indigenous government represen-tatives, and a range of protected area and land use planning practitioners. Every gathering was instrumental in shaping the recommendations contained in this report.

Host communities generously welcomed participants with songs, drumming and dancing, while ceremonial protocols in keeping with the traditions of each host region helped create the ethical spaces required for respectful and authentic dialogue. Teachings of Elders permeated each session. In addition to workshop-style discussions, personal stories and open dialogue, local site visits were conducted to enrich the discussions.

Each gathering provided a forum for learning and exchange. Topics included the identification of key principles and common characteristics associated with IPCAs; the conditions and requirements for successful IPCA initiatives; the potential role IPCAs could play in reconciling relationships at multiple levels; the integration of Indigenous and Crown laws; innovations in governance models; and the relationship between IPCAs and existing protected area and conservation networks.

Common themes that emerged throughout the gatherings and informed ICE's recommendations included the significance of language to the health of cultures and the land; the need to respect Indigenous laws, knowledge and protocols; the critical importance of ceremony; the need to acknowledge and address past wrongs committed in the establishment and management of parks and protected areas; the interrelationship between the health of land, water and people; and the opportunity for cross-cultural and cross-institutional learning, sharing and collaboration with the intent to improve relationships.

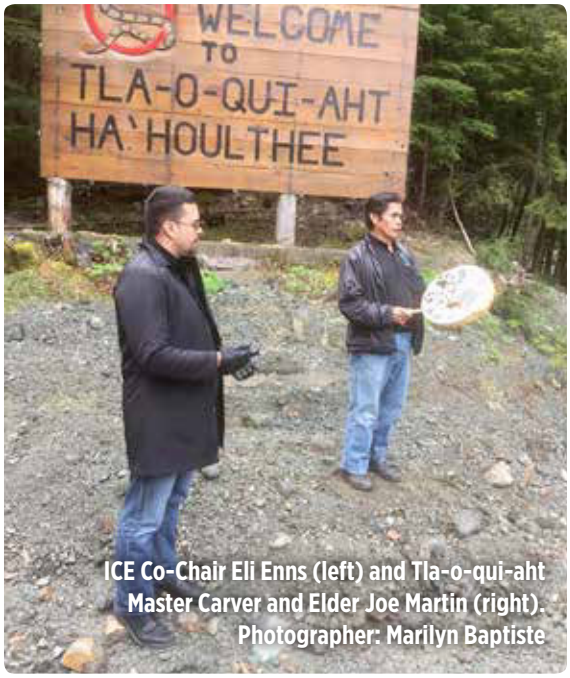
Each Regional Gathering contributed to the Four Moose narrative as concerns were raised and opportunities discussed.

Detailed reports were prepared following each gathering and have been compiled into a single document. This report contains summaries of the gatherings (below). Video summaries are also available, with their individual URLs found in the Resource section at the end of this report.

2.2 THE WESTERN GATHERING – MAY

To set the stage for the first ICE Regional Gathering, participants first visited the Snaw-Nas-As Garden of Spiritual Healing in the Mount Arrowsmith UNESCO Biosphere Region, then were welcomed to Qualicum First Nation Traditional Territory before travelling through Ha'uukmin Tribal Park en route to Tla-o-qui-aht Territory. A short visit to the forest workshop of local leader Joe Martin was an experience many participants reflected on during the discussions that followed at TinWis (in Tla-o-qui-aht Territory) and highlighted the potential for IPCAs to support and build sustainable livelihoods.

This was the first opportunity for ICE to share information about its mandate and hear directly from representatives of Indigenous governments and organizations about their aspirations for Indigenous-led conservation and their needs in achieving them. Participants heard stories from Elders and leaders that were pivotal to the creation and realization of the Tla-o-qui-aht Tribal Park vision.



ICE Co-Chair Eli Enns (left) and Tla-o-qui-aht Master Carver and Elder Joe Martin (right). Photographer: Marilyn Baptiste

FOLLOWING THE FLAGS

At each Regional Gathering, participants engaged in the protocol of providing cloth, or "flags" as they are known, to the Elders to bless and pray over in the ceremony. The flags came in four colours: sky blue, canary yellow, crimson red and bright green. Each of the four Regional Gatherings was represented by a different flag.

At each gathering, the chosen flag was placed at or near the gathering site to establish a marker, to commemorate participants' commitment in that territory, and to offer protection, both to the work being done at that place and generally. The Indigenous Peoples of each territory engaged in their own ceremonies, laws and protocols in choosing where to place the flags. ICE members, and those who participated in the processes that led to this report, can return to those places as an expression of accountability, connection, ongoing obligation and the ceremony with which they undertook their work.

Western Regional Gathering Participants and ICE members on Tla-o-qui-aht traditional territory, BC. Photographer: Jeremy Williams, River Voices Productions

These and other stories of Indigenous Peoples' innovation grounded the small-group discussions that began to delve into the topics ICE was tasked with exploring. The rich dialogue at TinWis provided a significant content base upon which ICE could begin to build recommendations and articulate an oral narrative about reconciliation in conservation. The Nuu-chah-nulth word, "Hishuk Ish Tsá walk," which means everything is one and interconnected, was a closing theme of the gathering, and one that ICE built upon at the next Regional Gathering in the east.

2.3 THE EASTERN GATHERING – JUNE

ICE worked with colleagues and leaders from the east to prepare for and host the second Regional Gathering on Mi'kmaq territory. Participants were welcomed by Regional Chief Morley Googoo and provided participants with an opportunity to tour the Grand-Pré National Historic Site before travelling to Digby for the remainder of the gathering. The Bear River First Nation graciously hosted the gathering for a meal and shared its experience of how reconnecting to the land supports community healing—a powerful perspective.

Opening words from Elder Albert Marshall inspired participants to engage in the gathering united by a shared responsibility: caring for Mother Earth. In the Mi'kmaw language, Tetpaqo'tmnej means "Let's take care of it properly."

WESTERN GATHERING: THE WOOLLY MAMMOTH

As told by Eli Enns at Regional Gatherings

"We started on the West Coast. While we were in Tofino, on opening night, a 'Woolly Mammoth' came into the room. And this Woolly Mammoth, emerging from the slumber and ice of Treaty 8 country, was about the cumulative impacts on some of our lands and the need for immediate release of pressure. We had to begin contemplating interim measures when thinking about IPCAs. While continuing this dialogue about what IPCAs are, we realized that we needed to be mindful of those calls for immediate action, for 'cooling-off periods' to be in place for communities overwhelmed with development pressures, whose residents need time to consider their options, including IPCAs.

"When the Woolly Mammoth entered the room, there was a foul odour that needed to be addressed. This foul odour reflected the disconnect between Indigenous worldviews and western planning processes, actions and economic development, as well as the disconnect between land and water conservation planning.

"We identified these issues as risks because we didn't want to give the impression of a disconnected worldview."

Prominent themes at this gathering included Indigenous Peoples' historical and modern negative experiences with established parks and protected areas; respect for Indigenous knowledge and the need to integrate it with western science to inform action; and opportunities to apply Indigenous law in IPCAs. Concentrated, small-group discussions further explored these topics as well as reconciliation with the land, requirements for creating IPCAs in a positive way, and the potential role for IPCAs in reconnecting and healing with the land.

EASTERN GATHERING: THE DUCK

As told by Eli at Regional Gatherings

"When we went to the Eastern Regional Gathering, we again confronted the risks of disconnected land use planning and conservation through the shortcomings of federal fisheries management, which our communities in ocean areas have experienced. We came to the realization that, like *Aski*, a Swampy Cree word that basically means the Earth and everything in it, our Indigenous governments and Peoples not only understand the interconnectedness of terrestrial and marine life, but have the authority to speak to both. So, the idea out of the East was of a Mi'kma'ki protected area laid over the marine and terrestrial area.

"We realize government staff also understand that everything is interconnected, but must adhere to legislation and policies that distinguish between terrestrial and marine conservation. In contrast, Indigenous governments and Peoples are can lay a 'blanket' over the terrestrial and marine areas to create the jurisdictional connective tissue that supports coordinated efforts between the two halves of the Pathway.

"This conversation cleared the air. Although we were discussing touchy subjects, we were able to resolve them in a positive way. It was an opportunity to look past being frustrated with disconnected policy and see the opportunity for Indigenous nations to help bring solutions as the Elder societies of the lands and waters of Turtle Island.

"As the room was clearing out, a single duck flew in—the next character in the Four Moose narrative. The Metis Nation has taken its traditional Laws of the Hunt and modernized them into the Metis Laws of the Harvest. From those, they created a permitting system for their hunters based on their own rules and laws of harvesting. The duck came from an ICE member who had hunted a duck under this permitting system, but was challenged by a federal wildlife conservation official. He fought in court for many years for the recognition of his right to hunt that duck.

"This part of the narrative is about empowering ourselves as Indigenous Peoples on our traditional territories. It is incumbent on all Indigenous Peoples to look internally to our cultures and the teachings of our ancestors and to distill what our laws are and adhere to them."

2.4 THE NORTHERN GATHERING – AUGUST

ICE convened the third Regional Gathering in Yellowknife, bringing together participants from Yukon, Northwest Territories, Nunavut, northern Saskatchewan and Alberta. The Yellowknives Dene First Nation welcomed travellers with prayer, drumming and opening remarks that underscored the challenge of ensuring a prosperous and traditional way of life for future generations as well as the opportunity to use IPCAs to achieve this vision.

Throat singers (Kayley Inuksuk MacKay and Hovak Johnston) in Dettah, NWT.
Photographer: Jeremy Williams, River Voices Productions

Elders and leaders from diverse northern landscapes shared stories and inspired valuable discussion on themes of reconciliation, capacity requirements, principles and values, and governance innovations to support a spectrum of IPCAs in Canada. Elder Stephen Kakfwi shared his perspective on the need to assert nationhood and revive Indigenous laws and ways of life while acknowledging the potential of the ethical space approach to encourage nation-to-nation relationships.

While the unique geopolitical contexts of the North were valuable for advancing the concept of IPCAs, participants highlighted some of the challenges inherent in building the policy and legal frameworks that would be needed to support shared decision-making in managing protected areas, as well as the financial and capacity requirements for Indigenous governments to participate in such frameworks. Challenges associated with integrating Indigenous and Crown laws in the pursuit of conservation objectives were also discussed.

2.5 THE CENTRAL GATHERING AND THE METIS LAWS OF THE HARVEST – SEPTEMBER

The final Regional Gathering took place in Winnipeg Treaty 1 territory, the Metis Nation homeland. Elder Dave Courchene of Sagkeeng First Nation and Metis National Council President Clément Chartier both offered context for participants. Elder Courchane shared a story of the seven laws, symbolized by seven animals, that are foundational to his peoples' way of life. President Chartier encouraged participants to appreciate the Law of Humility, and jointly exercise their responsibilities to care for their people, land and water.

As with the other Regional Gatherings, participants spent time in small working groups discussing regionally relevant themes, including "inter-national" reconciliation among Indigenous nations; the impact of pre-1982 parks and protected areas on culture and individuals; capacity requirements for successful IPCAs; governance models; defining the spectrum of IPCAs; and the role of ceremony and spirituality in IPCAs.

Participants toured several significant sites to learn about Indigenous-led conservation and commemoration, including the Forks, St. Boniface and Lower Fort Garry National Historic Site. The gathering closed with an emphasis on shared responsibilities and the importance of ceremony in IPCAs—a theme that emerged at every Regional Gathering hosted by ICE.

Metis National Council President Clément Chartier, Winnipeg, MB. Photographer: Jeremy Williams, River Voices Productions

NORTHERN GATHERING: THE SKIDOO

As told by Eli at Regional Gatherings

"When we travelled North, the narrative became richer. We heard from Elders and young people about the health of the land corresponding to the health of people. During a dialogue on reconciliation, an Inuit participant talked about the power of shame from residential schools that had hindered him from sharing his culture and knowledge with his children. He told the story of a broken-down skidoo on the land. While there were tools and knowledge to fix the skidoo, the risk of being exposed to the elements threatened the rider's life. An igloo was built around the skidoo to shield the rider as he repaired the skidoo. Once it was repaired, the rider broke out through the walls and drove on.

"This story became a powerful metaphor for all parks that have been created in the past without proper consultation with Indigenous governments—in other words, for all of the broken-down skidoos across the country. We need to build the igloo of our culture around these broken-down skidoos. Where you have parks and protected areas that do not yet involve Indigenous Peoples in a proper way, there is an opportunity to bring those cultures back in and enclose those protected to get them working better again."

THE METIS LAWS OF THE HARVEST

The creation of the Metis Laws of the Harvest, instituted in Manitoba by the Metis government (Manitoba Metis Federation [MMF]), is an example of an Indigenous government moving unilaterally to implement a structure of rights and responsibilities. The concept of "just doing it" for an IPCA is evident in how the Manitoba Metis Community took the bull by the horns, so to speak, and developed its own harvesting system based on constitutional rights and, at the same time, responsibilities to the land as passed on by Metis Elders.

Court cases like the Supreme Court's Powley decision were in the works when MMF President David Chartrand began consulting with Metis citizens across Manitoba about how the Metis Nation would practice its constitutional right to hunt and fish. Hunters, fishers, trappers and other harvesters, along with Metis Elders, made it clear that harvesting rights would be useless if, in the future, there were no longer anything left to hunt, fish, trap or harvest. Conservation was going to be the number one issue, as explained by the Elders.

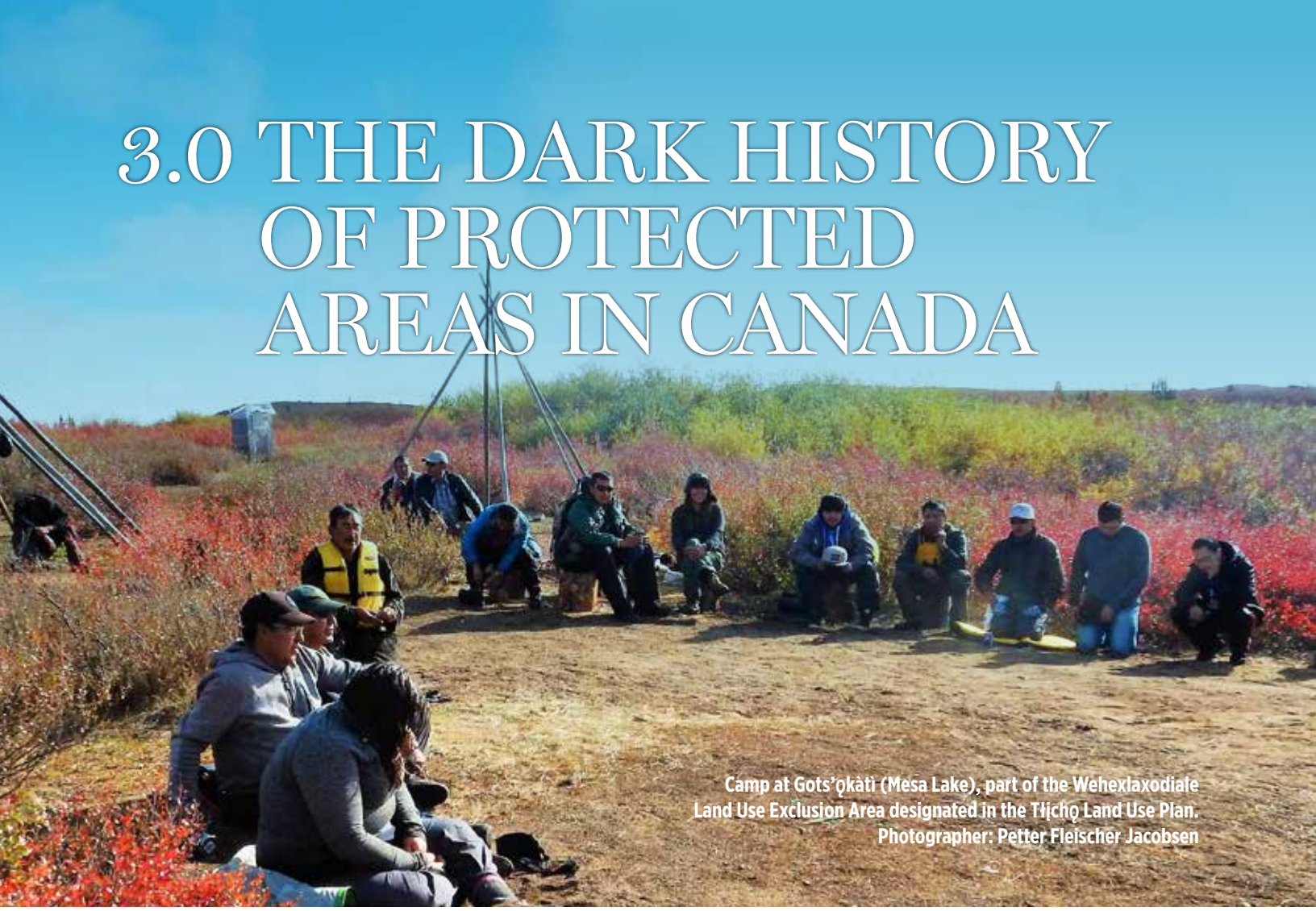
Based on these consultations, the Metis Laws of the Harvest were developed. The laws also drew upon the old Metis Laws of the Hunt, which were used by the Metis Nation during the buffalo hunting era. The new Metis Laws of the Harvest expanded on the old idea of regulating how and when Metis could harvest. For instance, possession limits were placed on how much fish a person could hold; seasonal and tag limits were put on big-game animals; and a reporting structure was put in place so that the Metis government could know how much harvesting was taking place.

For some time, the Government of Manitoba did not recognize the Metis Laws of the Harvest. However, following dedicated negotiations and a few pivotal court cases (such as the Goodon decision, in which a judge awarded Metis harvester Will Goodon the right to harvest a duck in the Turtle Mountains of Manitoba), the Metis Nation and the Province of Manitoba signed an agreement to recognize the Metis Laws as set out by the Metis Nation in its own governance structure.

This account is here to offer an idea of what an Indigenous government can do for conservation when it is necessary and there is sufficient political will.

Central Regional Gathering, Winnipeg, MB.
Photographer: Jeremy Williams, River Voices Productions

3.0 THE DARK HISTORY OF PROTECTED AREAS IN CANADA



Camp at Gots'ǫkàtì (Mesa Lake), part of the Wehexlaxodiale Land Use Exclusion Area designated in the Tłı̨chǫ Land Use Plan. Photographer: Petter Fleischer Jacobsen

For Indigenous Peoples, the history of protected areas in Canada, while somewhat improved in recent times, has been fraught with rights violations, forcible displacement, loss of access to traditional territories and resources, and other substantial inter-generational cultural, social, economic and spiritual impacts. In each of the Regional Gatherings, participants shared powerful and unsettling truths through storytelling about legacies of colonialism that persist in many protected and conserved areas in Canada, especially those created before 1982, when the Canadian Constitution recognized and affirmed Aboriginal rights. The larger context of land and resource appropriation, breach of historical Treaties, assimilation efforts, racism and discrimination heightened the impacts of past protected areas.

> "Without truth, justice, and healing, there can be no genuine reconciliation. Reconciliation is not about 'closing a sad chapter of Canada's past,' but about opening new healing pathways of reconciliation that are forged in truth and justice."
>
> — The Truth and Reconciliation Commission

Perhaps the most insidious impact of historical protected areas is the disconnection they fostered between Indigenous Peoples and their territories. This disconnection disrupted far more than just individual experience – it prevented the full functionality of Indigenous legal orders tied to spaces and places captured by parks; it weakened

the necessary linkages for inter-generational knowledge transmission and sustainable use; it may have even led to the loss of stories, songs, ceremonies, dances and other practices that were geographically and intrinsically tied to specific sites captured by protected areas.

Many parks and protected areas in Canada were created without the consent of Indigenous Peoples during periods in Canada's history when it was common for people to be "cleared from the land" to make way for tourism, recreation and related development, or to maintain the appearance of Eurocentric notions of pristine wilderness devoid of human influence. Practices like these failed to recognize the intimate relationships that Indigenous Peoples have maintained with lands and resources in their territories for millennia as users and responsible stewards. In the most egregious cases, Indigenous Peoples were removed from their homes to establish national, provincial or territorial parks. This was the case for the Keeseekoowenin First Nation when Riding Mountain National Park was established in Manitoba in 1933, and for the Mowachaht and Muchalaht First Nations of the Nuu-chah-nulth Peoples when Strathcona Provincial Park was created in BC.

> "...Creating space means asserting our nationhood and sovereignty because we are in a colonial situation. We have been made subjects of a country we never agreed to, laws that we never had anything to do with. Our laws, our way of doing things, our ways about how we take care of ourselves, how we relate to one another, other people, our land, our wildlife, have been set aside. So you have to push back, not in the way of 'please can you give me a little bit of room?' as that hasn't worked."
>
> — Elder Stephen Kakfwi, Northern Gathering, August 2017

Imagine knowing that your grandparents' home had been burned to clear the way for "conservation and protection." Imagine not being able to gather your traditional medicines—as your peoples have done for millennia—because a stranger to the land says it damages the land and is a criminal act. Imagine not being able to feed your family or community because you have been forcibly prevented from accessing your traplines, hunting areas or fishing places. Imagine not even being able to get what is necessary for ceremony or to access a sacred area because of laws and regulations you had no hand in writing. Imagine having to fill out applications or forms to get traditional materials for your cultural practices, such as basket-making.

The point is: in the not-too-distant past, protected areas took away not only the rights of Indigenous Peoples, but their ability to exercise their responsibilities related to the land. The symbiosis between Indigenous Peoples and the spirits, animals, plants, waters and lands was—and unfortunately, is still—disrupted in many existing protected areas.

As noted during some Regional Gatherings, there remain protected areas where Indigenous People are still prohibited from exercising their rights or are required to ask for permission to access lands to engage in cultural practices.

In these places, the promise of IPCAs will ring hollow unless Canadians take steps to correct past wrongs and manage existing protected and conserved areas differently moving forward. This will mean listening to difficult truths about the colonial history and legacy of this country's parks and protected areas. In many other parks and protected areas across Canada, there is a pressing need and timely opportunity to demonstrate appropriate recognition that has been denied for more than a century in some cases. Real implementation of Treaties, Agreements and Other Constructive Arrangements must happen. Real implementation of Section 35 of the Canadian Constitution must happen. Otherwise, what is the true value of a constitutional right? We have to collectively recognize that Indigenous nationhood and self-determination are key to moving ahead in a good way. This is reconciliation.

In more recent decades—with the advent of modern land claims agreements, the constitutional recognition of Aboriginal and Treaty rights under Section 35 of the 1982 Constitution, the increasingly clear articulation of Indigenous rights in Canadian case law, and the rising assertions of Indigenous rights by Indigenous Peoples themselves—significant changes have occurred with respect to protected areas and Indigenous Peoples in Canada.

Many Crown agencies have developed and strengthened their relationships with Indigenous Peoples and have adopted a range of models for including Indigenous perspectives in the creation, management and, in some cases, decision-making processes for protected areas. Examples include the establishment of Indigenous advisory boards, cooperative management bodies, and shared decision-making and governance. See Appendix 7.3 for more details about these initiatives.

Finally, most protected areas were not created based on goals like ecological integrity or even science in general. In the new millennium, we are seeing increasing focus on science-based rationales for protection and conservation. Yet Indigenous knowledge systems have been neither adequately nor equitably engaged with science for these purposes. This has to change.

Despite progress that has led to the meaningful inclusion of Indigenous People in many existing protected areas, most protected areas in many parts of Canada have had limited Indigenous involvement, and certainly are not managed in accordance with the principle of Free Prior and Informed Consent as expressed by UNDRIP. There is much work to do in truth-telling—that is, revealing the truths experienced by affected Indigenous communities regarding the creation of parks and protected areas—that needs to happen as we proceed down the Pathway. In this regard, ICE is encouraged by the federal government's full endorsement of UNDRIP and commitment to an implementation process, which we expect will include acting on the recommendations of this report.

WOOD BUFFALO NATIONAL PARK

Wood Buffalo National Park, Canada's largest national park, has been home to the Mikisew Cree First Nation and other Indigenous Peoples for generations. This is the Mikisew story of Wood Buffalo National Park as passed down through oral history by Mikisew members who, in many instances, were born and raised in what is now Wood Buffalo National Park.

When Chief Mikisew Justin Marten and two headmen signed Treaty 8 in 1899 on behalf of the Mikisew, they did so with the understanding that their people would be free to continue their way of life. Twenty years later, Chief Mikisew was approached by the Canadian government about the prospect of using some Mikisew territory to graze plains bison and wood bison. Chief Mikisew agreed to allow the bison to roam based on the promise that Mikisew people would be allowed to harvest bison once population numbers were sufficient. This led to the establishment of the park in 1922. Chief Mikisew understood that the land was being loaned to the government to help the bison and would be given back to the Mikisew after 100 years. The park was expanded several years later to include the Peace-Athabasca Delta.

Old approaches to managing protected areas

The creation of the park and enforcement of regulations removed the Mikisew people's ability to decide how they would live their lives away from land that had always been their home. "Parks Canada made its own regulations and laws without letting the people of the land have input," said Elder George Martin. While the Mikisew were allowed to remain within the Park, seasonal regulations limited trapping to winter and limited the hunting of other traditional resources, like moose, at important times of the year. Quantity limits were also imposed, and harvesting of other species (like fisher and waterfowl) was prohibited altogether. The promise that Mikisew would be allowed to harvest bison was never honoured. Hunting these animals is still banned.

Mikisew people who were caught breaking these regulations were fined and incarcerated. In some cases, families were banned from the park forever. For example, Elder George Martin's father paid a $35 fine for shooting a duck. Later, the cabins of some harvesters were burned down by Parks Canada. The Mikisew became the people "*who broke the law to survive on the land.*" A feeling of fear during harvesting activity emerged.

> *"Park Wardens would follow trapper trails and see how they had the traps set, what they used for bait...(Restrictions) put a squeeze on (Mikisew members), afraid of hunting illegally, even though it is open season year round for them."*
> (Elder, 2018)

Parks rules and regulations prevented Mikisew people from feeding their families, contributing to the migration of people to Fort Chipewyan. According to Elder Matthew Lepine, "They had regulations for hunting, and couldn't kill this or that at certain times of the year. That affected the way the people fed themselves. They're not rich by any means and can't buy groceries—yet they couldn't kill a moose at a certain time of year. It was same with migratory birds."

Despite some improvements, effective involvement of Indigenous Peoples in park governance remains elusive.

A protected area lacking effective biodiversity protection

Two major developments outside the park's boundaries have seriously impacted its environment: the development of the oil sands industry upstream on the Athabasca River and the building of the William Andrew Cecil Bennett dam upstream on the Peace River. Water levels have dropped, and contaminants from the oil sands affected the water quality. According to Matthew Lepine, this impacts the Mikisew people's ability to pass knowledge on to younger generations:

> *"To show them how we used to do our trapping and hunting, and where, —where we used to pick rat root, pick up eggs, when the birds come out in the spring, annual egg picking—we can't do that anymore. We can't teach anybody these things because we don't have the birds that used to lay the eggs, or most of the animals we used to hunt. It's the same with trapping, you know. There is very little left that you can pass on to the younger generation. I take my grandkids down the river and all I can say is 'This is what used to be there.'"*

Opportunities for change

The ecological integrity of parts of Wood Buffalo National Park is at serious risk; the relationship between Parks Canada and Mikisew is in the early stages of reconciliation. The Mikisew have a Treaty Land Entitlement Agreement and Treaty rights that should enable the Mikisew to have a real role in decision-making. The Mikisew are clear that they must be involved in every step of park planning and procedures to ensure that Mikisew knowledge is incorporated into park management. According to Terry Marten,

> *"If you work alongside the people off the land, get their input, it's a happy medium. Mikisew should be able to say what happens to our land, we are so entwined with it. If anything happens to the land*

it totally, totally affects us. Sometimes people can't see that, but anything that happens to the land, it really, really has an effect."

Terry's brother, Elder George Marten, echoes this: "Parks Canada makes its own regulations and laws without letting the people of the land have input. That's why we want to join Parks now, to work with them. We want to be alongside Parks making the regulations."

Simply modernizing the park's management approach will not protect biodiversity or advance reconciliation. Given the encroachment of development, a more effective southern boundary or buffer zone south of the park is needed. Most critically, the park's continued contribution to the Mikisew way of life and Canada's biodiversity targets will depend on the ability of governments, together with Indigenous Peoples, to develop new governance approaches for the threats external to the park.

Photographer: Susan Mather

RIDING MOUNTAIN NATIONAL PARK

Riding Mountain National Park is located within the heart of Treaty 2 territory and forms part of the territory of the Anishinabe of Riding Mountain. It was designated a UNESCO Biosphere Reserve in 1986. The following story was submitted by Parks Canada Agency staff.

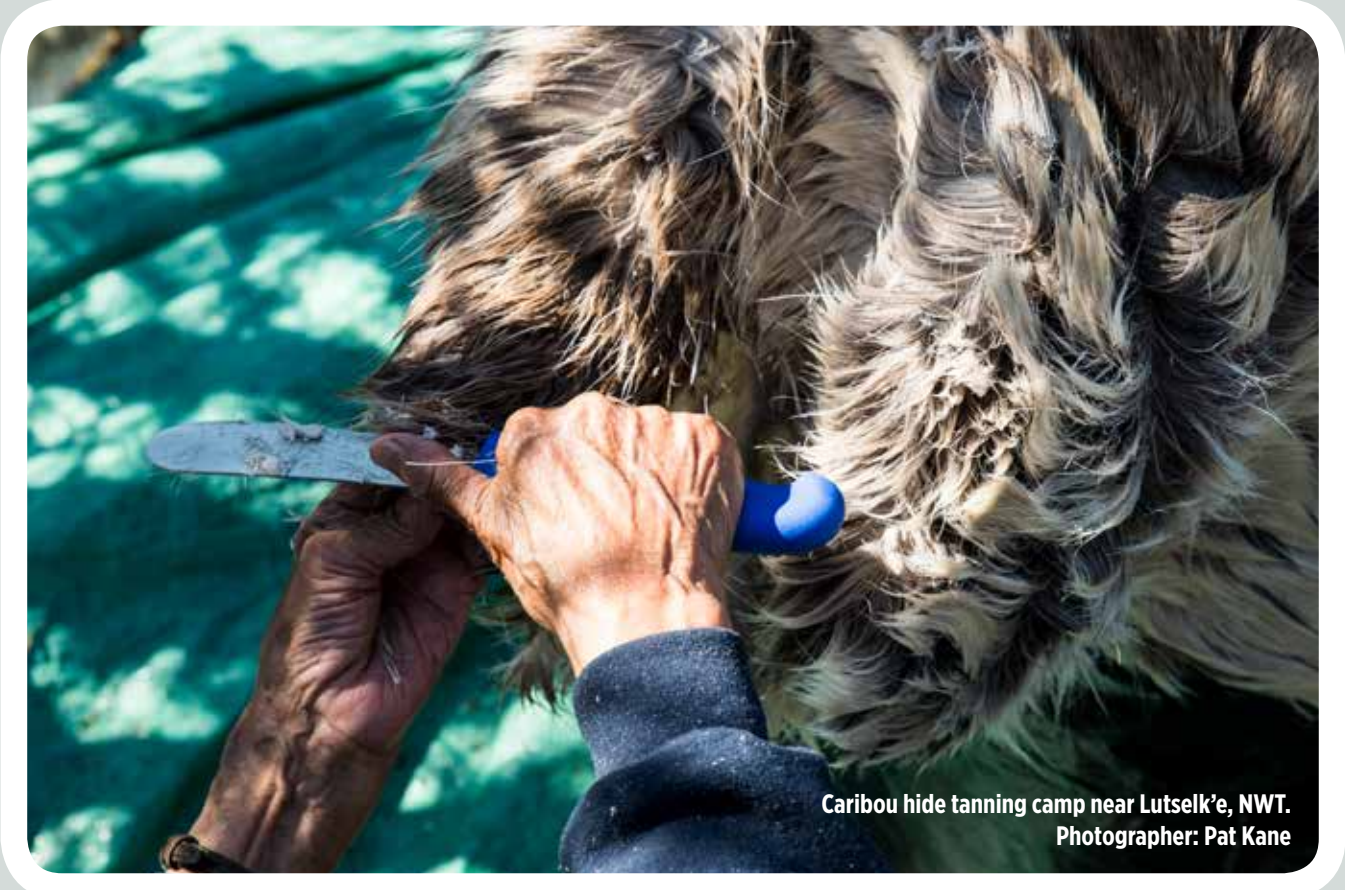
The Anishinabe refer to the area as Noozaawinijing or Wagiiwing, which means "being in the middle of the mountains." Riding Mountain presents an example where meaningful steps have been taken to address a past wrong—in this case, the wrongful inclusion of Keeseekoowenin Ojibway First Nation Indian Reserve 61A into the boundaries of Riding Mountain National Park in 1933 and the subsequent forceful expulsion of Keeseekoowenin Ojibway First Nations residents. These events created deep inter-generational wounds and a damaged relationship between the First Nation and Canada.

The reacquisition of IR 61A by Keeseekoowenin Ojibway First Nation through a land claim process was the first step toward repairing the relationship. Working together, both parties facilitated the establishment of the Senior Officials Forum in 1998. As the relationship and conversations evolved, so did the need to include other First Nations near Riding Mountain. This led to the establishment of the Coalition of First Nations with Interest in Riding Mountain National Park and the Riding Mountain Forum. Coalition members have continued to maintain strong connections to the area and each other.

The Senior Officials Forum and the Riding Mountain Forum have provided opportunities for Parks Canada, Keeseekoowenin Ojibway First Nation and coalition members to work collaboratively in the spirit of mutual interest. Together, they have made progress in recognizing Treaty territory, increasing access to the park for enjoyment and recreation, increasing access to medicines, increasing Indigenous participation in the management of the lands, waters and fish and wildlife, increasing support for the presentation and discovery of Anishinabe heritage through tourism and community development, and strengthening partnerships and relationships.

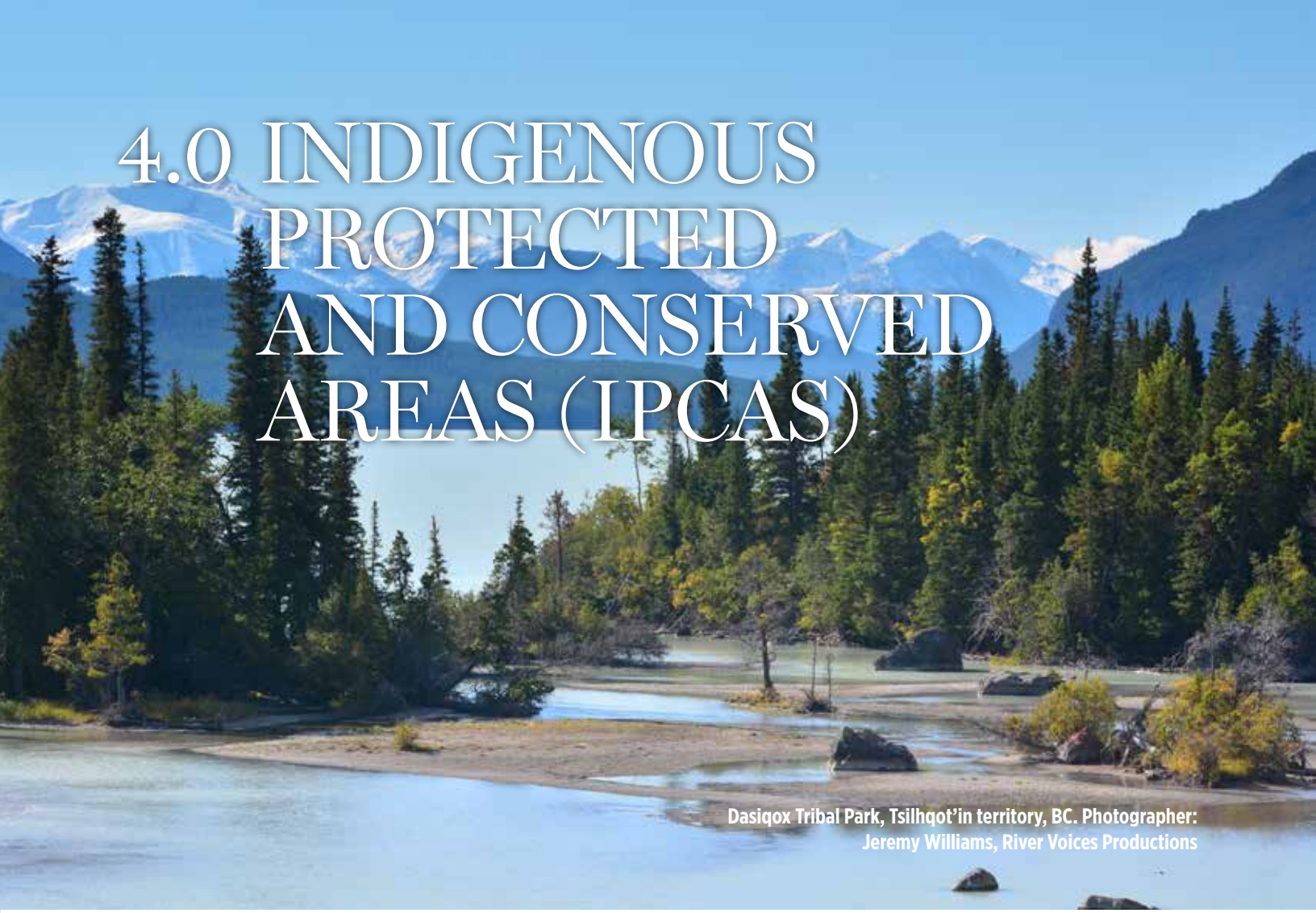
There is a growing acceptance of the need to work together to protect the land. There is recognition of the need to eliminate tuberculosis in local cattle, protect grasslands and aspen parkland, and create opportunities for economic development through initiatives such as the Federal Investments in Infrastructure program. Engaging Indigenous groups in developing the Visitor Experience Strategy helped Parks Canada staff articulate the essence of Riding Mountain as home to the Anishinabe and realize the importance of communicating that connection to visitors.

The process of reconciliation and healing requires a sustained effort to facilitate the connections that Keeseekoowenin Ojibway First Nation and the Coalition have to Noozaawinijing and Wagiiwing. All parties have taken steps to recognize that Riding Mountain is home to many, with shared responsibility for strengthening those relationships while protecting and presenting this very special place. The story and the relationships at Riding Mountain continue to evolve as they work together.



Caribou hide tanning camp near Lutselk'e, NWT.
Photographer: Pat Kane

4.0 INDIGENOUS PROTECTED AND CONSERVED AREAS (IPCAS)



Dasiqox Tribal Park, Tsilhqot'in territory, BC. Photographer: Jeremy Williams, River Voices Productions

4.1 INTERNATIONAL CONTEXT

From one generation to the other, Indigenous Peoples have successfully used, governed and conserved lands and waters, relying on the transmission and practice of their Indigenous laws and traditional knowledge. Evidence of such land management practices worldwide is increasingly being documented and pointing to better results in conservation outcomes for areas under Indigenous tenure when compared with government-managed protected areas.

In 2003, the International Union for Conservation of Nature (IUCN) recognized "Community Conserved Areas and Indigenous and Community Conserved Areas and Indigenous –owned and managed protected areas" at the 5th World Parks Congress in Durban, South Africa. This concept was subsequently adopted by CBD parties in 2004 as "Indigenous and Local Community Conserved Areas". Since that time CBD Parties have recognized different iterations of this concept[3].

One of the four governance types in IUCN's protected areas matrix is "governance by Indigenous Peoples and/or local communities", which led to the CBD Parties recognizing the need to address governance in terms of diversity, efficiency and equity in protected area systems. The IUCN also recognized that these conserved areas could be effective mechanisms for supporting the implementation of the 2011–2020 Strategic Plan for Biodiversity and achieving the Aichi Targets, including Target 11:

[3] More info on ICCAs in CBD Decisions since 2004 is available in the relevant posts under "Key International Instruments, Mechanisms and Reports" here: https:/ www.iccaconsortium.org/index.php/international-en/conservation-en/.

By 2020, at least 17 percent of terrestrial and inland water areas and 10 percent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscape and seascape.

Indigenous-led approaches to conservation around the world are diverse: they vary according to the objectives of the Indigenous Peoples and communities, the legal and historical context of the area, and the degree of support and partnership of non-Indigenous governments. For example, Indigenous Protected Areas (IPAs) have been established in Australia, and there have been Indigenous conservation initiatives in New Zealand, Mexico and many other countries (Appendix 7.2).

Internationally and within Canada, conservation efforts by Indigenous Peoples have become recognized as valid initiatives to conserve biodiversity and contribute to global conservation goals (Appendix 7.3). Around the world, a variety of terms are used to identify areas that receive protection because of their recognized natural, ecological or cultural values. Examples of terms used include parks, wilderness areas, ecological reserves, conser-vancies, conserved areas, protected areas and national wildlife areas.

Photographer: Cree Nation Government

Different terms may be used to describe initiatives by Indigenous governments and communities to assert their stewardship for their territories and areas. Examples are Tribal Parks, Indigenous Cultural Landscapes (see below), IPAs and Indigenous conserved areas. For the purposes of this report, ICE has adopted the term Indigenous Protected and Conserved Areas, or IPCAs, to describe these types of initiatives in the Canadian context.

In addition to government initiatives around the world (state, Crown and Indigenous), third-party forest certification systems like the Forest Stewardship Council (FSC) have set the stage for increased recognition of Indigenous-led conservation efforts by requiring certificate holders (forest companies) to recognize and uphold the legal and customary rights of Indigenous Peoples. This includes full recognition of the right to free, prior and informed consent (FPIC), protection of traditional knowledge as intellectual property, and recognition of Indigenous knowledge holders as technical experts in scientific and cultural assessments. FSC also recognizes "Indigenous Cultural Landscapes"[4] (ICLs) when considering conservation and development objectives in the context of forest management. ICLs are landscapes over which Indigenous Peoples exercise responsibility for stewardship. They are characterized by features that have been maintained through long-term interactions based on land-care knowledge and adaptive livelihood practices.

4.2 CANADIAN CONTEXT

There are currently 55 different pieces of legislation for creating protected areas in Canada, resulting in 77 different types of protected areas nationwide[5]. To date, there is no distinct national legislation for recognizing voluntary conservation actions by Indigenous Peoples or for protecting areas that are culturally, spiritually and ecologically important to Indigenous Peoples. However, some provinces have created designations under their current legal frameworks to protect areas that are important to Indigenous Peoples. For example:

- "Conservancy" is a designation for biodiversity and cultural conservation on provincial Crown lands in British Columbia achieved through the province's *Park Act*. Conservancies can be created to preserve and maintain First Nations' social, ceremonial and cultural uses, among other purposes (Appendix 7.3).

There are currently 55 different pieces of legislation for creating protected areas in Canada, resulting in 77 different types of protected areas nationwide.

[4] ICLs are defined by FSC as "living landscapes to which Indigenous Peoples attribute environmental, social, cultural and economic value because of their enduring relationship with the land, water, fauna, flora and spirits and their present and future importance to their cultural identity." FSC Canada. 2016. Indigenous Cultural Landscape (ICL): Discussion Paper, Version 1. Page 7. See https://ca.fsc.org/preview.icl-discussion-paper-v1.a-1316.pdf.

[5] Environment and Climate Change Canada (2016). Canadian Protected Areas Status Report 2012-2015. Gatineau, QC. ISBN: 978-0-660-05861-0

SNAPSHOT: HAIDA GWAII PROTECTED AREAS

"Protected areas" is the term agreed to by the Council of the Haida Nation (CHN) and the Province of British Columbia for 18 protected sites. The areas consist of seven older parks and ecological reserves (established prior to modern agreements and with little Indigenous involvement or consultation) and 11 newer sites (established through government-to-government agreements). The Haida recognize the 18 sites as "Haida Heritage Sites" and manage them by way of *Haida Stewardship Law*. The province recognizes the sites as parks (two sites), ecological reserves (five sites) or conservancies (11 sites) as defined by the Park Act. As there is no formal recognition of the designations each government uses by the other government for the sites, "protected areas" is the common or generic term.

Prior to achieving protected area status, the 11 conservancies were considered at risk for resource extraction and impacts to important cultural sites and species. Today, all 18 protected areas are managed collaboratively and with respect to Indigenous rights. The 18 protected areas together comprise 332,992 hectares of upland and 169,652 hectares of marine foreshore, totalling 502,644 hectares.

- "Indigenous Traditional Use Park" is one of two tools for designating lands that are important to Indigenous Peoples under the *Manitoba Parks Act*. The Indigenous Heritage Land Use category is also used as a specific land use designation tool for protecting unique cultural, heritage or spiritual sites.

4.3 INDIGENOUS PERSPECTIVES ON LAND AND WATER

Land and water are inextricable from Indigenous cultures; they cannot be separated from Indigenous ways of life, identities, values, spiritual practices or knowledge systems. Similarly, elements of nature are indivisible. Land cannot be considered separately from the air, wind, water and complex biodiversity that make up a natural system. Therefore, any discussion of land and Indigenous cultural values is one of interdependent systems within which we are all embedded. This is why we view our mandate in terms of Pathway 1 as also addressing the conservation and stewardship of our traditional waters, not just our lands.

In Indigenous worldviews, conservation is achieved when the relationships and uses that have conserved the lands and waters for thousands of years remain intact or are re-established.

The belief that humans are part of the land, not sepa-rate from it, is integral to Indigenous worldviews. This unbreakable and sacred connection to land requires that humans have respect for the environment and strive to maintain balance in coexisting with the land and other species that inhabit it.

Indigenous worldviews differ fundamentally from the philosophies that guide many Crown-protected areas, where conservation is achieved by restricting activities and limiting access. In Indigenous worldviews, conservation is achieved when the relationships and uses that have conserved the lands and waters for thousands of years remain intact or are re-established.

Indigenous languages and place names, as well as knowledge systems and laws passed down through the generations, provide oral records of Indigenous Peoples' relationships with their lands and waters. The health of the land and of the people cannot be separated. They are interdependent.

4.4 DEFINING IPCAS

IPCAs are lands and waters where Indigenous governments have the primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems. Culture and language are the heart and soul of an IPCA.

Photographer: Chief Gordon Planes

Through our engagement processes across Canada and our research on national and international case studies, we have learned that IPCAs vary in terms of their governance and management objectives. However, they generally share three essential elements: They are Indigenous-led; they represent a long-term commitment to conservation; and they elevate Indigenous rights and responsibilities. Details about these three elements are below.

1. IPCAS ARE INDIGENOUS-LED.

Indigenous governments have the primary role in determining the objectives, boundaries, management plans and governance structures for IPCAs as part of their exercise of self-determination.

There may be a range of partnerships to support these acts of self-determination, including with Crown governments, environmental NGOs, philanthropic bodies or others. IPCAs are, in essence, Indigenous-led conservation initiatives that reflect the objectives and needs of their respective nations or governments and emerge through transparent negotiations.

2. IPCAS REPRESENT A LONG-TERM COMMITMENT TO CONSERVATION.

Indigenous Peoples take a multi-generational view of stewarding their territories. Therefore, an IPCA represents a long-term commitment to conserve lands and waters for future generations.

3. IPCAS ELEVATE INDIGENOUS RIGHTS AND RESPONSIBILITIES.

Indigenous Peoples have long-standing physical and spiritual relationships with the lands and waters within their respective territories, and with the natural cycles that determine their use. These relationships have always included the right to benefit from the bounty of the natural world and the reciprocal responsibility to care for and respect the land and water, consistent with natural and Indigenous law, for future generations. In IPCAs, Indigenous Peoples' continued relationship with the land and water must be assured by acknowledging the authority that Indigenous governments have to work with their people on how to use the land and water while achieving conservation and cultural objectives.

In the Canadian context, IPCAs represent:

- a modern application of traditional values, Indigenous laws and Indigenous knowledge systems,
- an exercise in cultural continuity on the land and waters,
- a foundation for local Indigenous economies,
- opportunities to reconnect to the land and heal both the land and Indigenous Peoples,

> "Indigenous spiritualities, cultures, languages and knowledge systems are place-based. For example, landscapes and landmarks are essential to the sharing of creation stories and teachings that are unique to each community. Indigenous place names, and the oral traditions attached to them, hold the histories and wisdoms of an area. Because of this, it is essential that cultural transfer between Elders and youth take place on the land, with the stories transmitted telling what happened at those locations in the past and providing fundamental context and teachings for how these are to be used today."
>
> — Indigenous Circle of Experts, 2017

> We have to find a way and be mindful as how we go about exercising our inherit responsibilities of ensuring that no action that we will take will ever compromise the ecological integrity of the area. Nor compromise the cleansing capacity of the system. Because our overall objective is to ensure that the next seven generations will also have the same opportunities as we have, and hopefully better opportunities than we have, of not just being able to sustain themselves and harvest the gifts from the creator but also be able to enjoy and learn from her just as our ancestors have learned from her."
>
> — Elder Albert Marshall of the Mi'kmaw Nation, Eastern Regional Gathering, Mi'kma'ki, June 2017.

- an acknowledgement of international law, such as Canada's Treaties, UNDRIP, CBD and other relevant instruments and commitments,
- an opportunity for true reconciliation to take place between Indigenous and settler societies, and between broader Canadian society and the land and waters, including relationships in pre-existing parks and protected areas, and
- an innovative expression of Section 35 (*Constitution Act 1982*).

> Indigenous People all have traditional lands, where their intimate relationships are rooted in reciprocity of each other's needs. This respectful relationship defines Indigenous cultures, languages, spirituality, and the responsibilities that define their worldview and their contribution to the mosaic of the human family on Mother Earth."
>
> — Steven Nitah, Lutsel K'e Dene First Nations

Collecting boughs for teepee floor. Photographer: Chantal Tétreault

SNAPSHOT: DASIQOX TRIBAL PARK (NEXWAGWEẐʔAN)

Dasiqox Tribal Park (DTP, known as Nexwagweẑʔan, which means "it is there for us") is an Inidgenous-led protected area located in traditional Tsilhqot'in territory in the south-central interior of British Columbia. It covers approximately 300,000 hectares of wilderness, wildlife habitat and waters. Protection of the area through Indigenous governance was initiated in 2014 by the Xeni Gwet'in and Yunesit'in governments who represent the Tsilhqot'in. DTP connects a number of existing parks and protected areas across a large area at the heart of Xeni Gwet'in and Yunesit'in caretaker areas, including the Dasiqox headwaters - an essential water source for the area's waters, fish and wildlife.

DTP is a tangible expression of reconciliation that provides its people with a historic opportunity to redefine their relationship with their non-Indigenous neighbours in the region.By establishing it, the Tsilhqot'in asserted their rights and responsibilities as caretakers working to protect the ecological health, cultural revitalization and sustainable livelihoods of its people.

The Tsilhqot'in use three themes to organize their management of the park: ecosystems, culture and sustainable livelihoods. They recognize that these themes are inseparable and interconnected, but feel it is important to name them in order to remain accountable to them in governance decisions and management practices. Over time, as the Tsilhqot'in's capacity grows, they may decide to expand the Tribal Park to include a larger area.

4.5 CHARACTERISTICS OF IPCAS

Indigenous governments are responsible for setting the conservation standards for IPCAs. As such, they must have full scope to design their IPCAs to meet their individual and diverse needs. While IPCAs embody a common goal for conserving the ecological and cultural values important to Indigenous Peoples, the priorities and objectives of individual IPCAs may vary greatly. As such, they may take various shapes and forms based on the objectives for the area. ICE has identified a variety of characteristics for IPCAs based on the Regional Gatherings. However, it is important to note that the characteristics listed below are not exclusive. Some could be expanded on, while others could be added over time, given the rich diversity in Indigenous cultures across Canada and the different ways in which individual Indigenous governments may interpret IPCAs.

A. IPCAS SHOULD PROMOTE RESPECT FOR INDIGENOUS KNOWLEDGE SYSTEMS.

Indigenous wisdom and knowledge are embedded in Indigenous practices for managing complex ecosystems and for addressing conservation- and protection-related challenges. However, protected and conserved areas in Canada are still established and managed based largely on western science and knowledge. Ideally, Indigenous knowledge systems and western science should be valued and respected equally, should inform and complement each other, and should be combined into a seamless approach.

This way, management planning is based in full recognition of Indigenous expertise. The use of both knowledge systems provides the basis for better management planning and eliminates some of the weaknesses inherent in western science, such as compartmentalization and limited time horizon.Appropriate Indigenous knowledge holders can articulate and document Indigenous laws in ways that can serve as the basis for managing and governing IPCAs.

B. IPCAS SHOULD RESPECT PROTOCOLS AND CEREMONY.

The practice of ceremonies is an integral part of the relationship between Indigenous Peoples and the rest of nature. As such, culturally appropriate ceremonies are vitally important to acknowledge spiritually and socially the work that is to begin—whether that is to establish a new IPCA, revitalize an existing protected area, or repatriate an area. Preparing for ceremony and following protocols are activities that should be respected and facilitated where required, and further built into the development and management of IPCAs.

> The most important part of our knowledge as a people is the spirit that we nurture during our ceremonies. We have always been a ceremonial people. We give thanks for everything we are given in life but receive our guidance, our direction and our inspiration in ceremony. If we are truly to live our identity as Indigenous Peoples, we must always begin with ceremony. We cannot overstep the spirit."
>
> — Elder Dave Courchene, Sagkeeng First Nation in Manitoba and founder of the Turtle Lodge, Central Regional Gathering, September 2017

C. IPCAS SHOULD SUPPORT THE REVITALIZATION OF INDIGENOUS LANGUAGES.

Indigenous cultures and languages are inextricably tied to the land. Indigenous languages are descriptive and action-based; as such, they provide the foundation for a rich oral history and tradition. They hold our spiritual connection and relationship to the land, and need to be at the heart of articulating values and principles. Communities and governments are encouraged to define the parameters for their IPCAs using their own languages and knowledge systems, since the common definitions and terminologies used in this report may not adequately capture all Indigenous concepts, understandings or beliefs. Although many communities are struggling to retain and revitalize their languages, the lessons and teachings we have learned through language remain.

D. IPCAS CAN SEED CONSERVATION ECONOMIES.

IPCAs represent opportunities to maintain and build *conservation economies*. Communities and Indigenous governments want to see the creation of a diversified economy as well as the stewardship of natural, ecological and cultural values. The term conservation economy refers to the pursuit of social and economic benefits through the conservation of ecosystems within an area, or a variety of economic arrangements that have been redesigned to restore, rather than deplete, natural and social capital, based on the premise that life comes from nature and depends on its capacity to maintain healthy ecosystems. A conservation economy complements and secures the traditional economy, which is grounded in cultural practices and the abundance of natural resources. Together, these assets contribute to sustaining a local economy that ultimately supports the development of a strong and sustainable regional economy, extending well beyond an IPCA's borders.

By using traditional Indigenous skills and providing opportunities to learn other skills, a conservation economy can provide meaningful livelihoods and ultimately support healthy communities. Naturally diverse environments, combined with vibrant cultures and histories, create long-term sustainable employment potential for local and regional residents by maximizing existing skills and knowledge, providing new skills, and adequately supporting families now and into the future.

A conservation economy is not meant to employ thousands or generate extreme financial wealth. It is meant to create long-term sustainable employment potential for local and regional residents by maximizing existing skills and knowledge, providing new skills and adequately supporting families now and into the future.

> We have always lived and believed the Earth is alive and has a spirit. The spirit of the Earth was to be acknowledged with gratitude and ceremony, and we have remained faithful and loved in these protocols. The Elders who have kept these sacred protocols are more than willing to give in the sharing of the knowledge."
>
> — Elder Dave Courchene, Central Regional Gathering, September 2017

> When it came to developing stewardship work and guardian's work, language was really put at the heart and the centre of a lot of the discussions and a lot of the principles and the framework of the work we wanted to do when it came to taking care of the land...The language comes from the land and the best place to learn the language is out on the land... Being on the land in the Dene way will protect the land... If Indigenous cultures can continue to thrive into the future then you're doing something right, because the land is so central to Indigenous cultures that if you have a healthy culture, then the land will be healthy as well."
>
> — Dahti Testso, Dehcho First Nations in Akaitcho Territory, Northern Regional Gathering, August 2017

A conservation economy has many important features. The most obvious among them comes from the name itself: "conservation" refers to preserving and restoring the environment in its natural state, while "economy" focuses on renewable and non-extractive economic activity, such as tourism. There is also the connection to Indigenous cultures, which are based on sustainable use and strong spiritual connection with the land. As a result, a "conservation economy" can provide significant opportunities to benefit from living on the land and water while further developing the growing market for sustainable cultural tourism.

Many Indigenous governments are leading the creation of diversified economies in conjunction with achieving conservation outcomes. Some of the best examples are from the BC Central Coast region, where a comprehensive conservation planning regime in the Great Bear Rainforest has been paired with sustainable, diversified economic ventures.

E. IPCAS SHOULD CONSERVE CULTURAL KEYSTONE SPECIES AND PROTECT FOOD SECURITY.

In many parts of Canada, Indigenous Peoples continue to depend on the bounty of the land to meet their food needs, and are particularly reliant on cultural keystone species (species they identify with) because they are culturally important. Examples are caribou, beaver, salmon and moose, as well as a variety of plants. These iconic species have helped shape the traditions, beliefs and knowledge systems of Indigenous Peoples over time, and continue to do so. Because of their association with the lands and waters of Indigenous territories, these species have played essential roles in diet, livelihood, traditional medicines, and materials used for clothing, shelter and tools, and have been featured in the languages, ceremonies, stories and narratives that have shaped Indigenous natural laws. Often, these cultural keystone species are also important to a majority of Canadians and are identified with Canada.

The survival of these species and the cultures of Indigenous Peoples are closely linked, as are the ecosystems that support them. As an embodiment of the traditional lifestyles, values and laws of Indigenous Peoples, IPCAs will likely be designed to create the conditions to support cultural keystone species. In this manner, they will support the systems that provide for Indigenous Peoples' cultural survival and that maintain their food security.

> We need to have the courage to stand up and say that conservation is important, not just for our cultures, our Indigenous languages or our ways of life, but we also need to recognize that the economic viability of these communities is also at stake. In protecting our lands and protecting our territories, we're also finding ways that we can participate in the economy in ways that we've not been allowed to in the past."
>
> — Will Goodon, Metis National Council representative

SNAPSHOT: SEVEN PADDLES PROJECT, BEAR RIVER FIRST NATION

Bear River First Nation is a small community (108 people on reserve and 226 off reserve) that lies adjacent to the village of Bear River, Nova Scotia in the traditional Mi'kmaq district of Kespukwitk. The Seven Paddles project, initially started to re-establish traditional Mi'kmaw canoe routes for ecotourism in Nova Scotia, has become a way for the people of Bear River to strengthen their ties with their land and culture. The program, which follows a route between Bear River and Kejimkujik National Park, has created about half a dozen new jobs. Although the project was initially launched to create ecotourism opportunities, the community saw a chance to focus inward and return to its traditional teachings. The community is now providing guiding trips to community members, allowing them to gut their first moose or catch their first trout while following the same routes as their ancestors. The results have been transformative.

"[Now we're] getting our spirit built up, reconnected to the land," says Councillor Carol Ann Potter. "Then we can be honest with the people we bring in and make them feel that connection a little bit better. We really see the best in people when they're out doing things they love. They forget their stresses, they forget their problems, they're getting connected again with Mother Earth. There's no better feeling, none whatsoever."

The name Seven Paddles is in honour of the seven sacred teachings of love, respect, humility, honesty, truth, wisdom and courage.

F. IPCAS SHOULD ADOPT INTEGRATED, HOLISTIC APPROACHES TO GOVERNANCE AND PLANNING.
IPCAs are part of the landscape and are based on landscape features, such as watersheds. They should adopt a holistic approach to land and water, including international boundaries, regardless of jurisdiction. The land and water will dictate the IPCA.

In this spirit, a governance approach at the landscape or watershed level is one that needs to tie multiple jurisdictions together to enact equitable and participatory land use or watershed planning for IPCAs.

The ICE Core. Photographer: Jeremy Williams, River Voices Productions

> The word "Aski" in our Ininiw language (Swampy Cree) means the Earth and includes everything that is contained in it: air, water, birds, animals, fish, rocks, soil, grass, trees, etc. We do have a separate word for water, which is Nipi (Ni-pee), but it is included when we say Aski, the Earth. For us Ininiw (Swampy Cree), because we come from a lake environment, when we say Aski, water is included, because it includes everything, the water in the lake is the source of life for us and is part of and inseparable from the land. Aski surrounds us and forms the very basis of our lifestyle."
>
> — Stewart Hill, Ininiw and member of God's Lake First Nation, Manitoba

In some cases, planning at the watershed level can be considerable in scope, resulting in large-scale land use or watershed plans.

IPCAs should also be developed as part of broader land use plans to provide interconnected networks of protected and conserved areas, and to conserve biodiversity and keystone species across entire landscapes.

IPCAs may employ a zoning approach and include:

- areas where uses and access are restricted (e.g., certain sacred sites),
- areas where Indigenous hunting and gathering are allowed (e.g., subsistence food harvesting),
- shared-use areas where non-Indigenous use is allowed (e.g., through permitting), and
- buffer areas around sensitive zones where light-touch development—such as micro-hydro, artisanal mining, or selective logging—are allowed.

4.6 CREATING AN IPCA

The process for creating IPCAs needs to be flexible to account for the diversity of interests, governance systems and aspirations, levels of protection, and partnerships desired by Indigenous governments across the country. Flexibility is also needed to accommodate protocols and consensus building at the community level, especially since, owing to varying capacities and priorities, not all Indigenous governments and communities will be starting from the same place.

Xeni Gwet'in /Nemiah Valley, BC. Photographer: Marilyn Baptiste

SNAPSHOT: WEHEXLAXODIALE—AN INDIGENOUS-GOVERNED LAND USE EXCLUSION AREA

Wehexlaxodıale (way-he-lax-dia-lay) are two areas of Tłı̨cho lands (in the Northwest Territories) where the connection between Tłı̨cho culture and heritage and the land are very strong. A land use plan has been in effect since 2013.

In 2005, the Tłı̨cho Agreement gave the Tłı̨cho government the power to enact laws in relation to the use, management, administration and protection of Tłı̨cho lands and the resources they contained. Based on the advice and guidance of the Elders of the Land Use Plan Working Group, and after community meetings and other consultations and engagements, the Tłı̨cho government completed the land use plan in 2013.

The primary objective for zoning Wehexlaxodıale as a Land Use Exclusion Area was to protect sites that are fundamentally linked to Tłı̨cho history and heritage. To that end, no development proposals are considered, and only limited activities are allowed. The *Tłı̨cho Land Use Plan Act* has the power to exclude, control and manage all activities within the area that are likely to have impacts on *biodiversity*. The land use plan compels the Tłı̨cho government to prohibit activities that are incompatible with the conservation of biodiversity.

Indigenous governments should have full opportunity to identify IPCA areas of interest based on their own priorities. In some situations, federal, provincial or territorial governments and other partners may approach Indigenous governments to determine if there is interest in considering a new or pre-existing protected area as an IPCA candidate.

Concern was expressed in Regional Gatherings that in many communities, consensus building on IPCAs will take longer than the time frame for Pathway to Canada Target 1 allows (2020), and that if they are to invest in the IPCA process, they will require assurances that governments at all levels will support IPCAs beyond 2020.

Regional Gathering participants also shared their experiences of past discussions and negotiations about protected areas with federal, provincial and territorial government staff. Participants were concerned that the transparency in such processes in the past may put Indigenous negotiators at a disadvantage. Greater transparency would allow all parties to benefit from practical solutions and innovations developed elsewhere. Also, opportunities should be available to support continuous improvement so existing IPCAs can benefit from the ideas and approaches adopted in other areas later.

4.6.1 Appropriate Recognition

Few legal mechanisms currently exist to formally recognize and establish an IPCA. For the most part, protected area laws in Canada either conflict with or do not allow the types of governance arrangements or uses that would be the basis of most IPCAs.

For example, existing protected areas legislation and policies often focus on protecting lands and waters from human influence, whereas from an Indigenous perspective, continued human presence on the land and water is seen as positive and essential, with humans being considered an integral part of nature.

ICE also heard examples where Indigenous governments had formally declared their intention to protect an area—for example, the Tribal Parks declared by the Tla-o-qui-aht First Nation—and never received formal acknowledgement from the Crown. An Indigenous government's decision to establish an IPCA is an assertion of sovereignty, and should be responded to on a Crown-to-Indigenous government basis.

SNAPSHOT: TLA-O-QUI-AHT TRIBAL PARKS

At the heart of the Clayoquot Sound UNESCO Biosphere Reserve on the West Coast of Vancouver Island British Columbia in Canada, a new model of Tribal Parks is emerging as a global example of social-ecological resiliency. The Tla-o-qui-aht have conceived an Indigenous Watershed Governance methodology that is a model of sustainable livelihoods and promotes environmental security. The keystone of this methodology is a conception of humanity that orients individuals within a rich social contract that extends ideas of justice to the environment.

But it was not always this way. Over the years from 1914 to 1984, the Tla-o-qui-aht began with polite protests and advanced to direct action in the form of blockades and litigation against the BC provincial government, which had condoned the clear-cut logging of ancient cedar rainforests on Meares Island.

In 1984, Tla-o-qui-aht Ha'wiih (heritary chiefs) declared Meares Island a Tribal Park in response to unsustainable logging practices that were impinging on traditional territories. From 1984 to 2014, the Tla-o-qui-aht moved from setting up blockades to pioneering Tribal Parks as an alternative to the business-as-usual approach to natural resource management. Since then, they have established three more Tribal Parks (collectively known as the Tla-o-qui-aht Tribal Parks): Ha`uukmin (Kennedy Lake Watershed), Tranquil Tribal Park and Esowista Tribal Park.

The Tla-o-qui-at vision is to re-establish a healthy integration of economy and environment. Its aim is to establish a Tribal Parks administrative organization and develop the governance tools needed to operate Tribal Parks as well as to initiate and partner in business opportunities that promote sustainable livelihoods.

> "Everything has to have respect or it is not going to work right. The challenge is to enable other people to understand that [the Earth] is living and we need her. Today's world needs more of my ancestors' ways and my ancestors' teachings, and number one of it all is respect."
>
> — Todd Labrador, Mi'kmaq artist and birch bark canoe builder, Eastern Regional Gathering, June 2017

4.6.2 Initiating an IPCA

Although ICE considers full Indigenous governance as the way ahead for IPCAs, as previously noted it is up to each Indigenous government to identify which governance and manag ment approach is most appropriate to them. As such, IPCAs can be established through a range of supportive partnerships. Critical to the path forward is that Indigenous governments play the primary role in decision-making in any process or approach chosen.

The creation of IPCAs must include room for communities that are starting from different areas (and have different interests), including areas that feature a spectrum of Indigenous/non-Indigenous relationships.

When proposing IPCAs, Indigenous People must do so based on their own priorities. When a federal, provincial or territorial government proposes a new candidate area for protection, it should do so through an open and transparent partnership with Indigenous Peoples to determine interest.

Designation mechanisms may include self-declaration (Tribal Parks), agreements under existing federal, provincial or territorial protected area legislation, or new IPCA legislation.

4.6.3 Modernizing Pre-Existing Protected Areas Through Ethical Space

There are special considerations for pre-existing protected areas: As noted in Section 3.0, some pre-existing protected areas share a "dark history" and will have a greater need for truth-telling and reconciliation before the

work of "modernizing" can proceed in the spirit and practice of reconciliation. Others already function as IPCAs and should be recognized for that.

For pre-existing protected areas that are not IPCAs, federal, provincial or territorial governments should approach Indigenous governments about whether they are interested in having them become IPCAs in whole or in part. An important aspect of reconciliation is to engage in open and honest dialogue with affected Indigenous Peoples, and furthermore,to be willing to act on that dialogue in a constructive and collaborative way. Ethical space may provide a good framework for discussions that include topics like:

Community flags of the NWT.
Photographer: Margot Bishop

- how Indigenous rights have been affected and how those impacts can be mitigated or remedied,
- how Indigenous governments should be involved in decision-making and the management of protected areas,
- how Indigenous knowledge systems should be considered along with science in the decision-making processes related to specific protected areas,
- how to engage staff, volunteers and visitors on Indigenous place names, histories and stories related to protected areas, and
- how to commemorate dark histories with new initiatives that address those histories boldly and with honesty.

4.7 GOVERNANCE AND PARTNERSHIP MODELS FOR IPCAS

As a matter of principle and priority, ICE views support for full Indigenous governance as the path forward for IPCAs, including management and operational responsibilities. However, it is up to each individual Indigenous government to identify which governance and management approach is most appropriate to them. It is ultimately each government's decision to choose whether to partner with federal, provincial or territorial governments or other entities.

In some cases, an IPCA that is entirely governed by an Indigenous nation may be the desired option. Other Indigenous governments may prefer to collaborate with federal, provincial or territorial governments or other partners by adopting a variety of shared decision-making, joint management or advisory mechanisms, defined by Constitutional Agreements and Other Constructive Arrangements between the parties.

ICE envisions a similar spectrum of approaches for other protected and conserved areas that may not qualify as IPCAs, but that nonetheless can support a meaningful role for Indigenous governments within their territories in the manner of their choosing.Potential IPCA partnerships models include:

- **Indigenous government–Crown government partnerships:** This model emphasizes Indigenous and Crown governments (including federal, provincial, territorial or municipal) working in partnership, cooperation and agreement to recognize, establish and/or manage a protected area.
- **Indigenous government–non-governmental partnerships:** This model is based on partnerships between Indigenous governments and non-government partners. Such partners could include industry, land trusts or conservation organizations. Often, this model is conducive to the acquisition of private properties for conservation purposes.
- **Hybrid partnerships:** In this model, multiple parties (government and non-government) work collaboratively to resource and manage protected or conserved areas. The model requires all parties to play a clear role in building a successful collaborative approach.
- **Sole Indigenous governance:** In this model, Indigenous governments make unilateral decisions and manage lands (e.g., Treaty lands, reserves, Aboriginal title, etc.) for protection or conservation purposes.

Smokey Hill, Waskaganish, QC.
Photographer: Cree Nation Government

SNAPSHOT: BROADBACK WATERSHED CONSERVATION AREA

The Broadback Watershed is a thriving ecosystem of lakes, rivers and old-growth forests that covers more than 21,000 square kilometres in Quebec. Cree communities in the area have been pushing for more than two decades to protect parts of it. In 2008, Quebec produced a plan to set aside half of the northern portion for sustainable development, with the other half dedicated to conservation. In the conserved portion, 20 percent would be designated as a protected area; the plan for the remaining 30 percent has yet to be defined. The Cree Nation Government (CNG) said it would support the plan if the Cree could be full participants in identifying the new protected areas. The Cree formed a committee to work on protecting areas based on their values and released a strategy in 2014. The CNG then began to implement the strategy in collaboration with Nature Conservancy Canada.

There were hurdles, however—including clashes with forestry companies that wanted to harvest areas the Cree wanted to protect. Over several years on numerous occasions, Cree communities individually requested that their proposals be protected, and the CNG began to explore the idea of a watershed management approach. A new agreement was reached between Quebec and the Crees in 2015 that would protect part of the Broadback Watershed as a first phase. Ultimately:

- Fifty-seven percent of the area achieved protection, with further protection added north of the proposed area.
- Ouje-Bougoumou's Assinica Cree Heritage Park was expanded by protecting a long stretch of the Broadback River.
- The Community of Nemaska's protected area proposal succeeded in protecting 80 percent of the area; its old trading post (Old Nemaska) and rock paintings were included in the new protected area.
- Forty percent of the Community of Waswanipi's proposed protected area was accepted for protection; overall, 12 traplines are now more than 50 percent protected. This area will be designated as an IUCN Category II biodiversity reserve.
- A buffer along the Broadback River is designated as a park (IUCN Category II).

4.8 OPPORTUNITIES AND CHALLENGES OF IPCAS

IPCAs have the potential to support conservation efforts and goals on various levels for Indigenous Peoples and their governments as well as Crown governments and Canadians overall. The concept of IPCAs was widely supported by participants who attended the four Regional Gatherings. Based on the gatherings, ICE has identified four key visions—which can also be thought of as both opportunities and challenges—of IPCAs. These are related to healing spaces, beacons of teachings, restoration areas and reconciliation regions.

4.8.1 Spaces for Cultural Regeneration Through Healing

IPCAs can be established to offer spaces for cultural regeneration that may lead to personal or community healing.

The emphasis is on acknowledging and respecting Indigenous knowledge systems and use, and providing opportunities to connect people to the land and ancestors, thus helping with healing processes. This could be achieved by:

- creating cultural immersion programs to connect Indigenous and non-Indigenous Peoples to the lands, and
- creating opportunities to practice traditional lifestyles, bringing Elders and youth onto the land for cultural connection and mutual learning.

4.8.2 Beacons of Teachings

IPCAs may serve as a forum for demonstrating how to live well and respect each other and the land and water based on teachings from the land and Elders and from sharing knowledge and culture. This can be done through cultural learning programs, language revitalization initiatives and creating actual spaces for learning.

It is about engaging youth and enabling mentorship of youth by Elders: that is, not just "getting kids onto the land," but helping them to connect spiritually and culturally, and to understand how their ancestors are part of this. IPCAs can be examples of collaborative teaching that other protected areas can learn from.

They can also be beacons of reconciliation with non-Indigenous peoples, and have the potential to foster cultural competency in government agencies and educational institutions.

> "We are in this process for future generations. At the pace we're going today, we don't have time. We're facing extreme climate change in many areas in this country. And if we don't take these steps now to protect some our sacred places, it is going to be lost."
>
> — Lorraine Netro, Vuntut Gwitchin member in Old Crow, Yukon, and member of the Assembly of First Nations Advisory Committee on Climate Action and the Environment, Central Regional Gathering, September 2017

SNAPSHOT: K'IH TSAA?DZE TRIBAL PARK, DOIG RIVER FIRST NATION

Doig River First Nation (DRFN) is a Treaty 8 Nation with traditional territory extending from its reserve land in British Columbia across the provincial border into northwestern Alberta. In 2011, it announced it was establishing K'ih tsaa?dze Tribal Park—an area covering almost 96,000 hectares—to protect the area from the impacts of forestry and oil and gas development. (K'ih tsaa?dze means either "spiritual healing area," or "old spruce.") The Alberta portion is managed as public Crown land, but DRFN would like it to see it designated a Wildlife Provincial Park. The First Nation has expressed interest in co-management models as well as an openness to tourism. According to DRFN, K'ih tsaa?dze has been a sacred and spiritually significant area for generations, and a space used both for exercising Treaty and Aboriginal rights and for teaching traditional practices and knowledge to youth. It also contains medicinal plants and old-growth forest.

4.8.3 Restoration Areas

IPCAs do not necessarily need to be landscapes that are ecologically intact. They could also serve as "restoration areas" where lands and waters are aided in healing from industrial and human development that have led to serious ecosystem breakdowns. These could be areas where the focus is on restoring not only the land, but also humans' relationship to it, with the intention of leaving the land and the relationship "better than we found it."

An IPCA can be established in area that has been heavily affected by development, or in an area of high tension and inter-community conflict. The priority of such IPCAs could serve as the framework for collaboration to repair the damage done to the land or heal the surrounding relationships. In areas focused on the health of the land, strategies can be implemented to heal the land and reinvigorate biodiversity by applying dual knowledge systems.

4.8.4 Reconciliation Regions

IPCA reconciliation regions can be described as areas that focus on "rebuilding" Indigenous nations and communities. These regions can lead to building and or rebuilding governance systems, establishing health programs, establishing environment departments and building conservation economies. They would also emphasize working toward reconciliation within Indigenous Peoples, between Indigenous Peoples and non-Indigenous peoples, and within a given Indigenous community. Reconciliation regions could also take the form of "collaborative centres" or working spaces where people gather to achieve a common conservation or sustainability vision with regards to a certain area or watershed.

4.8.5 Challenges and Learning from Them

However, participants at the gatherings also raised issues and challenges that, if not addressed, may impede progress at the local and regional level, including:

- a history of broken promises and strained relationships with the Crown,
- systemic barriers that continue to disadvantage Indigenous People,
- communities in crisis,
- territories under resource development threats,
- declining languages,
- loss of Indigenous knowledge and language, and
- disconnection from lands creating a climate of cynicism and distrust in many communities.

The need for reconciliation is great on many levels. IPCAs have the potential to contribute to reconciliation, but also to building genuine nation-to-nation, government-to-government, and Crown-to-Inuit relationships, as well as those between Indigenous and non-Indigenous Peoples.

In this regard, it is very important that national Indigenous organizations, as well as provincial/territorial Indigenous organizations, are not seen as the central conduits for IPCA development or funding models. Due to the highly localized and geographically specific nature of IPCAs, it would be best to ensure a nation-to-nation approach that is not led by national Indigenous organizations or NGOs, but by Indigenous Peoples and their governments. All too often, such organizations are perceived as convenient entry points for funds, programs, initiatives and development relating to Indigenous Peoples. Unfortunately, sometimes this results in a bottleneck of funds and opportunities that do not end up having real, on-the-ground impacts for communities. Repeatedly, ICE heard that reconciliation in the context of developing IPCAs must be grounded in respect, including:

- accepting that Indigenous People have sacred connections to their territories that are reflected in their protocols and ceremonies and often embodied in their languages,
- accepting the existence and validity of Indigenous laws and knowledge systems along with western science,
- accepting the diversity of the governance systems Indigenous Peoples have in different regions, and truly understanding and accepting the distinctions between Inuit, Metis Nation and First Nations governments, and
- respecting the spirit and intent of historic Treaties and modern land claims agreements, where they exist, and Canada's international commitments, such as UNDRIP.

To make progress on IPCAs, all parties will need to work together to address some of the key challenges noted here.

SNAPSHOT: THE GREAT BEAR RAINFOREST AGREEMENTS

The Great Bear Rainforest represents a quarter of all remaining coastal temperate rainforests on the planet. This magnificent region of old-growth forests, grizzly bears, black bears, rare spirit bears and salmon is home to Indigenous communities thousands of years old. Some 6.4 million hectares in size, it stretches along British Columbia's west coast from the Discovery Islands to the Alaska border.

Until recently, its cultural and ecological heritage was threatened with industrial-scale logging. The situation finally began to improve in the mid-1990s, when environmental NGOs stood with the Nuxalk (who have shared territory in the area with Heiltsuk First Nation) to blockade logging companies. Arrests, protests and the targeting of investors and consumers buying products from the area fuelled international media attention and forced the province to take First Nations' concerns seriously.

A turning point came when involved environmental NGOs formed the Rainforest Solutions Project (RSP) while stakeholder companies formed the Coast Forest Conservation Initiative (CFCI), and following difficult negotiations, both agreed to work together as the Joint Solutions Project advising First Nations and the BC government on solutions to unsustainable logging.

Shortly thereafter, all parties agreed to an independent scientific panel, the Coast Information Team (CIT) to come up with recommendations on how to ensure the socio-economic and ecological well-being of the region and its peoples. In 2004, CIT called for 70 percent of the region's natural levels of old-growth ecosystems to be protected. This would still allow for a viable forestry sector by implementing a coast-specific forest management regime called Ecosystem-Based Management (EBM).

The proposed solutions led the provincial government to announce the breakthrough Great Bear Rainforest Agreement in 2006: a comprehensive protection and social well-being package for the region, which was now permanently defined as the south, central and north coasts of BC and Haida Gwaii. The result was that 33 percent of the region would be off-limits to industrial logging through a new form of protected area called a conservancy (which was more inclusive of First Nations uses, unlike previous designations), with EBM protecting another 37 percent. Additional funding was secured from the philanthropic sector.

But by 2009, all parties had realized that that this ambitious level of protection was going to be impossible to reach: only 50 percent protection had been achieved by then, and First Nations had not felt enough social or economic improvement. All parties agreed to another five years of negotiations.

At last, in 2016, the Government of British Columbia announced that a final agreement had been reached to protect 85 percent of the forested land base of the Great Bear Rainforest from industrial logging, with stringent legal logging regulations to be applied to the remaining 15 percent. The Agreement recognized and enshrined shared decision-making between the Government of British Columbia and First Nations for land use within the region. It also provided increased economic shares of timber rights and new measures to nurture a conservation economy, with additional funding for the region's First Nations.

There continues to be challenges with the Agreement such as a less-than-ideal level of Indigenous government decision-making over their territories, however it is exponentially better than the previous status quo. Furthermore, this model has been studied throughout the world as it has provided many lessons gleaned given its innovative multi-lateral large-scale land use planning processes which centred on both Indigenous rights and ecological imperatives.

> We're in a process now where the government, the prime minister, is talking about reconciliation... Until we decide what reconciliation means and we agree to move forward on this journey together—and in that understanding, coming to an understanding of reconciliation—you build a moment of trust. You come to that understanding of what that's going to mean for you and how that's going to look as you move forward. Then and only then, you can sit in a tent frame by the river with first nations people across this land and have that open and honest discussion...And look at each other straight in the eye and say okay, we can walk this journey together for all those that are not born yet."
>
> — Lorraine Netro, Central Regional Gathering, September 2017

4.9 "COOLING-OFF PERIODS": MEASURES FOR REDUCING PRESSURES ON LANDS

Putting new IPCAs in place will take time. Many territories have been seriously affected by development, and communities are concerned that their IPCA areas of interest will be degraded before such an area can be formally designated. Examples were provided at Regional Gatherings of communities whose recent histories have been ones of conflict over imminent threats to their territories, including litigation and cumulative social and environmental impacts from unmitigated industrial development. While these communities may be supportive of an IPCA, they may require a "cooling-off" period before they are willing to engage in collaborative processes.

A strong interest was expressed that in places where land use pressures or impacts are greatest, governments may need to consider measures to "pause" development to give Indigenous Peoples and affected interests sufficient time to achieve solutions that do not result in Indigenous rights, values and priorities being compromised in the meantime.

4.10 DEGRADED LANDSCAPES AND LAND USE PRESSURES

Regional Gatherings have also highlighted the need for new and innovative approaches to conserving landscapes that are subject to greater-than-average land use pressures or impacts, or that have been highly affected by development. Especially in places where Indigenous Peoples face pressures to protect areas under imminent threat of development, current approaches for achieving protected status (which often takes more than a decade) are not sufficient. In these cases, quicker solutions are needed. Also, as discussed earlier, governments may need to consider measures to "pause" development in such areas to give Indigenous Peoples and affected interests enough time to achieve solutions that do not result in Indigenous rights, values and priorities being compromised in the meantime.

Where landscapes have been affected by development over time, collaborative restoration efforts provide valuable opportunities to reclaim areas that are important to Indigenous Peoples and, in so doing, restore biodiversity in places where those values were deemed lost. "Restoration parks" were identified as a specific model that could contribute to healing affected landscapes while contributing to reconciliation between Indigenous and non-Indigenous Peoples and the land itself.

Tla-o-qui-aht Master Carver and Elder Joe Martin.
Photographer: Marilyn Baptiste

These approaches will not be consistent, in all cases, with what currently counts as a protected or conserved area in Canada. Nonetheless, they offer valuable tools that could be used by Indigenous governments and conservation partners to achieve their objectives in landscapes where biodiversity conservation is more challenging.

4.11 SHARED TERRITORIES

There are many situations in Canada where multiple Indigenous Peoples have connections to some of the same lands and waters. In these areas, extra attention will be needed to determine the respective "inter-national" interests. Indigenous governments must have the first opportunity to develop the appropriate protocols for reconciling management and uses between nations; the designation of an IPCA will reflect these processes.

4.12 CAPACITY AND FUNDING

To establish and manage IPCAs, Indigenous Peoples require the capacity to undertake community consensus building, land use and watershed planning, mapping and spatial data management, the creation and tracking of indicators, studies, stewardship, monitoring and cultural interpretation. Many Indigenous governments currently lack these capacities, and lack the revenue generation potential to address the shortfall.

Traditional capacity and funding models rely on Crown governments as the sole financial providers for Indigenous capacity-building programs. In many cases, this has resulted in rigid, overly bureaucratic, unreliable funding on a year-to year basis. For IPCAs, which require a long-term commitment to conservation and relationships, a more streamlined, predictable and flexible funding model is required.

Some IPCAs may be able to secure funding by partnering with philanthropic organizations, environmental NGOs or Indigenous governments looking to partner and support IPCAs. Other IPCAs may be able to secure funding through revenue-generating activities, such as user fees and carbon credits. These mechanisms will not be viable for all IPCAs, and some will take time to develop. Therefore, funding commitments from federal, provincial and territorial governments will be required to ensure the success of IPCAs until they become self-sustaining.

> "First Nations across Canada have been estranged from their most important relations: those that flow through water. External institutions and actors within the dominant legal and political systems, as well as the private sector, make decisions about water that impact First Nations management, planning, access and use of water. This estrangement has grave consequences for living beings and First Nations life-ways within traditional territories and reserve boundaries. This estrangement has developed slowly, resulting from the impacts of settlement and "development." Industrial and agricultural projects have polluted, contaminated, deforested and degraded traditional Indigenous lands and waters across Canada"
>
> — Danika Littlechild, ICE Co-chair, Ermineskin Cree Nation in Maskwacis Alberta, Treaty 6 territory

T'Sou-Ke First Nation, BC.
Photographer: Margot Bishop

Requirements for Supporting Capacity Development

During the Regional Gatherings, capacity development was discussed as requiring a holistic approach that unites various perspectives. It is often perceived as a one-way process for empowering Indigenous Peoples in relation to Crown-led and science-based processes, tools and mechanisms. But it should be a two-way collaboration and learning platform where Indigenous People are given the means to understand and make decisions within a western-based system, while non-Indigenous participants are supported in learning, appreciating and integrating Indigenous knowledge into western-based decision-making processes.

Capacity development was often discussed at the Regional Gatherings in terms of the need to share stories and lessons learned between Indigenous and non-Indigenous people, as well as to build a national program for guardians in support of equity among nations and governments.Examples include reconnecting youth with Elders, documenting Elders' knowledge, enforcement staff working with guardians, mapping using Indigenous language, and respecting and participating in traditions and ceremonies on the land.

4.13 IPCAS' CONNECTION TO UNESCO AND OTHER DESIGNATIONS

Within the United Nations system, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has a unique mandate to designate natural areas of significance. It achieves this through different instruments, including the World Heritage Convention, the Lists and Register of the Convention for the Safeguarding of Intangible Cultural Heritage, the Man and the Biosphere Programme (with its World Network of Biosphere Reserves), and the International Geoscience and Geoparks Programme.

UNESCO designations may fall within the definition of IPCAs where Indigenous Peoples have led such nomination processes or have participated significantly through partnerships.

These designations differ in character, criteria, mandate, monitoring and reporting. However, they all share the goal of conserving the environment (and in some cases, culture) for future generations.

UNESCO itself does not designate sites. There are designating bodies for World Heritage, Biosphere Reserves and Geoparks that provide international recognition. Sometimes there are areas that have overlapping designations.

SNAPSHOT: THAIDENE NËNÉ NATIONAL PARK RESERVE AND TERRITORIAL PROTECTED AREA

The Thaidene Nëné proposed National Park Reserve and Territorial Protected Area (TDN) extends over an area of approximately 33,000 square kilometres in the Northwest Territories and is in the traditional territory of the Lutsel K'e Dene First Nation (LKDFN). It is currently subject to an interim land withdrawal, which provides it with temporary protection from mining claims and other interests issued by governments.

The federal government first proposed an "East Arm National Park" for this region in 1969—an idea with which LKDFN did not agree, as it would have limited traditional activities and ways of life. Since then, LKDFN has been working for a better solution. Recently, LKDFN asked Parks Canada whether it was still interested in creating a national park in the area based on the spirit and intent of Treaty 8, with LKDFN as an equal partner. The answer was yes; thus began several years of collaborative work between LKDFN and the federal government. In 2015, the Government of the Northwest Territories joined the table as a partner. Agreements to establish Thaidene Nëné are expected to conclude in mid-2018. A unique feature of TDN will be the Thaidene Nëné Trust, which will provide long-term funding for protection.

UNESCO designations may fall within the definition of IPCAs where Indigenous Peoples have led such nomination processes or have participated significantly through partnerships.

World Heritage sites identify, protect and conserve natural cultural sites of outstanding universal value and transmit them to future generations. Biosphere reserves are spaces dedicated to the harmonized management and conservation of biological and cultural diversity, and to economic and social development based on science and on the peoples who live and work in them.

UNESCO Global Geoparks are areas of geological heritage of international value that relate strongly to conservation, local community and the promotion of heritage and sustainable development. Intangible cultural heritage encompasses traditions or living expressions transmitted by Elders to future generations, including oral traditions, social practices, rituals and—most relevant—knowledge and practices concerning nature and the environment.

These international designations all have their own governance, management, legal frameworks, funding arrangements and reporting requirements.

There are 1,073 World Heritage sites worldwide, of which 18 are in Canada. Of the 669 biosphere reserves in 120 countries (including 20 transboundary sites), Canada is home to 18. There are 127 UNESCO Global Geoparks in 35 countries, with Canada hosting two. Canada is not a State Party to the Convention on Intangible Cultural Heritage (ICH), so it does not have ICH inscriptions.

Indigenous Peoples have not played prominent roles over the history of these UNESCO designations. This has shifted recently with advances in the recognition of the rights of Indigenous Peoples through UNDRIP and UNESCO's developing policy on engaging with Indigenous Peoples. Indigenous Peoples in Canada have been particularly influential in this regard. For example, the Tsá Tué biosphere reserve designation is the first Indigenous-led designation in the history of UNESCO biosphere reserves.

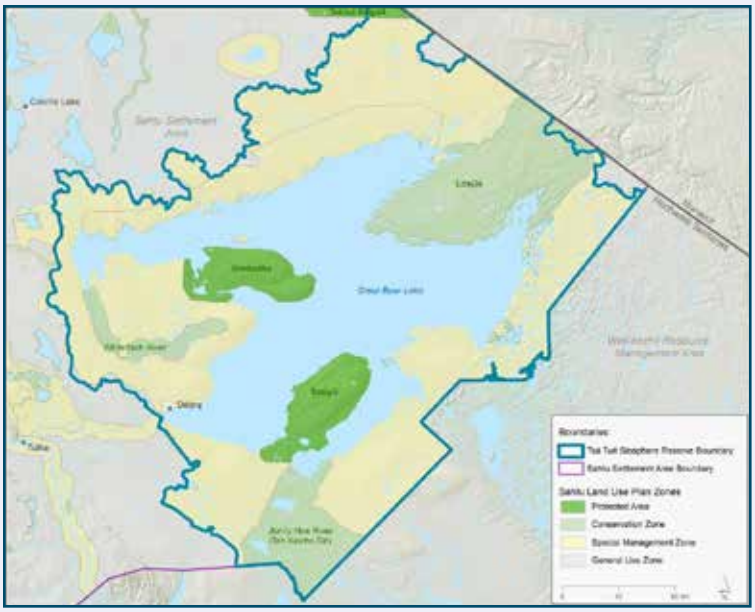
Although the biosphere reserve designation is non-regulatory, some biosphere reserves have core areas that overlap recognized and reported protected areas. However, not all do, with most not being formally recognized by Crown governments as contributing to biodiversity and ecological conservation efforts. Biosphere reserves typically involve collaboration by many partners and levels of government, including (but not always) Indigenous governments.

TSÁ TUÉ BIOSPHERE RESERVE DESIGNATION AND IMPLEMENTATION

The Tsá Tué Biosphere Reserve received formal recognition by UNESCO in March 2016. The Sahtu Dene First Nation led the submission for the designation to protect Great Bear Lake from threats of large-scale development. Great Bear Lake is considered the source of life for the Sahtu Dene, known as the "Bear Lake People," who have lived in its proximity since time immemorial, caring for its surroundings and maintaining the Tudze, which according to Dene legend, is a living and breathing heart buried in its depths.

Tsá Tué is the first biosphere reserve located north of the 60th parallel in Canada. At 93,000 square kilometres, it is the largest in North America. The *Délı̨nę* Renewable Resources Council leads its management in cooperation with a range of agencies and organizations.

> *"The process leading to designation was fully inclusive of the community. Lead by the Elders, supported by the leadership and assisted by a senior outside adviser with lengthy experience in working within government circles and with funding provided by a key foundation, communication within the community was comprehensive and ongoing. Numerous community meetings were held, and the steering committee met publicly for several days bi-monthly. Radio announcements and on-air discussions were frequent, and the general public was given every opportunity to engage in the discussions. From the outset, the community had a veto as to whether the project would proceed. This was unambiguous: without community support, particularly that of the Elders and leadership, the nomination process would not proceed. This approach provided the assurances the community required: This was their project, and not something being imposed by outside agencies. Similarly, outside agencies were aware that despite their support for the nomination, it was not their call to make. In short, engagement was ongoing, comprehensive, led by the community Elders and leadership, supported by key individuals and agencies, and the entire project was subject to community veto. These were the key ingredients to success in Délı̨nę.*
>
> *"The Tsá Tué Biosphere Reserve Stewardship Council, a registered NWT society established pursuant to the NWT Societies Act, now leads biosphere implementation. The Council includes representatives of the Délı̨nę Renewable Resources Council, other key Délı̨nę agencies, Parks Canada, Elders, and youth. Advice is provided by resource management boards, federal, territorial and Sahtu government agencies, industry representatives, and other interested parties as appropriate. Decisions of the Council are made by consensus. Délı̨nę residents comprise the entirety of the Council. The commitment to sustainable development in accordance with UNESCO principles and Sahtuto'ine spirituality is now entrenched in the Délı̨nę Got'ı̨nę Government constitution."*
>
> — Excerpted from *Indigenous-led Biosphere Reserves: nothing to fear*, a Canadian Commission for UNESCO IdeaLab Discussion Paper by David Livingstone



Tsá Tué Biosphere Reserve, NWT.

Government of the Northwest Territories, March 8, 2018

Lutselk'e, NWT. Photographer: Pat Kane

5.0 RECOMMENDATIONS

ICE Co-Chair Danika Littlechild leading a breakout group on Indigenous values and principles at Aurora Village, NWT. Photographer: Marilyn Baptiste

5.1 INTRODUCTION

In addition to being woven by the sacred strands of reconciliation, IPCAs must also be shaped by Indigenous knowledge systems. Indigenous knowledge systems, while defined by those who practice and are guided by them, are passed from generation to generation through culture, song, language, dance, ceremony and witnessing. They draw upon the ever-changing natural world. As such, they change over time, bringing forward new understandings regarding the Earth's ecology.

The collections of wisdoms and experiences of Indigenous Peoples encompass the interrelationships between all life forms from a unique historical, cultural and spiritual perspective. This is evident in Indigenous languages, which come from and are intricately tied to the land and water. Language speaks to the interconnectedness of all things and to people's connection to the land and water. It is a human birthright; and it gives rise to the natural laws that make nations. As a result, language and culturally appropriate ceremonies play a vital role in creating and managing IPCAs and in revitalizing existing protected areas.

> "Within the spirit of the Indigenous, there is a memory, original instructions that can define our humanity. All those original instructions are based on values and teachings that ensure survival and respect for the land and its natural laws. Our people have always understood that 'all life is connected.' You cannot fragment the Earth with the policies or structures."
>
> — Elder Dave Courchene, Central Regional Gathering, September 2017

Indigenous knowledge systems and western science need to be treated as equally valued and respected parallel systems. They complement each other while each maintains its integrity. This dual system of knowledge ("two-eyed seeing") weaves the two approaches together using Indigenous expertise.

> Etuaptmumk: Two-eyed seeing refers to learning to see from one eye with the strengths of Indigenous knowledges and ways of knowing, and from the other eye with the strengths of western knowledges and ways of knowing—and learning to use both of these eyes together for the benefit of all."
>
> — Elder Albert Marshall of the Mi'kmaw Nation, Central Regional Gathering, June 2017

Federal, provincial and territorial governments must recognize the critical role of Indigenous wisdom and knowledge in managing complex ecosystems and addressing conservation- and protection-related challenges. They must also thoroughly understand Indigenous knowledge systems if authentic knowledge sharing and learning are to be truly reciprocal. Therefore, there is a need for governments at all levels to build their internal capacity to grasp and value Indigenous knowledge systems.

IPCAs must be based, at the very least, on joint Indigenous knowledge systems and western science assessments of the relationships inherent within the land and water. The resulting analysis can inform management planning and subsequent ecological audits. All management planning, even if it is based in "two-eyed seeing" and brings both systems together, must nevertheless be rooted in the abiding values of spirituality and respect for the use of traditional protocols.

In the spirit and practice of reconciliation, federal, provincial and territorial governments should acknowledge, respect and create the space required for the sacred elements of Indigenous local protocols, practices and ceremonies that uplift Indigenous Peoples and their many traditions. Preparation of ceremony is central to Indigenous Peoples' relationship with land and water, and is a sacred space where their perspectives and truth must be honoured.

Orientation, relationship-building and cross-cultural competency are important when different worldviews come together. Bridging methods and tools are needed to learn how to work together respectfully to weave reconciliation with "two-eyed seeing" in the creation of IPCAs. The recommendations set out in this section of the report attempt to lay the necessary foundation for that.

5.2 RECONCILIATION IN CONSERVATION

> The Government of Canada recognizes that reconciliation is an ongoing process that occurs in the context of evolving Indigenous–Crown relationships. This Principle recognizes that reconciliation processes, including processes for negotiation and implementation of Treaties, agreements and Other Constructive Arrangements, will need to be innovative and flexible and build over time in the context of evolving Indigenous–Crown relationships. These relationships are to be guided by the recognition and implementation of rights. —Principal 9, Principles respecting the Government of Canada's relationship with Indigenous Peoples (see http://www.justice.gc.ca/eng/csj-sjc/principles-principes.html).

Reconciliation has been a core aspect of ICE's work. Throughout the process, ICE has delved into various elements of reconciliation, experiencing it as a multifaceted and dynamic concept.

ICE has examined reconciliation in a historical context, unafraid to cast a critical eye on existing protected areas and Indigenous Peoples. This has necessitated discussion around issues such as exclusion from decision-making, forcible displacement, rights violations and rights restrictions (such as hunting/fishing, cultural rights or access issues) as well as the role(s) and breaches of Treaties, Agreements and Other Constructive Arrangements.

> We need to preserve the woods, we need to preserve the animals and we need to preserve our way of life. So it is not just about us as people, it's about the world, it's about the animals, it's about everybody."
>
> — Bev New, Métis Nation of Alberta, Co-Minister for Métis Rights, Central Regional Gathering, September 2017

ICE has also considered reconciliation in the current context, looking at the nature of interactions between Indigenous Peoples and protected areas today. ICE explored whether there were any established relationships between Indigenous Peoples and established protected areas, and whether Indigenous Peoples were part of decision-making bodies or were employees, advisers, volunteers or simply voiceless in the function of existing protected areas.

Finally, ICE considered what reconciliation might mean for the future of conservation and protection in the context of Pathway to Canada Target 1. Its vision for future Indigenous leadership, Indigenous participation in decision-making, Indigenous standard-setting and interactions in protected and conserved areas includes its concept of reconciliation and the implementation of ethical space, including the Truth and Reconciliation Commission of Canada CTAs, UNDRIP, the Canadian Constitution and jurisprudence, and Treaties, Agreements and Other Constructive Arrangements.

ICE hope that its recommendations (set out below) contribute toward reconciliation for all Canadians and Mother Earth.

1. ICE calls on federal, provincial, territorial and Indigenous governments to endorse the concept of IPCAs outlined in this report:

IPCAs are lands and waters where Indigenous governments have the primary role in protecting and conserving culture and ecosystems through Indigenous laws, governance and knowledge systems. Culture and language are the heart and soul of an IPCA.

However, ICE also encourages Indigenous governments to develop and refine this proposed definition according to their local environments.

To be clear, any level of government can propose an IPCA; but once there is agreement to proceed, Indigenous governments will take the primary role in deciding on all aspects of management and operations. This does not mean that an Indigenous government must take an exclusive role, as it is understood that different kinds of partnerships and supports may be required or sought depending on circumstances. However, it does necessitate a deliberate elevation of Indigenous governments in decision-making processes, with appropriate recognition.

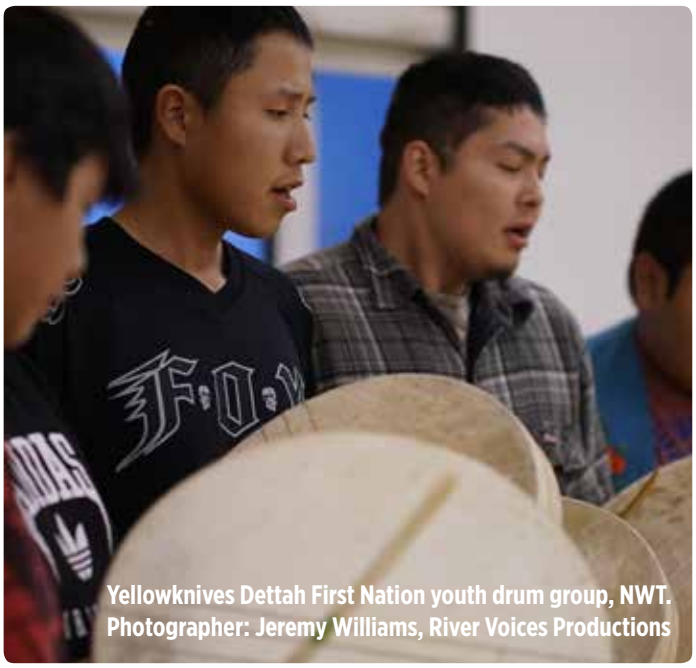
2. ICE encourages federal, provincial and territorial governments to work with Indigenous governments to support the development and implementation of IPCAs that count, when appropriate, toward Canada's biodiversity and protected area targets, including Target 1.

3. ICE calls upon federal, provincial and territorial governments to support the development of IPCAs beyond the Pathway to Target 1 timeline.

Reconciliation is an ongoing process. ICE heard from many Indigenous governments that are interested in IPCAs, but need time to build their capacity and community vision first. In many cases, this will take time, pushing beyond the 2020 timeframe for Target 1.

4.1 ICE recommends that federal, provincial and territorial governments support IPCAs whether they count toward Target 1 or not.

In many cases, IPCAs will be consistent with IUCN requirements for protected areas or "other effective area-based conservation measures" (OECMs); thus, they may contribute to Canada's targets under international agreements, such as the CBD (i.e., Aichi Target 11). However, not all IPCAs may contribute; and whether or not they contribute to Canada's biodiversity targets, they should be supported by federal, provincial and territorial governments and other stakeholders.



Yellowknives Dettah First Nation youth drum group, NWT. Photographer: Jeremy Williams, River Voices Productions

4.2 ICE calls on the Government of Canada to support and promote its definition of IPCAs internationally—such as under international designated areas of protection, including UNESCO designations like World Heritage and Biosphere Reserves—and with regards to processes and requirements in the context of IUCN and CBD.

5. ICE recommends that federal, provincial, territorial and Indigenous governments recognize and support the potential of IPCAs to enable sustainable, conservation-based Indigenous economies to help diversify local economies.

Sustainable economies within IPCAs can contribute to surrounding local economies. Many local communities remain heavily invested in non-renewable resource industries. IPCAs can contribute, rather than detract from, robust local economies by providing opportunities to diversify investments.

IPCAs can be part of a just transition away from boom/bust economic cycles to a more sustainable future, which in turn may contribute to stable and predictable investment opportunities.

6.1 ICE calls on federal, provincial and territorial governments to acknowledge and address past wrongdoings—such as appropriating lands and waters from Indigenous Peoples, refusing to recognize the rights of Indigenous Peoples, and excluding them from access to their resources—in the establishment of parks and protected areas. In the spirit and practice of reconciliation, ICE therefore also calls on governments to work with affected Indigenous communities and their governments to determine appropriate action.

When parks and protected areas were established in the past, significant injustices were done to Indigenous Peoples. Their lands were appropriated, and they were excluded from access to resources. ICE calls on federal, provincial and territorial governments to acknowledge these wrongs and determine appropriate action in the spirit and practice of reconciliation through discussion with Indigenous governments. Appropriate actions may include governments issuing formal apologies to Indigenous Peoples.

6.2 ICE calls on federal, provincial and territorial governments to develop collaborative governance and management arrangements for existing federal, provincial and territorial parks and protected areas.

6.3 ICE recommends that federal, provincial and territorial governments support Indigenous-designed and -led cultural programs in existing parks and protected areas to educate the public (and where applicable, government employees) about Indigenous natural laws and stewardship. This can be done through Indigenous Peoples' geographical, spiritual, social and economic connections to a given park or protected area.

> "The intention of our knowledge keepers has always been to honour the spirit and ceremony and the values that underpin Indigenous knowledge. Our strength as a people is in the alliance we have with nature. We rely on nature for its teachings and our sustenance."
>
> — Elder Dave Courchene, Central Regional Gathering, September 2017

Chief Roy Fabian from K'atl'odeeche First Nation (left) and Marilyn Baptiste, ICE Core (right). Photographer: Jeremy Williams, River Voices Productions

7. ICE recommends that federal, provincial and territorial governments enter into good faith discussions with Indigenous governments that have an interest in establishing IPCAs relating to, or coinciding with, parks and protected areas where there are not enough meaningful partnerships with Indigenous governments.

Where parks and protected areas were established without Indigenous participation, consultation, or free, prior and informed consent, ICE urges governments to engage in building relationships and good faith dialogue with Indigenous Peoples through their chosen representatives. Such dialogue will contributeto reconciliation, address present challenges, and move toward a vision of strengthened relationships and self-determination.

8. For IPCAs or other protected areas already declared by Indigenous governments, such as Tribal Parks, ICE calls upon federal, provincial and territorial governments to formally respond to and engage in good faith dialogue with Indigenous governments to explore appropriate recognition, level of protection and governance sought by the Indigenous government.

ICE encourages federal, provincial, territorial and Indigenous governments to collaborate in developing innovative ways to find common ground and resolve disputes over land and waters that may arise from a proposal to create an IPCA.

9. ICE recommends that federal, provincial, territorial and Indigenous governments work together on an ongoing basis to review—and, where necessary, amend—protected area legislation, policies and tools to support IPCAs.

ICE recognizes that, at the time of the release of this report, reviews of environmental and other legislation are underway. While some of these review processes may endeavour to address issues and matters relating to Indigenous Peoples, ICE encourages those leading such reviews to strengthen and enhance Indigenous involvement.

Indigenous governments that are interested in working with Crown governments to protect areas sometimes find it difficult to fit their vision and objectives for an area into the types of existing tools that governments have available. For example, parks legislation and policies often focus on protecting lands and waters from human influence, whereas from an Indigenous perspective, continued human presence on the land and water is seen as positive and essential, with humans considered an integral part of the land. As a result of western concepts of protection, parks legislation and policies are often restrictive in terms of the types of activities that can take place in parks and protected areas. Indigenous communities that are interested in continuing or pursuing certain activities, including small-scale economic activities, often find that existing parks frameworks do not accommodate the uses they envision.

Topics the joint reviews could consider include:

- recognizing Indigenous legal orders and governance authorities,
- creating IPCAs as a distinct category of protected area, and
- enabling mechanisms for a spectrum of IPCA governance models, including Indigenous governance and co governance models and agreements that allow for joint final decision-making powers between Crown ministers and Indigenous governments.

5.3 "WE RISE TOGETHER"

The following recommendations come from Indigenous communities across Canada that have used creativity, processes from the ground up, or other interesting and effective means to achieve their vision for creating an IPCA or otherwise protecting part of their territory, inspiring others.

Although some of these can be considered "best practices," ICE considered that term to be limiting. As recommendations, a key principle in these examples is that everyone benefits: "We rise together." Further, ICE feels strongly that following these sets of recommendations will save federal, provincial, territorial and Indigenous governments time and money because they emerge from successful examples, eliminating the need to reinvent the wheel.

10. ICE recommends that federal, provincial and territorial governments use land withdrawals and other measures to prevent development and new third-party interests in IPCA candidate areas while those areas are being considered.

Indigenous governments often struggle to protect lands and waters from industrial development while undertaking the community engagement and governance negotiation needed to establish an IPCA. Typically, a hold on development pressures is required for an area of interest to be considered.

11. ICE calls on federal, provincial, territorial and Indigenous governments to practice the principle of ethical space by building nation-to-nation, government-to-government and Inuit-to-Crown relationships in the pursuit of IPCAs.

The nation-to-nation, government-to-government and Inuit-to-Crown relationship requires significant efforts related not only to time and resources, but also to approach. ICE urges federal, provincial and territorial governments to engage directly with communities in the pursuit of IPCAs due to their geographically specific nature, and to avoid an approach that limits engagement to national Indigenous organizations or to provincial or territorial Indigenous organizations. Further, federal, provincial and territorial governments should approach relationship-building within the framework of ethical space, which includes the minimum standards set out in UNDRIP, the TRC's CTAs, the Canadian Constitution and Canadian jurisprudence, and Treaties, Agreements and Other Constructive Arrangements.

12. ICE recommends that when building relationships by developing IPCAs, federal, provincial and territorial governments respect the diversity of protocols, preferences, relationships and self-determination of Indigenous governments and regions.

13. ICE recommends that federal, provincial and territorial governments adopt a flexible approach to collaborating with Indigenous governments and Peoples when identifying and protecting sacred or culturally important areas and cultural keystone species, whether they are in an existing protected area or an IPCA. Governments should not be bound by standard objectives and criteria in these matters.

14. ICE recommends that Indigenous governments develop IPCA indicators for success, including social, economic and cultural indicators.

These indicators should be used to assess progress and outcomes that are in line with their IPCA objectives. An Indigenous government's standards and measurements of success could be based on community priorities and evolving circumstances as successes are reached. However, ICE suggests developing indicators related to the environment, reconciliation, revitalization of language, cultural practices, protocol and ceremony, job creation, sustainable livelihoods and social well-being.

15. ICE calls on federal, provincial and territorial governments to acknowledge and respect the fact that Indigenous governments will use their own unique legal traditions and knowledge systems when establishing IPCAs.

Indigenous legal traditions and knowledge systems are whole unto themselves and are defined and owned by Indigenous Peoples and their governments.

16. ICE encourages philanthropic organizations and other NGOs to support and partner with Indigenous governments (and Indigenous NGOs, where applicable) and federal, provincial and territorial governments to develop, implement and manage IPCAs.

In example after example of successful conservation initiatives involving Indigenous Peoples, a common element has been the involvement of the non-profit sector, such as philanthropic and environmental organizations. Whether serving as active partners in developing and implementing IPCA-type projects or sourcing funds and other resources to leverage support from government, non-profit organizations should be encouraged to join the collaborative process involved in creating IPCAs.

The Great Bear Rainforest is a large temperate rainforest on the coast of British Columbia whose old-growth trees and rare ecosystems have been protected through various designations, such as conservancies. It is home to more than two dozen First Nations. Working with Indigenous governments and the provincial government, a variety of stakeholders—including environmental organizations (Greenpeace, Sierra Club BC and Stand), the forest products industry (Coast Forest Products Association) and philanthropic organizations (including Tides Canada and The Nature Conservancy)—collaborated on designing solutions as well as providing and leveraging funds and expertise toward the long-term protection of the region while ensuring that a viable conservation economy would take root.

For more information, visit the following three websites, which between them offer a comprehensive picture:

- Coastal First Nations: http://coastalfirstnations.ca/
- Nanwakolas Council: http://www.nanwakolas.com/
- Great Bear Rainforest: https://greatbearrainforest.gov.bc.ca/

5.4 HOLISTIC AND INTEGRATED APPROACHES TO STEWARDSHIP

ICE heard at Regional Gatherings that Indigenous People continue to feel their perspectives and interests are not adequately reflected in management decisions. Free, prior and informed consent (FPIC), as defined by a given Indigenous government, must be obtained in land use planning and watershed planning processes.

Indigenous People generally take a holistic approach to the stewardship and management of their territories, viewing them through the lens of long-established worldviews, practices and actions. They have been stewarding the land holistically for many thousands of years, which has resulted in harmony with the land and sustained biodiversity conservation. Current management regimes for marine/terrestrial areas and protected/non-protected areas are disconnected from one another; as a result, they are not consistent with Indigenous worldviews. From an Indigenous perspective, it is this paradigm of disconnectedness that has been causing harm to biodiversity.

Achieving reconciliation on land and resource issues will require holistic, integrated approaches that consider and balance the conservation and economic objectives of the parties. This is consistent with messaging from Indigenous communities and knowledge holders across the country.

Canada can be a global leader in attaining international targets while embracing its own unique ways of living in harmony with the rest of nature.

17. ICE recommends that federal, provincial and territorial governments collaborate with Indigenous governments to support Indigenous land use planning, collaborative land use planning and governance models to support them.

Such plans and processes should identify and supply resources for equitable, effective and efficient collaborations leading to mutual agreements, land use recognition (including for IPCAs), and building/maintaining long-term relationships in the spirit of reconciliation. This should occur not just among federal, provincial, territorial and Indigenous governments, but with local governments, industry, environmental NGOs and other partners. Examples could include:

- Indigenous-led or collaborative land use planning at the watershed, landscape or traditional territory scale,
- full implementation of modern land claims agreements,
- full implementation of shared decision-making models outside of protected areas, and
- reconciliation of existing land use plans between Indigenous governments and federal, provincial and territorial governments.

  Such plans and processes may contribute to Canada Target 1 through the OECM designation while honouring the spirit and intent of the original Treaties.

> "Hahoulthee [also meaning territory] means marriage to the land and...a responsibility to leave this land in abundance for future generations."
>
> — Elder Joe Martin, Tla-o-qui-aht First Nation in British Columbia, Western Regional Gathering, May 2017

18.1 ICE recommends that federal, provincial and territorial governments take a more integrated approach to conservation and biodiversity that is consistent with Indigenous worldviews and tailored to what the land and water need locally and regionally.

18.2 ICE recommends the full implementation and coordination of the other Aichi Targets and their related Canadian targets, notably (in the context of ICE's mandate) Aichi Targets 14 and 18:

TARGET 14
By 2020, ecosystems that provide essential services, including services related to water, and contribute to health, livelihoods and well-being, are restored and safeguarded, taking into account the needs of women, Indigenous and local communities, and the poor and vulnerable.

Photographer: Susan Mather

TARGET 18
By 2020, the traditional knowledge, innovations and practices of Indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of Indigenous and local communities, at all relevant levels.

ICE encourages the federal, provincial and territorial governments of Canada to engage in these Aichi Targets in the context of IPCAs further to the 2020 Biodiversity Goals and Targets for Canada, in particular Canada Target 13: "By 2020, innovative mechanisms for fostering the conservation and sustainable use of biodiversity are developed and applied." ICE suggests that Indigenous innovations may be appropriate mechanisms to be supported within the context of Canada's progress under this target and others.

19. ICE recommends that federal, provincial and territorial governments facilitate and support cross-boundary (inter-national, provincial/territorial) conservation strategies as they relate to IPCAs.

Since federal, provincial and territorial government boundaries separated long-existing Indigenous sovereign lands, Indigenous governments want to protect their territories that straddle international, provincial or territorial boundaries. There is a great opportunity for cross-boundary collaboration, cooperation and reconciliation between all levels of governments through the creation of IPCAs that straddle political boundaries.

20. ICE encourages the federal government to enable, fund and build on Indigenous-led processes to examine IPCAs in the marine context.

Any subsequent marine-focused IPCA process created to provide recommendations on marine IPCAs should emulate and learn from ICE processes within Pathway to Canada Target 1. In the interest of protecting and enhancing biodiversity, the marine-terrestrial components of the Aichi Targets should be viewed holistically by governments moving forward.

Dasiqox Tribal Park, Tsilhqot'in territory, BC. Photographer: Jeremy Williams, River Voices Productions

> We continue to find ourselves reacting to government-initiated processes and we should be reversing this trend. We must be in the position to be proactive and defining our own processes and our own initiatives, offering opportunities for those who wish to engage in our defined initiatives or approaches."
>
> — Elder Dave Courchene, Central Regional Gathering, September 2017

5.5 CAPACITY-BUILDING

Building the capacity of Indigenous Peoples to establish and manage IPCAs takes time and can include the capacity to undertake community consensus building, land use and watershed planning and governance, mapping and spatial data management, creating and tracking indicators, undertaking studies, stewardship, monitoring and cultural interpretation.

21. ICE calls upon federal, provincial and territorial governments, philanthropic organizations, academia, environmental NGOs and industry to support the capacity of Indigenous governments, communities and associated organizations to plan, establish and manage IPCAs and engage in conservation efforts more broadly.

Examples of capacity-building requirements emerging from the Regional Gatherings for successful IPCAs include:

- promoting and restoring Indigenous languages and cultural competency/awareness,
- supporting reconnection to the land and water whenever possible, especially for Elders, youth and women,
- undertaking a holistic approach to identifying capacity requirements,
- undertaking a whole-of-government approach and breaking down silos to increase transparency,
- fostering relationships through cross-cultural training, including Indigenous knowledge systems and western systems,
- recognizing the importance of Indigenous ceremony on the land and water and its relation to building capacity,
- facilitating access to information and data held by federal, provincial and territorial governments about the lands and waters being managed while respecting culturally sensitive information,
- providing space for Indigenous governments to identify their capacity needs,
- creating safe spaces to share capacity and leverage collective knowledge,
- sharing resources across Indigenous communities, and
- providing capacity rooted in local Indigenous knowledge systems and ensuring that federal, provincial and territorial governments understand and value the importance of such local systems of knowledge

22. ICE encourages federal, provincial, territorial and Indigenous governments to work together to support the development of on-the-land programs (e.g., guardian programs or similar community-based initiatives) for the development and management of IPCAs.

Many existing guardian programs are designed to steward Indigenous territories and transmit Indigenous knowledge. Guardians should be permitted to exercise their authority, where appropriate, to enforce Indigenous and Crown laws within IPCAs and to help create land use and/or watershed governance area plans—and in some cases, to work alongside Crown staff in managing the operations of existing protected areas.

Photographer: Susan Mather

23. ICE recommends creating a network of IPCA managers, supported by an Indigenous-led national coordinating body in partnership with federal, provincial and territorial governments, to support the capacity, development, implementation and success of IPCAs now and beyond 2020.

This coordinating body could play a major role in establishing a network of IPCA managers or its equivalent to facilitate the sharing of tools, resources, best practices and lessons learned.A consistent message emerged from the Regional Gatherings: Indigenous Peoples see the need for formalized mechanisms to support the work of IPCAs across the country. One example might be the formation of a national coordinating body.

An "ICE 2.0" would consider and put forward recommendations on the creation of such a coordinating body to support consistency across the federal, provincial and territorial government spectrum. This will also encourage the sharing of advances made in one area to contribute to the consistent growth and improvement of IPCAs across Canada (the "We rise together" approach).

24. Further to TRC Call to Action #57, ICE calls upon federal, provincial and territorial governments to educate and create mandatory skills-based training relevant to the local context for staff in intercultural competency, conflict resolution, human rights and anti-racism.

This will develop and strengthen positive relationships between Indigenous Peoples and federal, provincial and territorial government staff. Training programs should be developed and delivered in collaboration with local and Indigenous partners.

Orientation, relationship-building and cross-cultural competency are important when different worldviews come together. Bridging methods and tools are needed if all parties are to learn how to work together respectfully.

25. ICE recommends that federal, provincial, territorial and Indigenous governments collaborate with educational institutions to support and encourage further research and capacity-building in IPCAs, such as with respect to the impacts and mitigation of climate change.

IPCAs can be "beacons of teachings": spaces for higher education research focusing on the recovery and revitalization of Indigenous knowledge systems and rooted in the guidance and teaching of Elders.

5.6 SUSTAINED FUNDING

26. ICE calls on federal, provincial, territorial and Indigenous governments, and conservation partners, to provide or facilitate secure multi-year funding for the planning, development and management of IPCAs.

Traditional capacity and funding models rely on Crown governments as the sole financial providers for Indigenous capacity-building programs. In many cases, this has resulted in rigid, overly bureaucratic, unreliable funding on a year-to year basis. For IPCAs, which require a long-term commitment to conservation and relationships, a more streamlined, predictable and flexible funding model is required.

Some IPCAs may be able to secure funding by partnering with philanthropic organizations, environmental NGOs or Indigenous governments looking to partner and support IPCAs. Other IPCAs may be able to secure funding through revenue-generating activities, such as user fees. These mechanisms will not be viable for all IPCAs, and some will take time to develop. Therefore, funding commitments from federal, provincial and territorial governments will be required to ensure the success of IPCAs until they become self-sustaining.

5.7 IMPLEMENTATION

27. ICE recommends that federal, provincial and territorial governments and Indigenous governments continue to support the work of ICE going forward to help guide the implementation of these recommendations.

Trust funds are increasingly used as a capacity tool to give independence to Indigenous governments in the governance, operation and management of IPCAs. When governments invest in these trust funds, they are effectively empowering Indigenous Peoples to have their own source of revenue that does not bind taxpayers to annual transfer payments in perpetuity. For example, a trust fund model is being developed for Thaidene Nëné, through which the Lutsel K'e Dene First Nations (LKDFN) can fulfill its responsibilities related to the protected area and can invest its own dollars to make investments from which current and future generations can benefit.

The ICE process has resulted in positive work, learnings, expertise and relationships among members and participants at Regional Gatherings. There is an opportunity to maintain the resulting momentum. Consideration should be given to establishing a national body on IPCAs to support Indigenous governments and local non-Indigenous communities in creating and implementing IPCAs, upon request. This could be accomplished by continuing or modifying the ICE initiative, with supporting mechanisms such as "Regional ICE bodies" and an Elder and youth advisory body. Roles and outputs could include:

- conducting a thorough national review through engagement, research, and communication of current and ongoing Indigenous-led conservation initiatives to further enhance understanding of the conservation landscape in Canada,
- engaging with Indigenous governments to assess on their interest in establishing IPCAs,
- exploring and identifying potential funding models to support successful IPCAs,
- engaging other partners who can contribute to the success of IPCAs, such as universities, non-profit organizations (including environmental NGOs and philanthropic bodies), industry and municipal governments (could include the Indigenous Leadership Initiative's Guardian program),
- creating a multi-media toolkit for jurisdictions (drawing on existing tools like the Land Code) with a focus on improving protected and conserved areas and future IPCAs,
- participating in international dialogues on conservation and IPCAs (along with other Indigenous IPCA experts), and
- continuing to follow up with participants from previous gatherings and providing targeted support upon request.

28. Immediate Actions

1. Federal, provincial and territorial governments should support ICE to conduct communication and outreach directly with these governments, Indigenous governments, and potential non-government partners after the ICE Report is released to support the process of building IPCAs.

2. ICE should be supported to host a National Gathering on IPCAs in 2018 for a commencement and ceremony to honour the work completed and work ahead.

3. ICE should be expanded to include youth advisers (such as from the Youth Climate Advisory Body, or some other youth-oriented group focused on topical environmental issues) and Elder advisers.

NSC Co-Chairs Nadine Crookes (left) and Scott Jones (right) in Tofino, BC. Photographer: Margot Bishop

6.0 CONCLUDING REMARKS

By Danika Littlechild and Eli Enns

Caribou hide tanning camp near Lutselk'e, NWT. Photographer: Pat Kane

Our journey as ICE has been one of intense learning—about ourselves, each other, and all the incredible peoples, places, spaces, lands, waters, and Indigenous territories that we have encountered along the way. We have had to listen with every faculty of our beings. We have listened with open hearts to words, songs, prayers, emotion, and the sounds, echoes and silences of Mother Earth.

When we first began our collective work as members of ICE, it was for the most part as strangers. We had to tell each other our stories, we had to trust each other to somehow appreciate and respect those stories, fears and the fires that kept us going in our respective work and lives. Creating trust and good working relationships required a deep dive into vulnerability and the co-creation of a safe space for dialogue.

There were moments of chaos when nothing went as planned or anticipated, and at those times we had to lift each other up, holding fast to our collective mandate and commitment to one another.

It was not just our Terms of Reference for ICE in Pathway to Canada Target 1 that defined that collective mandate, although that was one core element of our convening. The other element that defined our collective mandate was ceremony and our undertaking to honour the responsibilities we accepted through ceremony. This was our iteration of ethical space, the implementation of our written mandate through the Terms of Reference, and our oral mandate through ceremony and related responsibilities.

One of the most important representations of those responsibilities was manifested in the flags, or cloths, that we prayed over in ceremony together at the start of our journey.

Four flags or cloths were blessed in ceremony: one canary yellow, one sky blue, one crimson red, and one bright green. Each represented, for us, each of the Regional Gatherings we held to inform our journey and our work. Each flag was taken to the site of each Regional Gathering, and put up in a clean place by the Indigenous hosts through their own protocols, practices and song. These sacred actions, which cannot be fully described in writing, represent how we live in relationship—to each other and to Mother Earth.

The green flag resides in the Tla-o-qui-aht Territory near Tofino, on Vancouver Island. This was the site of our Western Regional Gathering, which was also our inaugural gathering.

The yellow flag resides in Mi'kmaq territory at Bear River First Nation in Nova Scotia, which was the site of our Eastern Regional Gathering.

The blue flag resides in the territory of the Yellowknives Dene First Nation in the Northwest Territories, which was the location of our Northern Regional Gathering.

The red flag resides in Treaty 1 territory and in Metis Nation homeland, near Winnipeg Manitoba, which was the site of our Central Regional Gathering.

The flags represent a form of validation and protection of our work as ICE and the contributions of the participants at all our Regional Gatherings. Those participants must not be forgotten, and deserve our ongoing engagement and support.

The flags also denote the presence of our collective contributions and work, our ceremony, and our practices. The flags are a physical symbol of the songs, ceremony and stories with which they are imbued. Songs, ceremonies and stories are oral documentation. We may not all have written forms of "permits," "licences" and "certificates"–for Indigenous Peoples, there are incredibly diverse examples of oral documentation and relations to the lands and waters that provide validation and "evidence."

The belief that humans are part of the land, rather than separate from it, is integral to Indigenous worldviews. This unbreakable and sacred connection to land requires that humans respect the environment and strive to maintain balance in coexisting with the land and the other species that inhabit it. In this way, the responsibility to be good stewards goes far beyond western conceptions of environmental management and conservation objectives. Having access to land is essential to the ability to practice this responsibility, as well as all other Aboriginal and Treaty rights. For example, there is an understanding that youth must be on the land to be trained by Elders in how to take on and engage in such responsibility. As such, the role of Elders and youth must be strengthened in the Pathway journey.

Access to land is critical, but more than that, access to healthy landscapes and functioning ecosystems is foundational. The right to a healthy environment is a pillar right upon which the exercise of other Indigenous rights depends. If environmental degradation occurs, it threatens the rights and responsibilities of Indigenous Peoples, as well as the well-being of nature and peoples.

The land is the provider of all things. Indigenous ceremony is often based on land, and reflective of the sacred relationship between humans and Mother Earth. For example, for some communities, the use of rocks inside a sweat lodge represents the grandparents, and the lodge structure itself represents the womb of Mother Earth.

Indigenous relations, responsibilities and rights regarding lands, waters, animals, sacred places and spaces, and other aspects of the physical world, are not homogeneous. We, as co-chairs, are by no means suggesting there is a one-size-fits-all model or "pan-Indigenous" approach to IPCAs, Indigenous knowledge, or Indigenous legal traditions. What we advocate for is an approach that respects true self-determination—an approach that elevates Indigenous Peoples, in all their diversity, in an equitable and respectful way.

Eastern Regional Gathering, Mi'kmaq territory, NS. Photographer: Jeremy Williams, River Voices Productions

Furthermore, we must also emphasize that this report represents the views of individual ICE members, and not the governments and organizations they represent. ICE presents this report in the hope that this work assists federal, provincial, territorial and Indigenous governments to build a new relationship on protected and conserved areas. This new relationship will almost certainly enhance Canada's ability to meet international conservation commitments, such as protecting 17 percent of terrestrial lands and waters by 2020. However, the potential benefits for Indigenous and non-Indigenous society will be much more far-reaching.

As such, the way forward must be thoughtfully and respectfully navigated. Science, legislation and policies continue to play the guiding role. However, what ICE suggests is that Indigenous expertise become a part of this guidance, in both substance and method. This requires dedicating time and resources to further exploring Indigenous-led conservation and engagement with Indigenous governments regarding IPCAs. It requires the support of innovative funding models. It requires the identification of new partners, allies and champions. It requires the creation of the kinds of resources that would be useful to Indigenous governments on their path to IPCAs, including, for example, a toolkit. Strengthening existing IPCAs and creating or co-creating future IPCAs will obviously resonate within IPCAs' own respective geographical borders. There will also be broader impacts on people, communities, provinces and territories, and the country as a whole. We have yet to measure the full benefits and true value of IPCAs in that regard.

Beyond borders, we should not underestimate the impact IPCAs will have internationally, and the potential for Canada to take on a global leadership role by supporting Indigenous IPCA expert participation in dialogues, such as at IUCN, UNESCO, CBD or the UN Permanent Forum on Indigenous Issues.

In IPCAs, Indigenous governments identify the ecological and cultural values that need protection. In many cases, those standards will be consistent with IUCN requirements for protected areas or OECMs; thus, they may contribute to Canada's targets under international agreements, such as the CBD.

In addition to possibly contributing to Canada's CBD and reconciliation objectives, "counting" should not be a precondition for federal, provincial and territorial governments to recognize and support IPCAs, which will have many other tangible benefits, as noted in Section 4.8, Opportunities and Challenges of IPCAs. Not all IPCAs will contribute to the 17 percent of terrestrial land and inland waters conserved as part of Canada Target 1.

What should federal, provincial and territorial governments focus on to start with? Support the next iteration of ICE. Build trust with Indigenous partners and co-create new relationships framed within ethical space. Make room for Indigenous expertise. Improve communication and outreach. Most importantly for this leg of our collective journey, federal, provincial, territorial and Indigenous governments should support the commencement of the next steps and ceremony to validate this report and its recommendations at a national gathering in spring or fall 2018.

The beneficiaries of this work are our future generations, all living beings on Mother Earth, and the spirit of place found in every protected and conserved area. All ICE members are honoured to contribute in a small measure to our collective future at a time when every contribution matters, and no one should be left behind. Let us respect each other and Mother Earth on the Pathway to Canada Target 1.

Strawberry Creek, AB. Photographer: AirScape International Inc.

7.0 APPENDICES

Northern Regional Gathering participants at the Chief Drygeese Centre in Dettah, NWT. Photographer: Jeremy Williams, River Voices Productions

7.1 VOICES OF THE PEOPLE

Throughout the Regional Gatherings and ICE meetings, ICE heard eloquent and powerful expressions from participants about Indigenous world views, ethical space, and the history and terrible legacy of colonization in Canada. We tried our best to capture these profound words (often in the form of videos) and we have share some of them throughout this report. We provide them unabridged below to offer a fuller sense of what was said.

ELDER DAVE COURCHENE, SAGKEENG FIRST NATION
MANITOBA/CENTRAL REGIONAL GATHERING, WINNIPEG, TREATY 1 TERRITORY AND THE METIS HOMELAND, SEPTEMBER 2017

"Within the spirit of the Indigenous, there is a memory—original instructions that can define our humanity. All those original instructions are based on values and teachings that ensure survival and respect for the land and its natural laws. Our people have always understood that all life is connected. You cannot fragment the Earth with the policies or structures."

"The most important part of our knowledge as a people is the spirit that we nurture during our ceremonies. We have always been a ceremonial people. We give thanks for everything we are given in life, but receive our guidance, our direction and our inspiration in ceremony. If we are truly to live our identity as Indigenous Peoples, we must always begin with ceremony. We cannot overstep the spirit. "

"The intention of our knowledge keepers has always been to honour the spirit and ceremony and the values that underpin Indigenous knowledge. Our strength as a people is in the alliance we have with nature. We rely on nature for its teachings and our sustenance. We have always lived and believed the Earth is alive and has a spirit. The spirit of the Earth was to be acknowledged with gratitude and ceremony, and we have remained faithful and loved in

these protocols. The Elders who have kept these sacred protocols are more than willing to give in the sharing of the knowledge."

"We continue to find ourselves reacting to government-initiated processes, and we should be reversing this trend. We must be in the position to be proactive and defining our own processes and our own initiatives, offering opportunities for those who wish to engage in our defined initiatives or approaches."

"Rights of passage for the young people are very important. It is through rights of passage for our youth can connect to the land and receive her messages, for as Indigenous Peoples, the land gives us an understanding of our purpose and identity. It is my view that we cannot limit our view of measuring a certain number of percentage of protected areas. We all have a duty to be and responsibility to be real guardians of the land itself, and what is needed most of all is the leadership of Indigenous People. A leadership that will offer an impulsive vision, that can have defined actions, that can lead to safeguarding nature and all the elements of life found on the Earth. Paramount in these defined actions is the education of youth. Land-based experience is lived by Indigenous People with the help and support of other expertise, such as the scientific community. We cannot separate or fragment the land into approaches when everything is connected and related to how we all take care of the land."

"Ceremony and understanding and spirit is not something we can teach by just talking about it spirit is something you need to feel, and is best experienced on the land and in the environment of our sacred lodges. For us in this area, Turtle Lodge is our house, our place of strength, where knowledge is kept. It was built on a vision received on the land. Our sacred lodges are outside in nature, and are the places where ceremonies live and are practised and in their fullness."

"Using our sacred places for these meetings and practising our ceremonies makes our alliance and work together all the more powerful as we are supported and inspired by the forces of nature and the forces of spirit. Whatever approach that is agreed upon, I suggest that ceremonial approach of the Indigenous lead the process. We need to set up a ceremonial context. This approach will ensure the true practice of our nationhood and it will ensure going beyond just the politics. Setting a ceremonial context is the key to our success and is a process that we, as knowledge keepers, would be prepared to engage in. We would bring in a group of our most respected Elders and knowledge keepers and begin to set a foundation using our sacred pipe, sacred drum, sacred rattles, and the sacred songs of our people. And if you are serious about engaging, I invite you to come to our house of knowledge."

"We are living in a time that we really need to seriously consider the way in which we are treating the Earth. As Indigenous Peoples, the legacy left to us by our ancestors is a way of life that reflects our sacred relationship with the Earth. As we look back, in more recent times, we see the destruction brought by human kinds' greed and lust for power as they continue to spend the inheritance of their own children. The struggle to find their rightful place in our homeland continues. But it is still the world of imposition and marginalization. Clearly it is a challenge of our own identity."

"We are spending the inheritance of our children. We're destroying the waters. We're destroying the air. We're destroying the land in so many different ways. We're ripping the land apart. And there is a very simple truth that our people have always understood. What you do to the land, you do to yourself. If she is sick, we are sick. And sickness comes in many different forms: mental illness, physical illness, emotional and spiritual illness… This is where we come in as Indigenous People in the most humble way. We are not saying at any time that we want political control. We are not saying that we are better than any of our fellow human beings within the circle of life. We have a duty and responsibility to share what we know…"

ELDER DR. REG CROWSHOE, PIIKANI NATION, ALBERTA
OTTAWA ON, ALGONQUIN TERRITORY, JUNE 2017

"There is traditional knowledge, but there is also the concept of collecting data. When we collect data, there is information from data. And when we look at knowledge, there is scientific knowledge that is collected, but you take knowledge and data and you put them in storage packages that we call stories. In oral cultures, stories are those documents, are those reports, are those documents that have an R with a circle around it or a C with a circle around it, and we take the stories and we go through the truthing process of a smudge, and once it goes through that truthing process, then the stories are real."

"We have western management strategic sessions and plans, consultation, collecting information and assessments and putting the strategic directions together. It's all done through a western concept. But we also in our culture have collective stories and Indigenous strategies. Bringing home the stories and truthing the stories are the same as any western management strategic practice

direction. Because bringing home the stories is the direction, so there are parallels. And when we look at implementing those strategic practices, one of the words that western organization fear the most is the concept of transformation. That's a hard word to swallow when you're looking at an oral practice and a written practice. The Elders have said we need to make these parallels, and once we make these parallels, we need the systems or the practise to be easy to use, because if we can make them easy, then we can start working together in reconciliation."

"And there is protocol attached, those are laws that are a part of our shared purpose to come together as a society to deliver education for little birds. Those are concepts of laws that we look at when we use oral systems."

ELDER STEPHEN KAKFWI, K'ASHO GOT'INE, NORTHWEST TERRITORIES
NORTHERN REGIONAL GATHERING, NORTHWEST TERRITORIES, AKAITCHO TERRITORY, AUGUST 2017
"In many ways, we are the refugees in our own country, we've been banished to the outskirts of the cities, to sections of land that nobody else wants. It has not been a good 150 years for us, and we know that, and yet somehow what has endured through all these years is what was there in the first place when we first welcomed the first immigrants and refugees: we want to share, we want a good life for everybody."

ELI ENNS, TLA-O-QUI-AHT FIRST NATION, BRITISH COLUMBIA
OTTAWA, ALGONQUIN TERRITORY, MARCH 2017
"Wherever you find intact ecological biodiversity, you find intact, thriving, cultural holistic diversity."

LORRAINE NETRO, VUNTUT GWITCHIN FIRST NATION, OLD CROW, YUKON
CENTRAL REGIONAL GATHERING, WINNIPEG, TREATY 1 TERRITORY AND THE METIS HOMELAND, SEPTEMBER 2017
"We're in a process now where the government, the prime minister, is talking about reconciliation. What does that mean for government, what does that mean for me, what does that mean for you? Until we decide what reconciliation means and we agree to move forward on this journey together, and in that understanding coming to an understanding of reconciliation, you build a moment of trust. You come to that understanding of what that's going to mean for you. And how that's going to look as you move forward. Then and only then, you can sit in a tent frame by the river with First Nations people across this land and have that open and honest discussion. It's not going to work out in boardrooms in Ottawa or boardrooms in Vancouver."

"The land has always sustained our people. The land has always provided healing and well-being. We are fed. The land feeds us. And so we go back to that land, we sit on that land. We sit on the land and touch the Earth and speak our words of truth. And look at each other straight in the eye and say okay, we can walk this journey together for all those that are not born yet."

"We are in this process for future generations. At the pace we're going today, we don't have time. We're facing extreme climate change in many areas in this country. And if we don't take these steps now to protect some our sacred places, it is going to be lost."

Miles Richardson, Indigenous Leadership Initiative, in Dettah, NWT. Photographer: Jeremy Williams, River Voices Productions

ELDER ALBERT MARSHALL, ESKASONI FIRST NATION IN UNAMA'KI, NOVA SCOTIA
EASTERN REGIONAL GATHERING, MI'KMA'KI, JUNE 2017.
"We have to find a way and be mindful as how we go about exercising our inherited responsibilities of ensuring that no action that we will take will ever compromise the ecological integrity of the area, nor compromise the cleansing capacity of the system. Because our overall objective is to ensure that the next seven generations will have the same opportunities as we have, and hopefully better opportunities than we have—of not just being able to sustain themselves and harvest the gifts from the Creator, but also being able to enjoy and learn from her, just as our ancestors have learned from her."

DAHTI TSETSO, DEHCHO FIRST NATIONS, NORTHWEST TERRITORIES
NORTHERN REGIONAL GATHERING, NORTHWEST TERRITORIES, AKAITCHO TERRITORY, AUGUST 2017
"When it came to developing stewardship work and *guardian's* work, language was really put at the heart and the centre of a lot of the discussions and a lot of the principles and the framework of the work we wanted to do when it came to taking care of the land…The language comes from the land and the best place to learn the language is out on the land… Being on the land in the Dene way will protect the land… If Indigenous cultures can continue to thrive into the future, then you're doing something right, because the land is so central to Indigenous cultures that if you have a healthy culture then the land will be healthy as well."

ELDER JOE MARTIN, TLA-O-QUI-AHT FIRST NATION, BRITISH COLUMBIA
WESTERN REGIONAL GATHERING, TLA-QUI-AHT TERRITORY, MAY 2017
"When Europeans arrived here, our people were rich. Mother Nature will provide for our need, not our greed. When one person messes with Mother Nature, we all pay."

"Hahoulthee means marriage to the land and a responsibility to leave this land in abundance for future generations."

WILL GOODON, METIS NATIONAL COUNCIL, MANITOBA
CENTRAL REGIONAL GATHERING, WINNIPEG, TREATY 1 TERRITORY AND THE METIS HOMELAND, SEPTEMBER 2017
"We need to have the courage to stand up and say that conservation is important, not just for our cultures, our Indigenous languages or our ways of life, but we also need to recognize that the economic viability of these communities is also at stake. In protecting our lands and protecting our territories, we're also finding ways that we can participate in the economy in ways that we've not been allowed to in the past."

BEV NEW, METIS NATION OF ALBERTA, ALBERTA
CENTRAL REGIONAL GATHERING, WINNIPEG, TREATY 1 TERRITORY AND THE METIS HOMELAND, SEPTEMBER 2017
"We need to preserve the woods, we need to preserve the animals and we need to preserve our way of life. So it is not just about us as people, it's about the world, it's about the animals, it's about everybody."

TODD LABRADOR, MI'KMAQ BIRCH BARK CANOE BUILDER, NOVA SCOTIA
EASTERN REGIONAL GATHERING, MI'KMA'KI, JUNE 2017
"Everything has to have respect, or it is not going to work right. The challenge is to enable other people to understand that the Earth is living and we need her. Today's world needs more of my ancestor's ways and my ancestor's teachings, and number one of it all is respect."

Alberta Prairies.
Photographer: Creative Commons, Government of Alberta

7.2 INTERNATIONAL CONTEXT: INTERNATIONAL RECOGNITION OF INDIGENOUS CONSERVATION PRACTICES

Indigenous-led approaches to conservation around the world are diverse and vary according to the objectives of the Indigenous Peoples and communities, the legal and historical context of the area, and the degree of support and partnership of non-Indigenous governments. Indigenous Peoples' and Community Conserved Territories and Areas (ICCA) Consortium, which consists of Indigenous and non Indigenous community constituencies, has been leading the development and recognition of ICCAs in the international fora, and has identified key characteristics for their embodiment. Because ICCAs are recognized and accounted for differently by state governments, their contributions to biodiversity conservation can be difficult to quantify. However, the ICCA Consortium estimates this contribution to be roughly equivalent to or greater than government-protected areas. For more information on the wide range of CBD decisions recognizing ICCAs, please visit:

https://www.iccaconsortium.org/index.php/international-en/conservation-en/.

The term "ICCA" is an abbreviation for a phenomenon that has many diverse manifestations and names in cultures and locations around the world. These include wilayah adat, himas, agdals, territorios de vida, territorios del buen vivir, tagal, qoroq-e bumi, yerli qorukh, faritra ifempivelomana, qoroq, ancestral domains, country, community conserved areas, territorios autonomos comunitarios, sacred natural sites, locally-managed marine areas, and many others. The ICCA abbreviation may encompass, but should never obscure, the diversity of such terms, which is a value in itself. Local / customary names should always be preferentially used, leaving the term 'ICCA' for general or inter-cultural communication. – ICCA Consortium[1]

A SNAPSHOT OF ICCAS IN THE WORLD

Australia: Indigenous Protected Areas

Australia's Indigenous Protected Areas (IPA) program offers an example of how governments can support Indigenous Peoples to give effect to ICCAs on different land tenures. The IPA program was launched in the late 1990s in response to the convergence of the national government's commitment to establish a comprehensive protected area system with legal confirmation of Indigenous title of large tracts of land. The Australian government supported this program with a $64 million (AUS) investment from 2014 to 2018. Complementary support is also available through the Indigenous Rangers – Working on Country program.[6]

The Australian government defines an IPA as an "area of land and/or sea over which the Indigenous traditional owners or custodians have entered in a voluntary agreement with the Australian government for the purposes of promoting biodiversity and cultural resource conservation." IPAs in Australia are declared or dedicated as protected areas by Indigenous Peoples based on Indigenous title to lands. The government provides support, recognition and substantial funding.

New Zealand: Te Urewera

The Te Urewera Act, 2014—which saw the land of Te Urewera National Park become a separate legal entity, with "all the rights, powers, duties, and liabilities of a legal person"—emerged from

[6] https://www.pmc.gov.au/indigenous-affairs/environment/indigenous-rangers-working-country

the Tūhoe Claims Settlement Act, 2014. Under the Act, the owner of the land is the land itself. It is administered by a management board with equal representation from the Crown and the Tūhoe people. While it is no longer a national park, Te Urewera remains open to the public, and is managed through a management plan, with conservation measures implemented by the board.

New Zealand: Māori Protection Areas
New Zealand's Department of Conservation established the Nga Whenua Rahui Fund to facilitate the voluntary protection of Māori-owned land. The objectives of the fund are to support conservation of areas important to Māori owners by helping protect the representative sustainable landscape integrity of Indigenous ecosystems that have cultural importance to landowners; leaving the land under Māori ownership and control; and creating covenanting and management agreements.

In these protected areas, the Māori retain ownership and control of the land, and manage the land for conservation and preservation of the natural environment and the spiritual and cultural values of the area. The land is made available for public access. Additional conservation objectives are supported through the Matauranga Kura Taiao Fund. The fund provides financial support to recognize, retain and promote Māori Indigenous knowledge systems in biodiversity management. The fund supports the preservation of traditional knowledge and promotes the voluntary protection of Māori-owned land.

Mexico: Voluntary Conservation Areas
Voluntary Conservation Areas (VCAs) in Mexico are protected, communal areas that have been publicly declared as ICCAs and are recognized by the Mexican government. After an amendment to the General Environment Law, social entities (e.g., rural communities) were able to designate lands as conservation areas. Community conservation reserves are volunteered by the community to be recognized as VCAs. VCAs are diverse, but all ensure management and decision-making remain with the community. The Mexican government provides some level of support, interconnects conservation strategies, ensures a degree protection in specific areas, and recognizes some community biodiversity conservation strategies.

VCAs were created because Mexico's land tenure system allows for social property, which makes up 100 million hectares of the country. It is divided between ejidos (areas of communal land used for agriculture), peasant families, and comunidades, representing old Indigenous communities. Within communal ownership systems, there is a strong tradition of conservation and sustainable land management.

7.3 CANADIAN CONTEXT: GOVERNANCE MODELS FOR CROWN-RECOGNIZED AND REPORTED PROTECTED AREAS

Indigenous involvement in the planning, designation and management of Crown-recognized protected areas varies considerably. In terms of governance (levels of authority), Indigenous involvement is captured and reported through the guidance established by the IUCN, falling under three of the four protected areas governance categories: Crown/government governance, shared governance and Indigenous governance.

The Canadian Protected Areas Status Report provides statistics on the percentage of protected areas that fall into each of these categories, which were used to provide the estimates below. The first time the governance classifications were reported on by jurisdictions in Canada was in the 2012 to 2015 Status Report. As the collection of this data is relatively new, the results may not be comprehensive and accurate at this time.

7.3.1 CROWN/GOVERNMENT GOVERNANCE

Under "government governance," authority rests with the Crown while the engagement of Indigenous governments ranges from consultation to co-management arrangements. This represents the majority of Crown-recognized and reported protected areas in Canada (94.85 percent).

Consultation

At a minimum, consultation and the duty to consult are necessary to establish new protected areas and manage decisions regarding existing protected areas in order to evaluate and address any issues that may impact the rights of Indigenous Peoples, as per Section 35 of the Constitution and the Crown's duty to consult.

Advisory Boards

Indigenous governments are involved in various protected areas' advisory boards, through which they may provide advice to the Crown. These often exist for protected areas that have not been created in the context of modern land claims agreements, particularly in southern Canada. For example, at Fundy National Park in New Brunswick, an advisory committee was established to work toward mutually beneficial initiatives, including for informing the management planning process.

Joint or Cooperative Management

This governance model involves joint consensus-based decision-making between Crown and Indigenous government representatives, typically through a co-management committee. This type of governance model is predominant for protected areas created under modern land claims agreements, such as National Wildlife Areas in Nunavut and the Torngat Mountains National Parks in Nunavik (although some other examples exist, such as for conservancies in BC). Although this governance model can afford a high level of collaboration, authority ultimately rests with the Crown, with recommendations being submitted to a minister for approval.

7.3.2 SHARED OR CO-GOVERNANCE

Shared governance (also known as co-governance) refers to authority shared equally between governing bodies, where various authorities partner to make decisions collectively, whether through the establishment of a governance body or other cooperative decision-making mechanisms. While many of Canada's protected areas include different degrees of collaboration between Indigenous and Crown governments, very few currently involve a joint authority mechanism. ICE members tend to speak of shared governance as a relationship of equal power-sharing between Indigenous and Crown governments, ideally grounded in both Canadian and Indigenous law.

Only a small portion of protected lands and waters (3.9 percent) are reported in Canada as falling under a shared governance model. However, three-quarters of them are attributed to a shared governance model where Indigenous and Crown governments partner to make joint decisions. There are examples of this model across Canada, with most coming from northern Canada, where modern land claims agreements apply, particularly in Yukon and the Northwest Territories.

A unique collaborative and shared governance model worth noting is Gwaii Haanas in British Columbia. This protected area is unique in that the agreements between the Haida Nation and Government of Canada for Gwaii Haanas are based on concurrent designations that derive from both Haida and Canadian laws. The Haida Heritage Site was first designated by the Haida Nation, and subsequently designated as the Gwaii Haanas National Park Reserve and National Marine Conservation Area Reserve by the Government of Canada. There are also dual assertions of sovereignty to title and ownership of the land and waters that comprise the area. Gwaii Haanas is cooperatively managed through the Archipelago Management Board, which has an equal number of representatives from the Council of Haida Nation and the Government of Canada. Decisions on how to manage the area are made by consensus, with roles and responsibilities of the board outlined under agreements for both terrestrial and marine areas.

AREA CO-MANAGEMENT COMMITTEE (ACMC) IN NUNAVUT

Under the Nunavut Agreement, Environment and Climate Change Canada (ECCC) and the Inuit parties represented by Nunavut Tunngavik Incorporated (Kivalliq Inuit Association, Qikiqtani Inuit Association and Kitikmeot Inuit Association) have entered into an Inuit Impact and Benefit Agreement (IIBA) for the establishment of a co-management regime for five National Wildlife Areas and eight Migratory Bird Sanctuaries. According to the terms of the IIBA, an Area Co-Management Committee (ACMC) was created to advise the minister on all matters related to the planning and management of each protected area they co-manage. For example, ACMCs will review permit applications to advise whether activities should be permitted on the lands and waters of these areas, given that all 13 protected areas include terrestrial and marine boundaries. ACMC members are composed of one ECCC employee and five Inuit from the local community closest to the protected area. ACMC decisions are informed by Inuit *Qaujimajatuqangit* (Inuit law and traditional knowledge) and made by consensus. However, the ACMCs remain advisory bodies, with the minister retaining authority. As such, the IIBA includes a conflict resolution mechanism that would be triggered if the minister were to reject the ACMC advice and through which the minister would have to justify why the advice is being rejected.

Other innovative co-governance examples are emerging, such as the proposed Thaidene Nëné National Park Reserve in the Northwest Territories (see Section 7.4, Case Studies).

7.3.3 INDIGENOUS GOVERNANCE

"In effect, because of their attachment to and dependence on the land, Indigenous Peoples have been establishing their own protected areas for millennia" — Steven Nitah, Lutsel K'e Dene First Nations

Indigenous governance refers to the circumstance when protected areas authority rests solely with an Indigenous government. While there are numerous areas in Canada that Indigenous Peoples govern under their own legal traditions, there are currently only three protected areas recognized by Crown governments and reported as protected areas in Canada. All of these are located in northern territories: two in the Yukon and one, Wehexlaxodıale, in the Northwest Territories. Covering 976 square kilometres, Wehexlaxodıale was the first recognized and reported protected area under an Indigenous governance regime in Canada. It was established by the Tłı̨cho Government as an exclusion zone designation under the Tłı̨cho Land Use Plan for the protection of important cultural and natural features.

7.3.4 INDIGENOUS CONSERVATION EFFORTS NOT CURRENTLY RECOGNIZED AND REPORTED BY THE CROWN

Indigenous Peoples are conserving biological and cultural diversity in ways that are not limited to their contribution to and role in existing recognized and reported protected areas. Indeed, ICE emerged in the context of increasing Crown interest in these Indigenous-led conservation efforts. Indigenous People take part in conservation and sustainable development through broad- and local-scale conservation and land use planning processes, such as the leadership shown by the Kitchenuhmaykoosib Inninuwug in Northern Ontario to protect their watershed.[7] Tribal Parks (described below) are another key example of Indigenous-led conservation efforts. In addition, many Indigenous People are pursuing conservation efforts through international designations, such as World Heritage Sites and UNESCO biosphere reserves. Other initiatives are being developed to support Indigenous conservation efforts, such as Indigenous-led Guardian programs that empower communities to manage ancestral lands according to traditional laws and values.

[7] http://kilands.org/2011/10/14/ki-protects-watershed-and-sets-consultation-protocol-through-referenduml/).

Tribal Parks in Canada and Abroad

A Tribal Park is a land or watershed governance area that is developed, governed and managed by Indigenous Peoples and allows for traditional ways of life and ecologically sound commercial activities, but not industrial activities. Tribal Parks exist around the world under different names. Internationally, they are recognized as Indigenous Peoples' and Community Conserved Territories and Areas, or ICCAs. There is a growing interest in Tribal Parks today on the part of many First Nations communities in Canada.

A Tribal Park can be a model of self-determination and dignity, environmental stewardship, and sustainable livelihoods—all which need to be mutually supportive. Ideally, they are based on Indigenous watershed governance and are on land secured under Aboriginal title and managed by Indigenous communities. However, in Canada, there are many Tribal Parks that exist on land where title is contentious, and the communities manage the park through a shared arrangement with the provincial or federal government.

Globally, there is a growing recognition that Indigenous-led protection and conservation can be more successful than state-regulated processes in achieving positive biodiversity outcomes. For Indigenous Peoples that have not ceded their rights and responsibilities to manage their traditional lands through Treaties, it is possible to secure title to traditional lands through the court system. Once title is secured, Indigenous Peoples are free to establish Tribal Parks and determine the appropriate governance regimes.

Section 35 Innovations and Indigenous Watershed Governance Areas

Section 35(1) of the *Constitution Act, 1982* says, "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed."

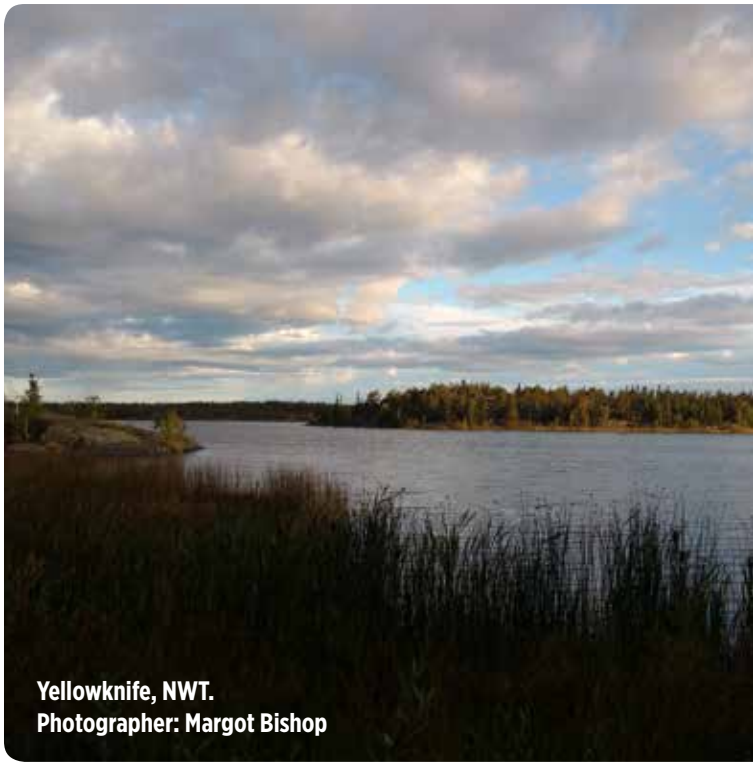
Although the section does not define Aboriginal rights, the Government of Canada has interpreted Section 35 to mean the inherent right of self-government.

Tribal Parks can be established as Section 35 innovations. Traditional governance has a role in constitutional law and Tribal Parks as legal instruments for establishing ICCAs in Canada, not as an assertion of rights, but as an assertion of responsibility. From this perspective, if an Indigenous community is able to manage land better than government and provide local sustainable livelihoods, it does not need government recognition (though government recognition usually comes).

Tribal Parks in Canada

The Tribal Park movement in Canada began in the 1980s with the Meares Island blockades by the Tla-o-qui-aht First Nation to protest large-scale logging, which was threatening the old-growth red cedar forests, referred to as their "garden." This led to self-declaration of the first Tribal Park in Canada, Meares Island, an area that had been used and conserved for generations by the Nuu-chah-nulth people but has yet to be recognized by provincial and federal governments. The Tla-o-qui-aht First Nation has since declared more Tribal Parks in its territory, including Ha'uukmin on Vancouver Island, and has established various partnerships for managing them.

More recently, the Tsilhqot'in Nation of British Columbia won a 25-year court battle for land that was being threatened by mining exploration. The Supreme Court unanimously ruled that the Nation holds title to this area as per its constitutional rights to fish, hunt and trap. Following the court ruling, in October 2014, the Tsilhqot'in First Nation declared the Nexwagwez?an -Dasiqox Tribal Park.



Yellowknife, NWT.
Photographer: Margot Bishop

For First Nations, Tribal Parks embody a healthy homeland in that they support the well-being of both the people and ecosystems for current and future generations. Currently, they are being declared mainly in southern regions.

Other Conservation Examples

The land of the Cree, known as Eeyou Istchee, is predominantly found within the Hudson Bay drainage basin in Québec. It covers some 400,000 square kilometres and includes more than 300 traplines that continue to be used for traditional practices. The area includes the lakes and rivers that drain into eastern James Bay and southeastern Hudson Bay, as well as significant portions of both of those marine areas, as Eeyou Istchee is not limited to terrestrial boundaries; the coastal communities are connected to the shores and water of James and Hudson Bays. Under the 1975 James Bay and Northern Quebec Agreement, signed between the Cree and the Government of Quebec, the rights of the Cree on these lands are specifically protected through land management regimes, with the goal of providing for the continuation of traditional activities, the well-being of the Cree First Nation, and the protection of ecosystems in their territory. Although most of these areas are managed with a conservation intent (both for cultural and ecological continuity), these have not been recognized as such by Crown governments to date.

Eeyou Itschee, land of the Cree of Northern Quebec

The James Bay and Northern Quebec Agreement solidified the rights of the Cree of Northern Quebec (Eeyou Itschee) and set up regimes for the protection of these rights such as the Environmental and Social Regime of Section 22 and the Hunting, Fishing and Trapping Regime of Section 24. More specifically concerning conservation, the JBNQA describes the principle of conservation in section 24.1.5 as "the pursuit of the optimum natural productivity of all living resources and the protection of the ecological systems of the Territory so as to protect endangered species and to ensure primarily the continuance of the traditional pursuits of the Native people, and secondarily the satisfaction of the needs of non-Native people for sport hunting and fishing."

These two regimes in the JBNQA are essential in addressing the conservation of biodiversity along with the 2002 adapted Forestry Regime found within the Paix des Braves Agreement (PDB). The PDB entails an adapted forestry regime which has specific forestry provisions in favour of the Crees: preserve or safeguard portions of each basic trapline; protect 1% the sites of specific interest; maintain or improve 25% of forested areas presenting wildlife interest; maintain the forest cover and protect forests adjacent to watercourses; establish concerted action to develop road access networks; encourage trappers' participation in developing forest management plans.

The categorization of Cree land outlined in the JBNQA plays an instrumental role in the level of conservation performed by the responsible governments:

- Category 1 lands surround local Cree communities and are for the exclusive use of Cree individuals
- Category 2 lands are public lands where Crees have the exclusive right to hunt fish and trap
- Category 3 lands are public lands which Cree can use for their traditional activities

The Eeyou Marine Region Land Claims Agreement recognizes the rights of the Crees in the offshore region of Eeyou Istchee. Under federal jurisdiction, this agreement provides for the creation of marine protected areas within the offshore area. In 2015, the Cree Regional Conservation Strategy was developed to assist in the development of protected areas in both the terrestrial and marine regions of Eeyou Istchee by using Cree traditional knowledge and western scientific knowledge to ensure that the best of both of these knowledge systems guide the planning and decision-making.

7.4 CASE STUDIES

ICE prepared a number of case studies of existing conservation and protected-area initiatives involving Indigenous governments and Peoples in Canada. Some ICE members also contributed to these case studies. Below, we present 10 of them. The objective was to examine different governance models and learn what could be included in the spectrum of IPCAs. Snapshot summaries of many of these appear throughout the report.

CASE STUDY: WEHEXLAXODIALE — AN INDIGENOUS-GOVERNED LAND USE EXCLUSION AREA

The Tłı̨cho people are a Dene First Nations people in the Northwest Territories. In 2005, the Tłı̨cho Agreement gave the Tłı̨cho government the power to enact laws in relation to the use, management, administration and protection of Tłı̨chǫ lands and the renewable and non-renewable resources they contain. The government also obtained the power to enact laws respecting land use plans for Tłı̨chǫ lands. In 2013, the government completed a land use plan for Tłı̨chǫ lands based on the advice and guidance of the Elders of the Land Use Plan Working Group as well as community meetings and other consultations and engagements.

Wehexlaxodıale (way-he-lax-dia-lay) are two areas of Tłı̨cho lands where the connection between Tłı̨cho culture and heritage and the land are very strong. Gots'ǫkàtì (Mesa Lake) means "the place where cloud berries are found." Known as "the freezer," it is where people stored

their meat and where peace was made between leaders Edzo and Akaitcho, ending years of fighting between their people. Hoòdoòdzo (Wolverine Hill or Sliding Hill) is part of the legend about Yamozhah and his dealings with the wolverine, and is where people could become medicine men.

The primary objective for zoning Wehexlaxodıale as a Land Use Exclusion Area in the Tłı̨chǫ Land Use Plan is to protect sites that are fundamentally linked to Tłı̨chǫ history and heritage. To that end, no development proposals are considered, and only limited activities are allowed. The Dene worldview does not separate land from what is living on it, so protecting Tłı̨chǫ history and heritage is equivalent to conserving biodiversity.

The Tłı̨chǫ Land Use Plan was prepared by Tłı̨chǫ people for implementation by the Tłı̨chǫ government. The *Tłı̨chǫ Land Use Plan Act* has the power to exclude, control and manage all activities within the area that are likely to have impacts on biodiversity.

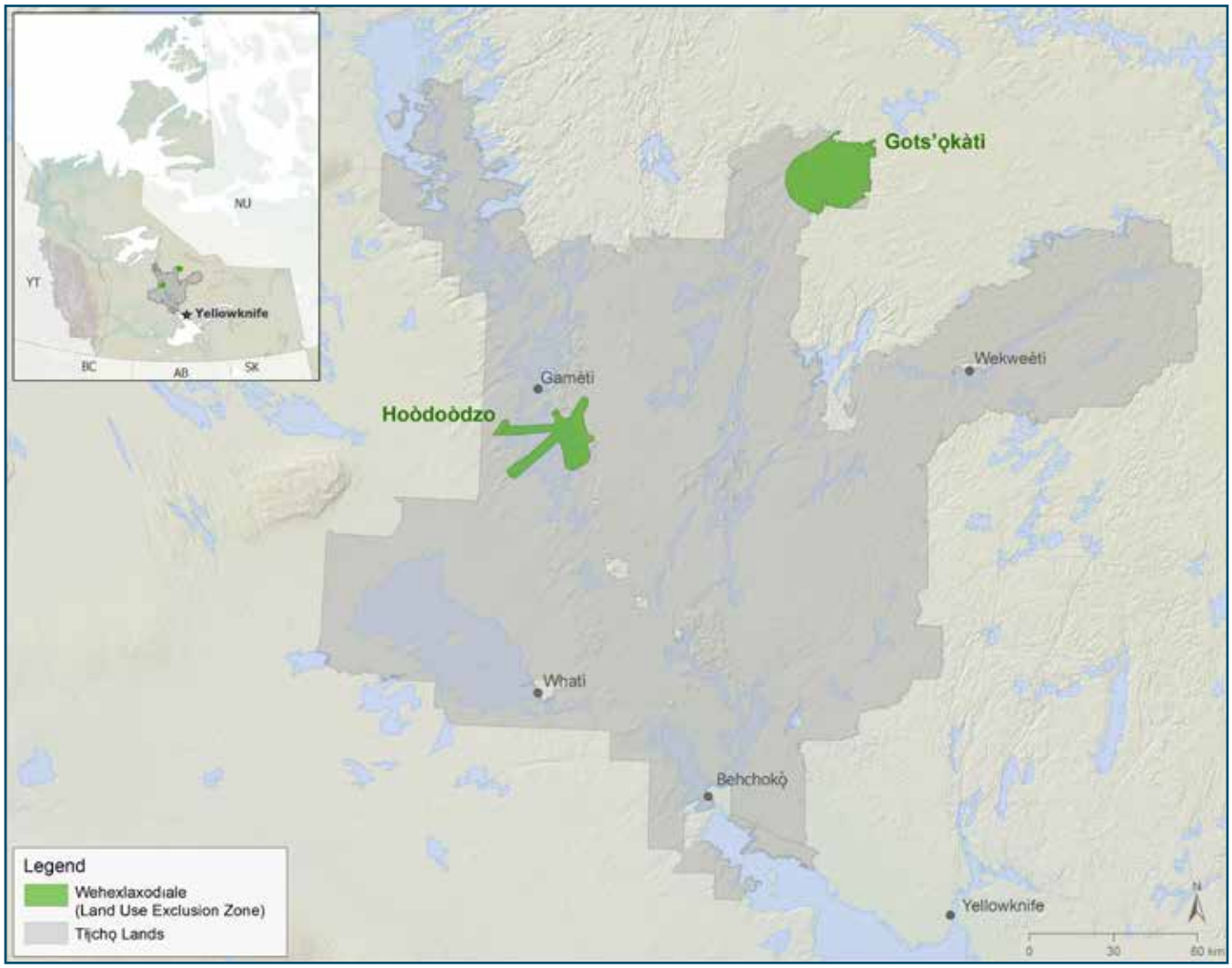
The land use plan compels the Tłı̨chǫ government to prohibit activities that are incompatible with the conservation of biodiversity. It states that, to protect Wehexlaxodıale for all time:

a) Development proposals shall not be considered.

b) Areas within this zone may be considered for further protection measures.

Only camps or cabins (expected to be temporary or seasonal use only), non-exploitive scientific research, and a transportation corridor (including seasonal roads and/or an all-weather road and associated infrastructure) are allowed within this zone.

With the endorsement of the Tłı̨chǫ government, the Government of the Northwest Territories has reported this area to the Conservation Areas Reporting and Tracking System (CARTS) as a protected area.



Wehexlaxodıale, two land use exclusion areas, on Tłı̨chǫ lands in the NWT.

Source: Government of the NWT

CASE STUDY: BROADBACK WATERSHED CONSERVATION AREA

In recent years, Quebec has shown progress in conserving its biodiversity. In September 2008, the provincial government announced its "Plan Nord." Its stated goal was the sustainable development of 50 percent of the northern portion of Québec, with the other 50 percent dedicated to conservation. In the conserved portion, 20 percent would be designated as a protected area; the plan for the remaining 30 percent is in progress and will be allocated for non-industrial activities.

The Cree Vision of Plan Nord was released in February 2011 as a response to Quebec's Plan Nord. This document stressed the importance of harmonizing economic prosperity and maintaining the Cree way of life by safeguarding the environment and the wildlife it sustains.

The Cree Nation Government (CNG) supports the creation of new protected areas in Eeyou Istchee, a vast area in northern Quebec represented by the Grand Council of the Crees. However, this support is conditional on the Cree fully engaging in the process of identifying new protected areas, and Cree priorities being included in the final selection process.

The CNG created a committee—composed of members from the 10 Cree communities that make up Eeyou Istchee—to form a Cree Regional Conservation Strategy to develop and implement protected areas that are based on Cree values. The strategy outlines goals and mechanisms to help achieve this objective of creating areas that will help sustain the Cree way of life.

The strategy was developed to help the Cree communities identify areas for protection that are highly valued for their environmental and cultural significance. It highlights the goals and vision of the Cree Nation concerning the conservation of the land and culture. It also promotes tools to help identify high-priority areas where scientific and traditional knowledge can be practised independently or jointly, and examines planning approaches and scales—such as using watersheds—to determine the boundaries of areas for protection.

The CNG and certain Cree communities began to implement the strategy after its release in 2014. Soon after, the CNG began to collaborate with Nature Conservancy Canada (NCC) to create a footprint map of Eeyou Istchee and identify potential options for protection. NCC assists this conservation planning by creating geographic information system-based scenario modelling that uses conservation planning tools and incorporates cultural data and natural landscape information into a watershed-based approach.

The goal of the strategy was to make a fresh start on properly identifying and administering new protected areas. However, during the creation of the strategy, urgent actions were taken to secure immediate protection for areas that are heavily developed, mainly in the southern portion of Eeyou Istchee. For several years, the communities of Waswanipi and Nemaska submitted their respective proposals to the Quebec government for the protection of an area around the Broadback River. These requests clashed with the interests of forestry companies that wanted to harvest the area, which is not only one of the remaining old-growth forests in the forestry commercial zone, but is also a woodland caribou habitat.

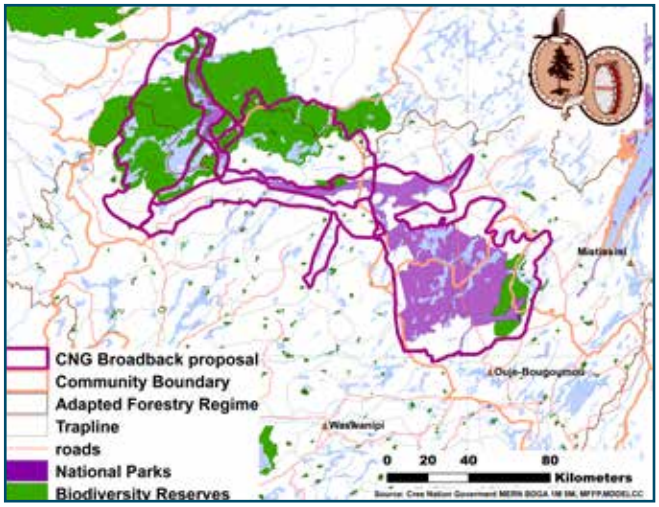
Over several years on numerous occasions, these communities individually requested that their lands be protected through their proposals. The CNG began to embrace the idea of a watershed approach to maximize the protection of areas. The communities agreed to combine the individual proposal and submit one large-scale watershed proposal, known as the Broadback Watershed Conservation Area.

Following negotiations between Quebec and the Crees in the summer of 2015, a new agreement (known as the Baril-Moses Agreement) was reached that would protect part of the Broadback Watershed as a first phase. Fifty-seven percent of the proposal was protected, and further protection was added north of the proposed area. Ouje-Bougoumou's Assinica Cree Heritage Park (which runs through the proposal area), was expanded by protecting a long stretch of the Broadback River and now includes a caribou habitat in its southern section. The Community of Nemaska's protected area proposal succeeded in protecting 80 percent of the area. Its old trading post (Old Nemaska) and rock paintings are included.

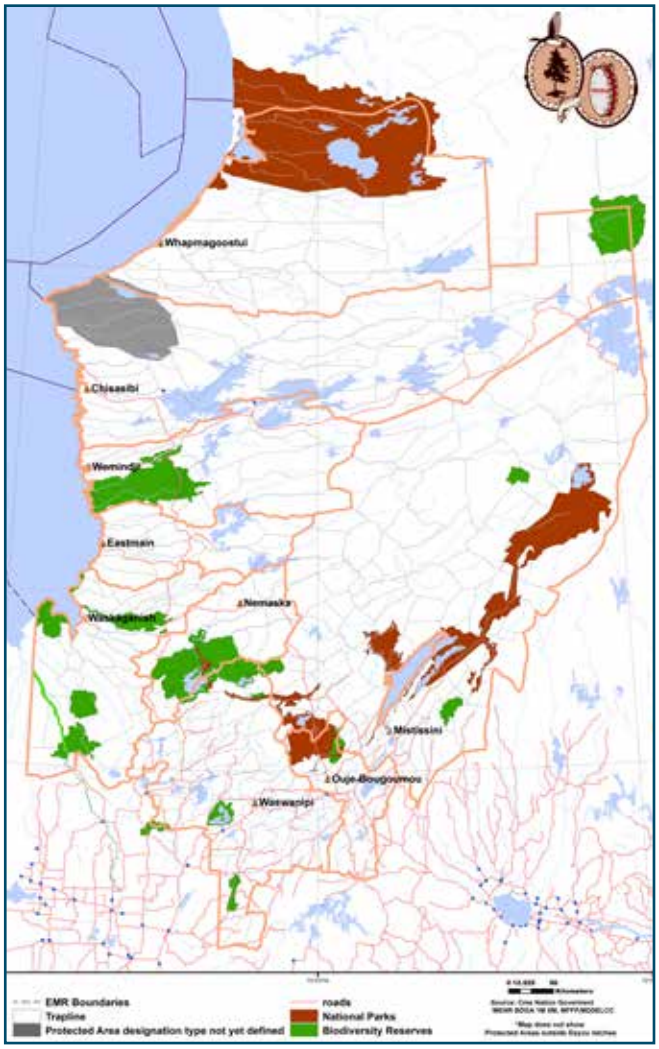
Forty percent of the Community of Waswanipi's proposed protected area was accepted for protection. Overall, each of 12 traplines are now more than 50 percent protected. This area will be designated as a biodiversity reserve. The objective of biodiversity reserves is to maintain the biodiversity of ecosystems in optimal conditions of integrity and operation. An ecosystem is defined as "all the ecological conditions of habitats, all species and their genetic variability, all populations and all interactions between these components." Any orientation, management decision or intervention must comply, above all, with this objective.

As mentioned, there is currently a buffer along the Broadback River that is designated as a park; therefore, it is IUCN Category II; the biodiversity reserve will be Category III[8].

[8] IUCN categories classify protected areas according to their management objectives. For information on the protected area management categories, please visit: https://www.iucn.org/theme/protected-areas/about/protected-area-categories,



Cree Nation Government Broadback watershed protected area proposal, QC. – Cree Nation Government



Protected Areas, National Parks, and Biodiversity Reserves in the Broadback watershed, QC. – Cree Nation Government

CASE STUDY: K'IH TSAA?DZE TRIBAL PARK, DOIG RIVER FIRST NATION

Doig River First Nation (DRFN)[9] is a Treaty 8 Nation with traditional territory extending from its reserve land in British Columbia across the provincial border into northwestern Alberta. In September 2011, DRFN issued a media release saying it was establishing K'ih tsaa?dze Tribal Park to protect cultural and ecological values within its traditional territory from the impacts of oil and gas development as well as from forestry activities. The proposed Tribal Park[10] area covers an estimated 95,743 hectares across northeast British Columbia and northwest Alberta.

The Alberta portion of the park, located some 150 kilometres northwest of Grande Prairie, would encompass 50,010 hectares. While the area on the Alberta side is currently managed as public Crown land, DRFN has expressed interest in designating it a Wildlife Provincial Park. Doig River has indicated an interest in co-management models and an openness to tourism, stating that its priority is to protect key cultural and ecological values of the boreal forest ecosystem while ensuring that whatever land use designation it receives is compatible with traditional land use.

K'ih tsaa?dze Tribal Park straddling the BC-Alberta provincial boarder. – Doig River First Nation

According to DRFN, K'ih tsaa?dze has been a sacred and spiritually significant area for generations, and a space used both for exercising Treaty and Aboriginal rights and for teaching traditional practices and knowledge to youth. DRFN has stated that its ancestors' traditional use of the area is demonstrated through oral history and archived documents, and that trail networks, camping

[9] Doig River is currently in the process of negotiating with the federal government to establish Treaty land within Alberta.

[10] The land for the proposed park area, however, is already covered by a forest management agreement held by Daishowa-Marubeni International Ltd. (West), oil and natural gas agreements (covering an estimated 78 percent of the proposed park area), metallic tenures (covering an estimated 0.5 percent of the proposed park area), and recreation and tourism dispositions.

sites, trade sites, and Dane-zaa place names demonstrate ongoing use. K'ih tsaa?dze, which according to some sources means either "spiritual healing area," or "old spruce," contains sites that DRFN continues to use for personal and community healing and spiritual renewal. DRFN has also stated that the proposed park area contains valued flora and fauna, including medicinal plants and old-growth forest[11].

CASE STUDY: THAIDENE NËNÉ NATIONAL PARK RESERVE AND TERRITORIAL PROTECTED AREA

The Thaidene Nëné proposed National Park Reserve and Territorial Protected Area (TDN) in the Northwest Territories is in the traditional territory of the Lutsel K'e Dene First Nation (LKDFN). It is within the NWT Treaty 8 territory of Akaitcho, and extends over an area of approximately 33,000 square kilometres. TDN is currently subject to an interim land withdrawal, which provides temporary protection from new mining claims or other interests issued by governments.

Government-to-Government Relationship-Building

The federal government proposed an "East Arm National Park" for this region in 1969, but the LKDFN opposed the idea because parks at that time imposed limitations on traditional activities and ways of life. In 1982, the Canadian Constitution recognized and affirmed pre-existing Treaty and Aboriginal rights. In 1989, diamonds were discovered in the region, giving rise to one of the largest staking rushes on record. In 2001, after completing an extensive global research scan to identify best practices of protected areas and deciding on the type of protection it wanted, LKDFN reached out to Parks Canada Agency (PCA) to see if the federal government was still interested in creating a national park in the region based on the spirit and intent of Treaty 8 and LKDFN's ability to be an equal partner politically and financially.

PCA responded with an enthusiastic yes, and the collaborative work began. Based on recommendations and continued support from the Elders and community members, LKDFN built a government-to-government relationship with PCA over many years. LKDFN and the federal government signed a memorandum of understanding and negotiated the national park study area in 2006; a framework agreement to guide negotiations in 2010; and an agreement-in-principle in 2013.

In 2015, LKDFN and the federal government welcomed the Government of the Northwest Territories (GNWT) to the table as a partner. They expect to conclude agreements to establish Thaidene Nëné in mid-2018.

Governance Structure

On July 25, 1900, Treaty 8 was signed to arrange for the sharing of land and resources—and the associated responsibilities and benefits—between the Crown and Indigenous governments.

In LKDFN Territory, LKDFN and PCA intend to establish a government-to-government relationship in the creation, management and operation of TDN, with authority shared through a governance body of equal members appointed by the parties to make consensus decisions.

Through the TDN agreements, the parties are articulating the spirit and intent of Treaty 8 NWT by agreeing to identify roles and responsibilities for all and creating a true Indigenous-government-to-federal-government relationship. A similar legal agreement between LKDFN and the GNWT for the Territorial Protected Area will be in place before TDN is officially recognized.

Thaidene Nëné proposed National Park Reserve, NWT.
– landoftheancestors.ca

Thaidene Nëné Trust

What makes TDN truly unique is the development of the Thaidene Nëné Trust, which will provide long-term funding for the protection of TDN.

Public funds and private donations will provide the initial capital for TDN Trust Fund, which will be managed by LKDFN trustees to generate income to fund First Nations staff and operational requirements for the governance, management and operation of TDN. The fund will also support the education and training of Lutsel K'e Denesoline to work in TDN; promote the Dene Way of Life; and foster a viable tourism economy in Lutsel K'e.

[11] In spring 2017, DRFN undertook an ecosystem-based management planning exercise on the BC portion of the proposed park area, which it reports shows the presence of boreal white and black spruce as well as the rare balsam fir.

CASE STUDY: HAIDA GWAII PROTECTED AREAS

"Protected areas" is the term agreed to by the Council of the Haida Nation (CHN) and the Province of British Columbia for 18 protected sites. The areas consist of seven older parks and ecological reserves (established prior to modern agreements and with little Indigenous involvement or consultation) and 11 newer sites established through government-to-government agreements. The Haida recognize the 18 sites as "Haida Heritage Sites" and manage them by way of Haida Stewardship Law. The province recognizes the sites as parks (two sites), ecological reserves (five sites) or conservancies (11 sites) as defined by the *Park Act*. As there is no formal recognition of the designations each government uses by the other government for the sites, "protected areas" is the common or generic term.

Prior to achieving protected area status, the 11 heritage sites/conservancies were considered at risk for resource extraction and impacts to important cultural sites and species. Today, all 18 protected areas are managed collaboratively and with respect to Indigenous rights.

The 18 protected areas together comprise 332,992 hectares of upland and 169,652 hectares of marine foreshore, totalling 502,644 hectares.

In 2009, the CHN and the Province of British Columbia signed the *Kunst'aa guu-Kunst'aayah Reconciliation Protocol* which, among other aims, directed the creation of the Haida Gwaii Management Council (HGMC). The HGMC is made up of two members from each government with an independent chair and the authority to approve management plans for the protected areas. The HGMC receives its authority through the KaayGuu Ga ga Kyah ts'as – Gin 'inaas 'laas 'waadluwaan gud tl'a gud giidaa (Haida Stewardship Law) and the provincial *Haida Gwaii Reconciliation Act*.

The role of the HGMC in protected area management includes the joint approval of management plans that govern the protected areas. Under Haida Stewardship Law and the *Haida Gwaii Reconciliation Act*, no decision-maker may make a management decision inconsistent with direction in the approved plans. This results in a consensus-based model that sets the long-term strategic management direction for these areas, which includes a legal mechanism to ensure consistency for operational decision-making. The model ensures governments collaborate to achieve a shared vision and mutually agreed direction for these sites. The governments continue to explore advancing operation-level management, including future operational decision-making, increased

HAIDA GWAII RECONCILIATION ACT

Eighteen protected areas in Haida Gwaii (covering more than 500,000 hectares of lands and marine waters) are co-managed by the CHN and the Province of British Columbia under a government-to-government agreement that created the HGMC. The HGMC is composed of two members from the CHN and two from the province, with a neutral chair. Through Haida Stewardship Law and the *Haida Gwaii Reconciliation Act*, the Council has been given authority to approve jointly prepared management plans for the protected areas. Once approved, no operational decisions can be made that are inconsistent with plan direction. The model ensures that long-term management direction and operational decisions are a result of joint decision-making at the plan approval level. The Council also recognizes the protected areas as important for preserving and maintaining social, ceremonial and cultural use by the Haida, including the protection of old ts'uu (red cedar), critical to Haida culture.

For more information, see:

- Haida Gwaii Management Council: http://www.haidagwaiimanagementcouncil.ca/index.html
- Kunst'aa guu-Kunst'aayah Reconciliation Protocol: https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations-negotiations/first-nations-a-z-listing/haida-nation-council-of
- Explanation for the Reconciliation Protocol: https://coastfunds.ca/stories/kunstaa-guu-kunstaayah-reconciliation-protocol-moving-to-a-sustainable-future-together/

cultural awareness and education, and the protection of natural values.

The provincial "conservancy" designation specifically states that a purpose of conservancies is to preserve and maintain them for social, ceremonial and cultural uses of First Nations. However, the governments also agree that previously designated parks and ecological reserves are important for this purpose as well. The Haida have been undertaking extensive cultural heritage resource assessments in the protected areas, with a focus on identifying and protecting important cultural sites and species, such as historic village/campsites, plant collection areas, and areas containing monumental cedar.

Both governments encourage greater public education about the importance of these sites, as well as direction for their appropriate use and appreciation. Other priorities are the important roles they play for Haida culture, the protection of biodiversity, and low-impact recreation, where appropriate.

CASE STUDY: CONSERVANCIES IN BRITISH COLUMBIA

Conservancies were introduced in British Columbia in 2006 as a new designation of protected areas after negotiations with First Nations related to land use planning and reconciliation on the coast of BC. Historically, some First Nations had raised concerns that parks or ecological reserves did not fully allow for Indigenous social, ceremonial and cultural uses, and that there was a history of restrictions being imposed on the land without First Nations agreement or Treaty (beginning in 1911 with the province's first provincial park).

Key to negotiations in the 2000s with First Nations and coalitions of First Nations (e.g., Coastal First Nations, Nanwakolas Council), if there were to be any new forms of protected areas, was provincial recognition that biodiversity protection and Indigenous uses were intertwined. In addition, such a new designation would provide for a greater range of low-impact, compatible economic opportunities that could contribute to socio-economic objectives for First Nations.

In 2006, the *British Columbia Park Act* was amended to authorize the establishment of conservancies with the following criteria:

(a) the protection and maintenance of their biological diversity and natural environments;
(b) the preservation and maintenance of social, ceremonial and cultural uses of First Nations;
(c) the protection and maintenance of their recreational values; and
(d) development or use of natural resources in a manner consistent with the purposes of (a), (b) and (c) above.

Conservancies prohibit commercial logging, mining and hydroelectric power generation other than local run-of-the-river projects.

Of the 1,033 protected areas in BC, 156 are conservancies protecting 2,998,504 hectares of upland and foreshore areas.

Most conservancies fall within Indigenous territories (many in shared territories) for which Indigenous governments have signed either broad reconciliation agreements with the province or collaborative management agreements with BC Parks.

Developing and approving management plans jointly by both the Indigenous and provincial government representatives is a key management strategy. Based on community consultation the plans provide in-depth descriptions of the importance of an area to Indigenous Peoples and provide direction for preserving and maintaining the use of the area for social, ceremonial and cultural purposes. Plan approval by the governments is critical, given that in 2006, the provincial government (with support from First Nations) committed that no new uses in conservancies would be allowed (permitted by the statutory decision-maker) until approved management plans were in place.

Following plan approval, and in the spirit and intent of reconciliation, the governments work together toward consensus-based decision-making, including making operational decisions for implementing management plans.

While conservancies are a step in the right direction toward greater say by First Nations over how their territories are managed and where they are located, conservancies are neither co-governed nor co-managed because the provincial government still has discretion over whether conservancy management plans put forth by First Nations governments are approved. As a result, some plans may go through many iterations, consuming scarce First Nations government resources. In addition, resourcing of planning, implementation and evaluation of management plans are a challenge with neither the provincial government nor First Nations governments able to properly resource them, often leading to generic plans being developed and approved rather than place-based ones.

Accordingly, the success of the conservancy model lies in the timely and efficient development of management plans that meet the needs of First Nations and the provincial government, with provincial recognition that, depending

upon capacity, First Nations should both be driving the development of frameworks for management plans at the community level and should have an increasing role in the plan approval process.

For more information, see:

- *Park Act* (with definition of conservancies): http://www.bclaws.ca/civix/document/id/complete/statreg/96344_01
- Great Bear Rainforest (where many conservancies occur): https://greatbearrainforest.gov.bc.ca/
- BC Parks information on conservancies: http://www.env.gov.bc.ca/bcparks/aboutBCParks/prk_desig.html
- Nanwakolas Council: http://www.nanwakolas.com/
- Coastal First Nations - Great Bear Initiative: http://coastalfirstnations.ca/

CASE STUDY: SEVEN PADDLES PROJECT, BEAR RIVER FIRST NATION

Bear River First Nation is a small community (108 people on reserve and 226 off reserve) that lies adjacent to the village of Bear River, Nova Scotia in the traditional Mi'kmaq district of Kespukwitk. The Seven Paddles project, initially started to re-establish traditional Mi'kmaw canoe routes for ecotourism in Nova Scotia, has become a way for the people of Bear River to strengthen their ties with their land and culture. The program, which follows a route between Bear River and Kejimkujik National Park, has created about half a dozen new jobs. Although the project was initially launched to create ecotourism opportunities, the community saw a chance to focus inward and return to its traditional teachings. The community is now providing guiding trips to community members, allowing them to gut their first moose or catch their first trout while following the same routes as their ancestors. The results have been transformative.

"[Now we're] getting our spirit built up, reconnected to the land," says Councillor Carol Ann Potter. "Then we can be honest with the people we bring in and make them feel that connection a little bit better. We really see the best in people when they're out doing things they love. They forget their stresses, they forget their problems, they're getting connected again with Mother Earth. There's no better feeling, none whatsoever."

The name Seven Paddles is in honour of the seven sacred teachings of love, respect, humility, honesty, truth, wisdom and courage.

CASE STUDY: DASIQOX TRIBAL PARK (NEXWAGWEẐ?AN)

Dasiqox Tribal Park (Nexwagweẑ?an) is an Indigenous Protected Area located in traditional Tsilhqot'in territory in the south-central interior of British Columbia. It covers approximately 300,000 hectares of land (3,000 km2) that includes spectacular wildlife habitat and waters that its people have known and protected for generations.

The Tsilhqot'in people have fought for decades to protect and defend their lands—from the Chilcotin War (1864) through 20th century threats (such as hydroelectric development) to the ongoing 21st century pressures from industrial mining and logging. There have also been dark times when they endured disease, residential schools, poverty and other extreme social, economic and cultural hardships. Throughout these times, Tsilhqot'in people, communities and leaders have found strength in their relationships with the land, their culture and their way of life and future generations.

Dasiqox Tribal Park, BC. – Bhattacharyya, J., Murray, M., Whittaker, C., & the Firelight Group. (2017). Nexwagweẑ?an – Dasiqox Tribal Park: Strategic Management Plan. 1-90.

In 2014, after 25 years of legal action, for the first time ever the Supreme Court of Canada declared title to more than 1,700 square kilometers of land, and after the most scathing but significant rejection of the 2010 environmental assessment of a copper goldmine the Xeni and Yunesit'in communities (who represent the Tsilhqot'in) decided to protect their shared caretaker areas as a Tribal Park

(to establish Crown recognition of their Aboriginal title and rights). This decision emerged partly from a fight to protect Teztan Biny and Nabas from a proposed copper and gold mine. As industrial pressures continued to threaten Dasiqox and the surrounding lands and watersheds, the Tsilhqot'in decided to give the area a name of their own choosing:Nexwagwe**ẑ?**an, which means "it is there or us."

As a Tribal Park, Nexwagwe**ẑ?**an today presents a vision for the management and governance of the land that reflects the values, principles, and ways of its people. It lies outside Tsilhqot'in title lands, but within the area where Tsilhqot'in rights were declared by the Supreme Court of British Columbia and recognized by the Supreme Court of Canada.

Dasiqox Tribal Park (DTP) connects a number of existing parks and protected areas across a large area at the heart of Xeni Gwet'in and Yunesit'in caretaker areas. It includes the Dasiqox headwaters—essential water sources for the area's rivers, streams, lakes, salmon, fish and wildlife. It is a land of forests, wetlands, meadows and mountains woven with the trails, stories and place names. The plants and trees that grow there provide berries and medicines for the Tsilhqot'in.

Much of DTP remains wild, clean and quiet, largely removed from industrial development. But the area is experiencing significant and ongoing development pressures from the forest and mining industries. Some parts have been logged or damaged by industrial activity in the past, and need to be healed and restored. DTP is a tangible expression of reconciliation that provides its people with a historic opportunity to redefine their relationship with their non-Indigenous neighbours in the region.

The Tsilhqot'in use three themes to organize their management of the park: ecosystems, culture and sustainable livelihoods. They recognize that these themes are inseparable and interconnected, but feel it is important to name them in order to remain accountable to them in governance decisions and management practices.

> "In Fish Lake, when a lot of us are up there, the spirits are there. Really strong, like you can just kind of sense them, they're there with us. Sometimes one or two of us can see them, and they're our ancestors. They're the people from way, way, way back, and they're there. And we want to keep it the way it is."
>
> — Xeni Gwet'in community member

DTP is an Indigenous-led protected area. By establishing it, the Tsilhqot'in asserted their rights and responsibilities as caretakers working to protect the ecological health, cultural revitalization and sustainable livelihoods of its people. DTP is about self-determination—a new name for a very old relationship.

Over time, as the Tsilhqot'in's capacity grows, they may decide to expand the Tribal Park to include a larger area.

CASE STUDY: TLA-O-QUI-AHT TRIBAL PARKS: NUU-CHAH-NULTH SOCIAL INNOVATION FOR SUSTAINABLE LIVELIHOODS, RECONCILIATION AND ENVIRONMENTAL SECURITY

At the heart of the Clayoquot Sound UNESCO Biosphere Reserve on the West Coast of Vancouver Island British Columbia in Canada, a new model of Tribal Parks is emerging as a global example of social-ecological resiliency. While coming back from the brink of extinction and simultaneously adapting its age-old ecological governance system to a series of aggressive foreign influences, the Tla-o-qui-aht have conceived an Indigenous Watershed Governance methodology that marries the old with the new to form a model of sustainable livelihoods that promotes environmental security. The keystone of this methodology is a fundamentally different conception of humanity that orients individuals within a rich social contract that extends ideas of justice to environment.

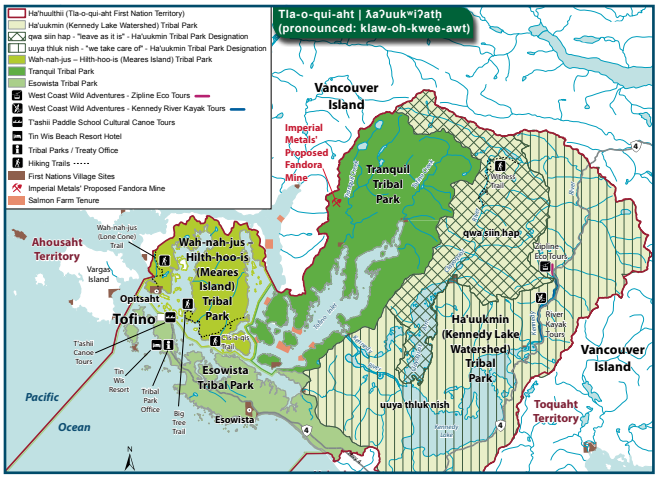
The story begins in 1914, when the Royal Commission on Indian Affairs for the Province of British Columbia met with Tla-o-qui-aht hereditary chiefs (the *Ha'wiih*) on Meares Island. Speaking on Opitsaht, Chief Joseph observed that the island was not large. "I have 221 Indians and this place is too small," he reportedly said. "When there is another generation of people, three hundred years from now, there will be no timber for them at all. It is all taken up by... settlers who surround the reserve all round, and pretty soon there will be no room."

One hundred years later, in 2014, the island marked the 30th anniversary of the Meares Island Tribal Park declaration, which was made in April of 1984. The area was declared a Tribal Park by the Ha'wiih (heritary chiefs) that year in response to unsustainable logging practices that were impinging on traditional territories—much as the Ha'wiih had foreseen in 1914. After a number of protests and legal battles, the Tla-o-qui-at First Nation community was able to prevent MacMillan Bloedel from logging the island.

Between 1914 and 1984, the Tla-o-qui-aht moved from polite protest to direct action in the form of blockades and successful litigation against the BC provincial government, which had condoned the clear-cut logging of ancient cedar rainforests on Meares. Then from 1984 to 2014, Tla-o-qui-

aht advanced from logging blockades to pioneering Tribal Parks as an alternative to the business-as-usual approach to natural resource management.

The Tribal Parks model is the manifestation of a dramatically different social contract that extends ideas of justice to the environment. This contract is captured in works of art, such as totem poles and their crests. The crests function as symbolic memory devices that are associated with various knowledge patterns that have been encoded in story. The stories provide a moral education for listeners, guiding their behaviour toward others with whom they share the environment.



Tla-o-qui-aht First Nations Tribal Parks, BC. – https://clayoquotaction.org/2013/08/gold-exploration-permit-approved/

This advanced system of "active participation in a social contract" ensures that stories with encoded knowledge patterns about natural law are an ever-present visual characteristic of the built environment. Far from being just beautiful art, these crests and stories influence ecological governance applications, such as the Tribal Parks initiative. They lead to effective management outcomes in educational ecotourism, renewable energy projects, ecosystem service programs, and value-added natural resource and non-timber forest product sector development—all with a long-term view of climate change adaptation and supporting the best interests of the future generations.

Since 1984, the Tla-o-qui-aht have established three additional Tribal Parks: Ha`uukmin (Kennedy Lake Watershed), Tranquil Tribal Park and Esowista Tribal Park, collectively known as the Tla-o-qui-aht Tribal Parks.

The vision of Tla-o-qui-at Tribal Parks is to re-establish a healthy integration of economy and environment in which there is a balance of creation and consumption and a continual investment in biological and economic diversity. Its purpose is to establish a Tribal Parks administrative organization and develop the governance tools needed to operate Tribal Parks, including a watershed management plan and community development plan, and to initiate and partner in business opportunities that promote sustainable livelihoods.

A Tribal Park is a land or watershed governance area that is developed, governed and managed by Indigenous Peoples and allows for traditional ways of life and ecologically sound commercial activities, but not industrial activities. Tribal Parks exist around the world under different names. Internationally, they are recognized as Indigenous Peoples' and Community Conserved Territories and Areas, or ICCAs. There is a growing interest in Tribal Parks today on the part of many First Nations communities in Canada.

A Tribal Park can be a model of self-determination and dignity, environmental stewardship, and sustainable livelihoods—all which need to be mutually supportive. Ideally, Tribal Parks are based on Indigenous watershed governance and are on land secured under Aboriginal title and managed by Aboriginal communities. However, in Canada, there are many Tribal Parks that exist on land where title is contentious and the communities manage the park through a shared arrangement with the provincial or federal government. Globally, there is a growing recognition that Indigenous-led protection and conservation can be more successful in achieving positive biodiversity outcomes than state-regulated processes. For Indigenous Peoples that have not ceded their rights and responsibilities to manage their traditional lands through Treaties, it is possible to secure title to traditional lands through the court system. Once title is secured, Indigenous Peoples are free to establish Tribal Parks and determine the appropriate governance regimes.

Globally, there is a growing recognition that Indigenous-led protection and conservation can be more successful in achieving positive biodiversity outcomes than state-regulated processes. For Indigenous Peoples that have not ceded their rights and responsibilities to manage their traditional lands through Treaties, it is possible to secure title to traditional lands through the court system. Once title is secured, Indigenous Peoples are free to establish Tribal Parks and determine the appropriate governance regimes.

Section 35 Innovations and Indigenous Watershed Governance Areas
Section 35(1) of the *Constitution Act, 1982* says, "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed."

Although the section does not define Aboriginal rights, the Government of Canada has interpreted Section 35 to mean the inherent right of self-government.

Tribal Parks can be established as Section 35 innovations. Traditional governance has a role in constitutional law and Tribal Parks as legal instruments for establishing ICCAs in Canada, not as an assertion of rights, but as an assertion of responsibility. From this perspective, if an Indigenous community is able to manage land better than government and provide local sustainable livelihoods, it does not need government recognition (though government recognition usually comes).

Tribal Parks in Theory and Practice
In theory and law, Tribal Parks are:

1) Traditional governance implementation and development exercises. They apply the teachings of our ancestors in a modern natural resource management and regional economic development context. Language, culture and traditional governance are the heart and soul of Tribal Parks.

2) Section 35 (*Constitution Act, 1982*) assertions of responsibilities and rights, with an emphasis on the "responsibilities" that go hand and hand with "rights." Section 35 is a powerful tool available to communities to apply its traditional governance principles in practice.

3) Adherence measures to the 2001 UN Convention on the Responsibility to Protect (R2P). The 2001 UN R2P created a caveat on State Sovereignty: the protection of "human security." A precondition of adequate human security is environmental security—which is where a Tribal Parks approach comes in.

In practice, Tribal Parks are:

1) Indigenous Watershed Governance Areas (IWGAs) that include environmental stewardship, cultural restoration/social justice and sustainable economic development objectives. IWGAs combine traditional governance values and principles with present-day land management methodologies for a long-term view of socio-economic resiliency.

2) ICCAs connecting to a global movement of Tribal Park-type initiatives moving forward on every continent. ICCAs are internationally recognized protected areas by the International Union for the Conservation of Nature (IUCN).

3) A stakeholder management approach that functions as international/intergovernmental conflict resolution processes geared toward fostering positive peace. Breaking down real and perceived barriers, such as racism, mistrust, greed, discrimination, fear, etc., is the key to unlocking a region's sustainable development potential.

4) Monitoring regimes to enable Indigenous guardian programs with their "boots on the ground" approach and built environment branding techniques to extend an Indigenous nation's territorial presence.

CASE STUDY: THE GREAT BEAR RAINFOREST AGREEMENTS

The Great Bear Rainforest represents a quarter of all remaining coastal temperate rainforests on the planet. This magnificent region of old-growth forests, grizzly bears, black bears, rare spirit bears and salmon is home to Indigenous communities thousands of years old. Some 6.4 million hectares in size, it stretches along British Columbia's west coast from the Discovery Islands to the Alaska border.

Until recently, the Great Bear Rainforest's cultural and ecological heritage was threatened with industrial-scale logging and mining. In fact, what we now call the Great Bear Rainforest (a term coined by environmentalists in the mid-90s) was once referred to simply as the "mid-coast timber supply area" by the provincial government and industry.

To the region's First Nations, it was not the Great Bear Rainforest, but Heiltsuk territory, Gitga'at territory, Haisla territory, Nuxalk territory, Homalco territory and so on. Nearly 30 First Nations have called the region home for thousands of years.

Traditional economies and social systems that developed over millennia in ways that maintained and enhanced biodiversity were massively disrupted as a result of European contact and the imposition of colonial policies. These served to disempower local communities, removing both decision-making through long-established governance structures as well as the associated responsibilities to care for the land.

By the 1990s, most of the ecosystems and ecological richness of the Great Bear Rainforest were under serious threat from industrial logging activities. Worse, these were going to happen in a way that would continue to disadvantage the region's Indigenous communities. It was a double whammy, especially in view of the fact that not one of the Nations in the region had a Treaty in place with provincial or federal governments. Essentially, all of the Great Bear Rainforest was (and is) unceded territory.

Beginning with the Nuxalk taking a stand at the heart of the Great Bear Rainforest on Ista—the site of their creation story on King Island—to protect it from further clear-cut logging, the region soon became embroiled in controversy, as Indigenous communities increasingly asserted their rights to their territories in the region, both in terms of decision-making and in terms of benefiting from the bounty of their lands and waters. At first, even with increasing assertion and precedent-setting court cases, their concerns were not taken seriously by the provincial government.

Environmental NGOs were invited to stand with the Nuxalk to blockade logging companies moving into Ista. As a result of increasing assertion of Indigenous rights—as well as partnerships with environmental NGOs, blockades, arrests, public protests, and the targeting of customers and investors buying wood and paper products from the region—controversy grew exponentially and intensified international media attention. The government of British Columbia could no longer ignore the conflict, especially with the threat of losing revenue in the millions of dollars as customers and investors began to view the region as too volatile to do business with.

The province began to take First Nations interests and concerns much more seriously, and set up what eventually became a government-to-government process (that is, BC government to Indigenous governments and/or their representatives) for creating shared decision-making processes in relation to land-use planning and resource management.

Land and Resource Management Planning tables on a sub-regional basis soon emerged from this initial government-to-government process. They included the provincial government, First Nations, industry and environmental organizations.

At the same time, the provincial government continued to engage in direct talks with First Nations governments on mechanisms for shared decision-making and shared revenue. Those discussions involved negotiations with alliances that had coalesced among First Nations (as well as with individual First Nations governments)—namely Coastal First Nations-Turning Point (now called Coastal First Nations-Great Bear Initiative or CFN) in the central and north coasts and what became Nanwakolas Council in the southern cone of the Great Bear.

The environmental NGOs that were still formally engaged at this point in the early 2000s—namely Greenpeace, Sierra Club BC and Stand (formerly ForestEthics)—coalesced into the Rainforest Solutions Project (RSP). On the logging and forest products industry side, those companies involved formed the Coast Forest Conservation Initiative (CFCI).

In order to ensure a movement toward collaboration and problem-solving out of the original five or so years of conflict, the environmental organizations agreed to suspend their campaigns against the companies, while for their part, the companies agreed to stop logging in the vast majority of ecologically intact forest valleys in the region. Although tough at first, with much trust-building needing to be accomplished and facilitated through an agreed-to conflict resolution process, RSP and CFCI joined together as the Joint Solutions Project (JSP) to advise First Nations and the BC government on solutions to unsustainable logging in the region.

All parties involved—both decision-makers (First Nations and the BC government) and stakeholders (environmental NGOs, industry)—agreed to an independent scientific panel (the Coast Information Team, or CIT) to come up with recommendations on how to ensure the socio-economic and ecological well-being of the region and its peoples.

Years of negotiations on various fronts ensued, and in 2004, CIT delivered its recommendations to the BC government with the agreement of JSP and the First Nations alliances. It essentially called for 70 percent of the region's natural levels of old-growth ecosystems to be protected. This still allowed for a viable forestry sector by implementing improved logging practices, also known as Ecosystem-Based Management (EBM).

On the basis of continued negotiations and hard work to achieve the two main goals of high ecological integrity and high levels of community well-being, proposed solutions led the provincial government to announce to the world in 2006, with much fanfare, the breakthrough Great Bear Rainforest Agreement: a comprehensive protection and social well-being package for the region, which was now permanently defined as the south, central and north coasts of BC and Haida Gwaii. The Agreement included four key elements:

- A protected areas network meant that 33 percent of the region was off-limits to industrial logging.
- Improved logging practices through EBM were intended to result in the protection of an additional 37 percent of the area's ecosystems.
- There would be increased involvement of First Nations in decision-making with regards to the land and resources in their respective territories.
- There would be conservation financing for First Nations to enable economic diversification.

The protected areas network would consist of conservancies (see Case Study: Conservancies in British Columbia), Biodiversity Mining and Tourism Areas, and other measures. Conservation financing for First Nations was to be achieved by leveraging funds from the philanthropic sector via environmental NGOs and the provincial and federal governments. (This resulted in the $120 million Coast Funds: $60 million contributed by foundations for conservation projects and $60 million contributed by the two levels of government for sustainable economic development projects for First Nations communities.)

Essentially, all elements of the Great Bear Rainforest Agreement, if implemented by 2009, would in theory lead to 70 percent protection of the old-growth ecosystems as well as higher levels of community social and economic well-being. However, in 2009, all parties realized that that level of protection would be impossible to reach: only 50 percent protection had been achieved to date, and not enough social and economic improvements had been felt by First Nations.

All parties agreed to another five years of negotiations and problem-solving to reach higher levels of human well-being and the magical 70 percent goal.

In 2016, the Government of British Columbia announced that a final agreement had been reached between the province, First Nations, environmental NGOs and the forestry industry to protect 85 percent of the forested land base of the Great Bear Rainforest from industrial logging, with stringent legal logging regulations to be applied to the remaining 15 percent. This agreement recognized and enshrined shared decision-making between the

Government of British Columbia and First Nations for land use within the Great Bear Rainforest, and provided increased economic shares of timber rights as well as new measures to continue to nurture a conservation economy with additional funding for the region's First Nations.

It is important to note that none of these achievements were obtained in a way that would compromise future treaty-making between individual First Nations and other levels of governments. Indeed, it can be argued that much has been achieved without ceding land, as is typical in the modern land-claims process.

That said, the way negotiations took place—with JSP proposing solutions as stakeholders and First Nations deliberating on those solutions rather than being active participants—was problematic. This model may have worked initially, when First Nations didn't have the capacity to engage on the technical level. However, by the mid-2000s, this had changed—and the model hadn't. As well, a number of First Nations had already engaged in their own land use plans that didn't always line up with what JSP was proposing.

Additionally, although conservancies were a major step in the right direction (and did provide for input from Indigenous communities), the resourcing and implementation of the conservancy management plans that undergird many of the protected areas have been challenging from a First Nations perspective, leading to the province stepping in and thus creating inequities in co-decision-making and the co-development of critical management plans. The province itself also had a very constrained budget for these plans, which as a result tended to lead to generic plans, as opposed to the specific, place-based approach to conservancy planning needed for those plans to fully reflect the cultural values of those First Nations involved, and for the Great Bear Rainforest Agreements to more fully realize their potential.

Lastly, related challenges remain for the region under this model, from the final implementation of EBM (intended to result in the expected conservation of ecosystems and old-growth forests) to adequate resourcing of monitoring and implementation, to the ongoing struggle for full First Nations to obtain decision-making powers and responsibility over their lands.

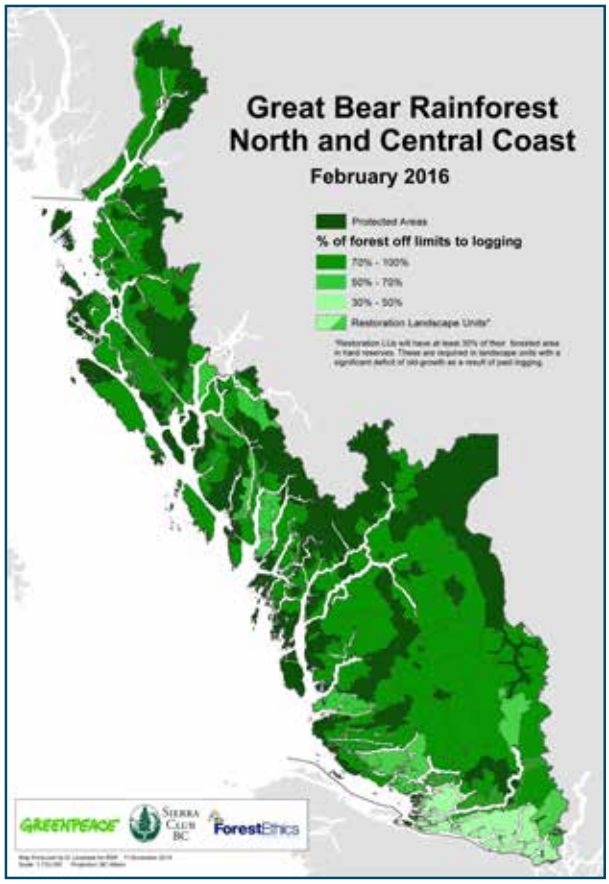
Nonetheless, this innovative and multiple award-winning model represents a significant improvement over the status quo and holds many lessons for other conservation initiatives—including IPCAs, where the governance model might be more of a hybrid approach to governance and management.

The 20-year story of the Great Bear Rainforest Agreements contains many elements and complexities encompassing Indigenous rights and land use planning processes, not to mention multilateral negotiations rooted in developing relationships that have shifted from conflict to collaboration. It is a story that continues to unfold and whose teachings—as well as the lived experiences of its peoples in stewarding the lands and waters—holds great promise for reconciliation.

For more information, see:

- Coastal First Nations - Great Bear Initiative: http://coastalfirstnations.ca/
- Nanwakolas Council: http://www.nanwakolas.com/
- Great Bear Rainforest: https://greatbearrainforest.gov.bc.ca/
- Coast Funds: https://coastfunds.ca/
- Rainforest Solutions Project: http://www.savethegreatbear.org/
- Greenpeace (Great Bear Rainforest) http://www.greenpeace.org/usa/forests/great-bear-rainforest/

Level of protection in the Great Bear Rainforest, 2005.
Rainforest Solutions Project (2005). Great Bear Rainforest – 2005 map [JPEG Map]. http://www.savethegreatbear.org/resources/category/maps



Level of protection in the Great Bear Rainforest, 2016.
– Rainforest Solutions Project (2016). Great Bear Rainforest 2016 – Protected & EBM operating areas [JPEG Map].

7.5 ICE MEMBER BIOGRAPHIES

ICE CO-CHAIRS

Eli Enns
Eli is a Nuu-chah-nulth Canadian political scientist who serves as a research associate for the POLIS Project on Ecological Governance at the University of Victoria, and as the regional coordinator for North America for the Indigenous Peoples and Community Conserved Territories and Areas Consortium. As a co-founder of the Ha'uukmin Tribal Park in the Clayoquot Sound UNESCO Biosphere Reserve, and with his work as a steering committee member for the "Acting on Climate Change: Indigenous Innovations" research project with the Assembly of First Nations, Eli brings a diverse understanding to the work of ICE.

Danika Littlechild
Danika Billie Littlechild is a member of Ermineskin Cree Nation in Maskwacis Alberta, Treaty 6 territory. Danika is a lawyer living and working in her home community, and her practice is focused on matters concerning Indigenous laws, rights of Indigenous Peoples, Indigenous health, ensuring clean and healthy water for First Nations and strengthening Indigenous governance. Danika is currently serving her second term as vice-president of the Canadian Commission for UNESCO. Danika was also appointed to the board of directors of MiningWatch Canada last year. Her practice encompasses international advocacy on behalf of Indigenous Peoples in the United Nations system, particularly through her role as consulting legal counsel for International Indian Treaty Council, an international NGO with UN Economic and Social Council consultative status. Danika is a member of the Alberta Judicial Advisory Committee, and is a recipient of the Esquao Award (2015) and the Alberta Aboriginal Role Models Award for Justice (2015). Danika holds a BA (Hons), an L.L.B. from the University of Toronto and an L.L.M from the University of Victoria.

ICE CORE MEMBERS

Marilyn Baptiste, Councillor Xeni Gwet'in First Nation
Marilyn Baptiste is a councillor and former chief of the Xeni Gwet'in First Nation in British Columbia, one of the six First Nations that make up the Tsilhqot'in Nation, which was awarded the Supreme Court of Canada's decision declaring Aboriginal title in 2014.

Marilyn co-founded the First Nations Women Advocating Responsible Mining (FNWARM) to challenge mining development projects in Xeni Gwet'in land, while supporting other areas of BC facing similar challenges. She has collaborated with community leaders from the Yunesit'in and the broader Tsilhqot'in Nation to permanently protect Teztan Biny (Fish Lake) and the surrounding areas as Dasiqox Tribal Park.

For her work in leading her community to defeat a large mining project and preparing submissions for the Canadian Environmental Assessment Agency mining review, Marilyn has been the recipient of several awards. Her passion and dedication were recognized through FNWARM when she received the 2010 Boreal Initiative Award (in recognition of the fight to save Teztan Biny after the federal government's initial denial of the Prosperity Copper Gold Mine's application). Marilyn has also been given the Wilderness Committee's Eugene Environmental Award and the Activist of the Year Award by the Council of Canadians. In 2015, she was awarded the prestigious Goldman Environmental Prize, the world's largest international award for grassroots environmental activism.

William Goodon, Metis National Council
William Goodon has built a career out of a combination of community service and entrepreneurship. Tutored by his parents to look for opportunities in business, William seized the calling of working for the Metis Nation in the Metis government in various capacities. As well,

partnering with his father, he is currently developing motel projects in southwestern Manitoba, with properties in Deloraine, Boissevain and Killarney. William continues to work for Metis governments as a facilitator, consultant and assembly chair. In June 2014, he was elected to the Metis Government in Manitoba (the Manitoba Metis Federation) as a provincial board representative for the southwest region. He was subsequently appointed Minister of Housing & Property Management.

Steven Nitah, Negotiator for Lutsel K'e Dene First Nations

Steven is a negotiator for Lutsel K'e Dene First Nations and adviser with the Indigenous Leadership Initiative. A former member of the Legislative Assembly elected to the Northwest Territories Legislative Assembly, Steven was also elected Chief of Lutsel K'e Dene First Nations (LKDFN) in 2008 and served as CEO for the Denesoline Corporation, the economic development arm of LKDFN.

Steven has been the lead negotiator on behalf of LKDFN with the Government of Canada for the creation of a protected area in Thaidene Nëné, with shared jurisdiction between Crown and First Nations government. He continues to play a primary role in engaging with various levels of government and industry to build support and validation for the Thaidene Nëné vision.

To fulfill a promise Steven's grandmother made to her husband on his deathbed—that their 10-year old daughter would not suffer undue stress in life if it could be avoided—she offered to adopt her 18-year daughter's baby, Steven, so his mother could finish her education. Steven was taken by dogsled from Yellowknife to Lutsel K'e to stay with his grandparents, who customarily adopted him. He grew up in tents on the land, with little influence from the western world. Only learning English in kindergarten, he had a traditional upbringing, following the seasons, hunting, trapping and gathering. Taught by Elders who had not been affected by residential schools or their legacy, Steven learned about his responsibilities as a Dene in caring for their lands and resources. Steven's upbringing and professional career is what brought him to the Pathway process.

Pamela Perreault, Garden River First Nation

Pamela Perreault is a member of Garden River First Nation in Ontario. Her academic and consulting careers have taken her across Canada and around the world in pursuit of knowledge and understanding of Indigenous Peoples' connection with forested landscapes. Between 1997 and 2014 she lived in British Columbia, but worked extensively with First Nations communities and organizations all over Canada on natural resource issues, such as consultation policy development and implementation, forest resource management, land use planning, non-timber forest resources, community-based research, and Aboriginal governance related to lands and resources. In 2014, Pamela returned to her home community of Garden River First Nation with her husband and son.

Pamela works with FSC Canada as the coordinator of Aboriginal initiatives, where she oversees the Aboriginal Rights and Free, Prior Informed Consent Project of the FSC Canada's Forest Management Standards Revision Process. Pamela has been a research fellow at the University of Auckland, New Zealand; a member of the Forest Sciences Board of the BC Ministry of Forests; a program coordinator in the Faculty of Forestry at the University of British Columbia; and a university instructor on Haida Gwaii and at Algoma University in Sault Ste. Marie. She has a biology degree, specializing in freshwater ecology, from the University of Waterloo and a master's degree in forestry science from UBC. She is co-editor of Aboriginal Peoples and Forest Lands in Canada (UBC Press 2013).

Chief Gordon Planes, Chief of T'Sou-ke First Nation

Gordon's traditional name is Hya quatcha, after his great grandfather from Scia-new, the salmon people. He has been the elected chief of the T'Sou-ke nation for the past nine years and was previously the backcountry operations manager of the West Coast Trail for Parks Canada Agency. He is the director of the Lands Advisory Board, which oversees First Nations land management across Canada, and serves as secretary of the Naut'samawt Tribal Council. Gordon is a Coast Salish carver, artist and traditional singer, and a captain of T'Sou-ke traditional dug-out canoes for the last two decades. Gordon has previously taken a three-year assignment working with his community to bring back their Northern Straits Sencoten language.

Gordon lives with his wife, Marcella, in the village of Siaosun. They have six children and four great-grandchildren. He is working closely with the community in renewable energy, food security, cultural renaissance and economic development.

Curtis Scurr, Policy Analyst Environment Unit, Assembly of First Nations

Curtis holds a degree in geography from Carleton University with a background in research, policy and advocacy and several years' experience working on Indigenous environment and environmental health policy and legislative issues. He has also worked in both government and the private sector on environmental health, climate change, species at risk and biodiversity. During his career, Curtis has served as a research officer and policy analyst as well as the coordinator of the National Aboriginal Council on Species at Risk. He continues to work primarily on First Nations environmental issues, including climate change and species/habitat conservation and protection.

Eduardo Sousa, Great Bear Rainforest Subcommittee

Eduardo Sousa has worked for the past nine years as a senior forests campaigner for Greenpeace to successfully implement the world-renowned and award-winning Great Bear Rainforest Agreements with First Nations, the BC government and the logging industry.

Prior to arriving on the West Coast, Eduardo worked for many years as Ontario–Quebec organizer for the Council of Canadians on public policy issues related to healthcare, water, trade and Canada–US relations. He was also an environmental planner and special projects coordinator for Toronto Parks. Eduardo holds a master's degree in environmental studies from Toronto's York University, with a focus on watershed planning and community mobilization, as well as an honours BA in social-cultural anthropology/ environmental studies from Victoria University at the University of Toronto. He has published a variety of articles in books and magazines regarding watershed stewardship and environmental history.

Eduardo acts as a representative for the Great Bear Rainforest ICE subcommittee, which includes Jess Housty, Heiltsuk First Nation band counsellor and Qqs stewardship director, and Doug Neasloss, Kitasoo/Xai'xais First Nation chief counsellor and resource stewardship director. Through his work on the subcommittee, Eduardo shares with ICE the expertise and experience he has gained in the conservation of the Great Bear Rainforest

Chantal Otter Tétreault, Protected Areas Coordinator, Cree Nation Government

Chantal is from the Cree community of Wawanipi in Northern Quebec (Eeyou Istchee). She is the protected areas coordinator in the Department of Environment and Remedial Works of the Cree Nation Government. Chantal is also involved in the Cree Nation land stewardship and conservation initiative in Eeyou Istchee, Crees' traditional territory in northern Québec, as a member of the Eeyou Marine Region Planning Commission and the Eeyou Protected Area Committee. Chantal is also serves as the Cree Nation Government representative on the James Bay Advisory Committee on the Environment, which is tasked with overseeing the administration of the environmental and social protection regime established by the James Bay and Northern Québec Agreement. Chantal holds a degree in geography from Concordia University and has extensive training in Geographic Information Systems and environmental assessment.

Lisa Young, Executive Director of Unama'ki Institute of Natural Resources

Lisa Young is the executive director of Unama'ki Institute of Natural Resources (UINR), a leading Mi'kmaw natural resources and environmental management organization. Lisa joined UINR shortly after graduating with a bachelor's degree in biology from York University.

Lisa was UINR's general manager and director of administration before becoming executive director in 2006. One of the highlights of her training was participating in Aboriginal Leadership and Management Development training at the Banff Centre. As executive director, Lisa's job includes program development and participation in developing UINR's overall direction. Lisa participates on a number of committees, including Pitu'paq, Bras d'Or Lakes Collaborative Environmental Planning Initiative, the Mi'kmaq Forestry Advisory Committee, and the Advisory Committee on Climate Action and the Environment.

ICE FEDERAL, PROVINCIAL, AND TERRITORIAL MEMBERS

Brian Bawtinheimer, Government of British Columbia

Brian has worked for the BC government for more than 25 years, providing leadership in resource and land use management including protected areas, conservation, outdoor recreation, ecosystem management, forestry, land and marine planning. Brian has a long history of working with Indigenous governments and communities on new collaborative management approaches for protected areas as part of broader government-to-government reconciliation agreements. Brian currently sits on the Haida Gwaii Management Council and has served as the provincial representative and past chair of the Canadian Parks Council and the Canadian Heritage Rivers Board. He continues to be involved in international protected area efforts, including volunteering as an advisor for national park management in Thailand.

Lillith Brook, Government of Northwest Territories

Lillith Brook has been facilitating collaborative, multi-stakeholder conservation planning initiatives in the Northwest Territories for the past 17 years. In her current role as a senior conservation planner for the Government of the NWT Territorial Department of Environment and Natural Resources, Lillith plays a leadership role in advancing the government's vision for building a conservation network in the NWT. Key to this vision is the meaningful involvement of Indigenous People in the establishment and management of protected areas, making this national dialogue regarding Indigenous conservation areas both timely and inspiring for creating a strengthened conservation network in the NWT.

Marlene Doyle, Crown-Indigenous Relations and Northern Affairs

Marlene manages the Indigenous Community-Based Climate Monitoring Program at Crown-Indigenous Relations and Northern Affairs (formerly Indigenous and Northern Affairs Canada[INAC]). She has worked to develop coordinated approaches to ecological monitoring and assessment for almost 15 years within the federal government. From 2011 to 2015, Marlene was Canada's representative on the Circumpolar Biodiversity Monitoring Program Terrestrial Steering Group, where she helped develop and implement a monitoring plan for the terrestrial Arctic. Most recently at INAC, Marlene has supported Indigenous solid waste management initiatives and environmental management and stewardship.

Scott Duguid, Government of Alberta

Scott Duguid has more than 10 years' experience working collaboratively for or with Indigenous groups in Alberta and the Northwest Territories. He has been with the Government of Alberta for the past seven years, where he has held positions in the Ministry of Environment, Environment and Sustainable Resources, and Indigenous Relations. Currently, he is director of consultation with the Land Use Secretariat. Scott's previous roles with Indian and Northern Affairs Canada and the Sahtu Land and Water Board give him a solid perspective on Indigenous land use, conservation and protected areas. Scott was named an honorary Elder by the Alexis Nakoda Sioux First Nation, and is an active participant in Indigenous traditional practices.

Paul Dyck, Parks Canada Agency

Paul Dyck is senior advisor of Indigenous initiatives with the Pathway to Canada Target 1 Secretariat that supports ICE. Prior to joining the secretariat, Paul served as Parks Canada's negotiations manager for western Canada, with a primary focus on Treaty negotiations with First Nations in British Columbia. In his 10 years with the federal public service, Paul has contributed to a wide variety of site-based negotiations, implementation of Treaties and other agreements, protected area establishment, and development of national policy and guidance supporting Indigenous rights and cooperative working relationships in national parks, national marine conservation areas, and national historic sites.

Paul's academic background is in political science. He holds a BA from the University of Calgary and an MA from the University of Victoria.

Susanne Emond, Environment and Climate Change Canada

Susanne Emond has been a policy analyst with the Protected Areas Program of Environment and Climate Change Canada since 2010. For the last seven years, Susanne has worked on establishing and managing ECCC's network of protected areas, including in collaboration with Indigenous governments and people of northern Canada. During this time, she also lived in Iqaluit for a few years, where she helped implement the Inuit Impact and Benefit Agreement for the National Wildlife Areas and Migratory Bird Sanctuaries in the Nunavut Settlement Area.

Susanne has a strong background in community-based participatory processes. Prior to joining the federal government, she worked for a number of years with the non-profit sector, focusing her efforts on bridging the gap between biodiversity conservation and international development. This took the form of developing strategies for the participation of communities in natural resource decision-making processes, such as through management and land use planning for protected areas in Latin America, Africa and Asia. Susanne has also conducted research and policy advocacy for advancing human rights issues in the context of conflict minerals as a contributor to the Kimberly Process, a United Nations mandated mechanism for the eradication of conflict diamonds.

Elaine Hardy, Government of Ontario

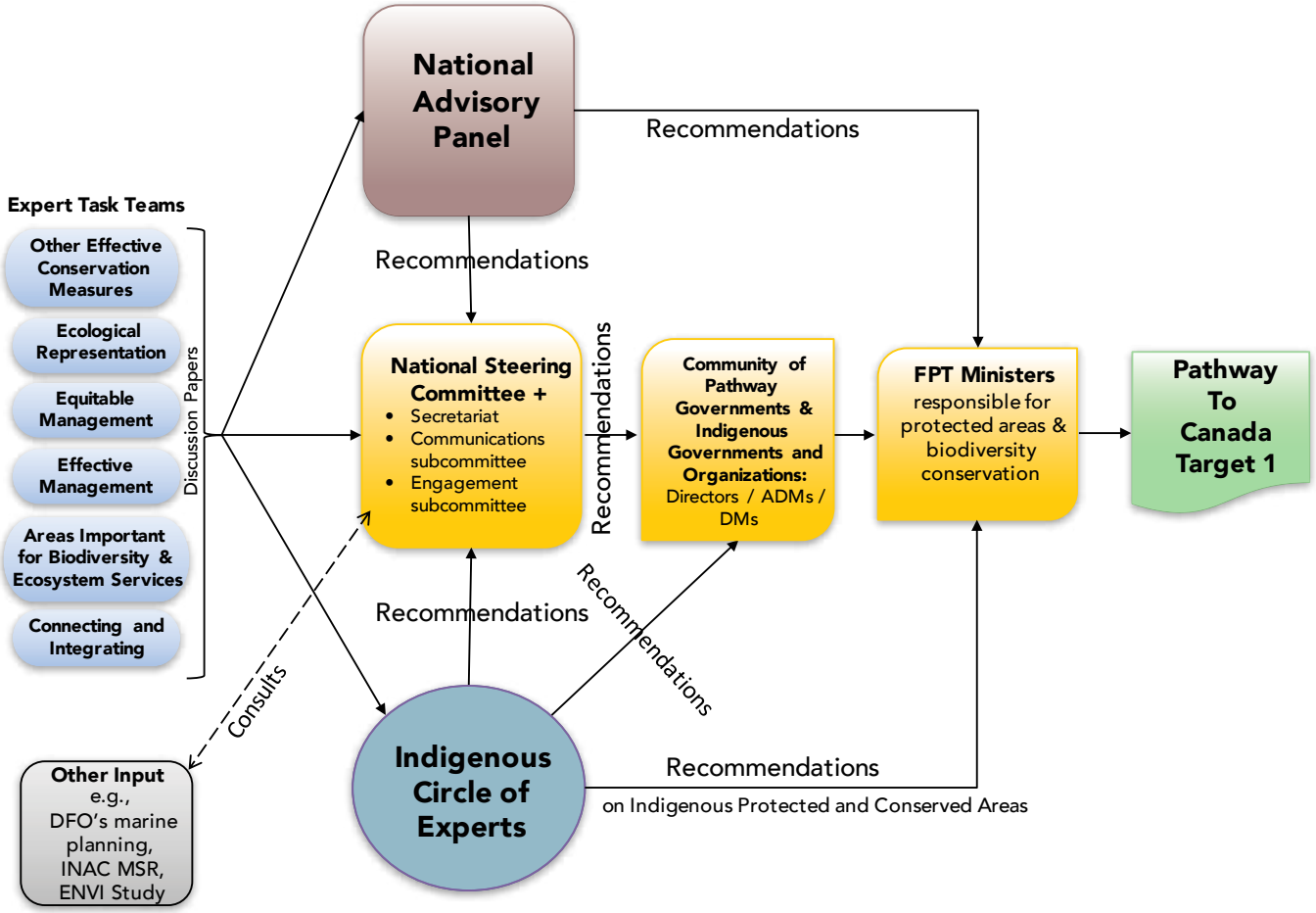
Elaine Hardy has more than 20 years' experience as an environmental policy and land use planning advisor with the Ontario government. She studied urban and regional planning at the University of Waterloo, then pursued a master's degree in environmental studies at York University. For the past five years, Elaine has been working at the Ontario Ministry of Natural Resources and Forestry in the Far North Branch, where she provides program and policy support for the Ministry's work to prepare land use plans jointly with First Nations in the Far North of Ontario. She is currently leading work to prepare a Far North Land Use Strategy which, when complete, will provide guidance and information to help joint Ontario–First Nations planning teams as they prepare land use plans.

Previously, Elaine was with the Ontario Ministry of Environment, where she worked mainly on environmental assessment and energy files, leading the development of environ-mental assessment requirements for electricity projects and developing approvals requirements for renewable energy projects.

Susan Mather, Fisheries and Oceans Canada
Susan J. Mather is an environmental planner, analyst, facilitator and historian whose professional and academic experience has centred on nature conservation and the nature-culture nexus. With more than 20 years of professional experience, Susan is currently working in marine conservation and integrated oceans management at Fisheries and Oceans Canada. Previously, as a planner with Parks Canada, Susan led the development of management plans for several of Canada's national parks and historic sites. Susan has a master of arts in Canadian History and a master of applied environmental studies in planning. She has long been passionate about the relationship between Indigenous Peoples and protected areas. Her academic pursuits include exploring how the making of Vancouver's Stanley Park was a colonial imposition upon a place that already had meaning in the Coast Salish world. Prior to joining the federal government, Susan worked for several years as a historical consultant for Indigenous governments. She also has experience in the not-for-profit sector with the Wildlife Conservation Society, Ducks Unlimited Canada, and the Federation of Canadian Municipalities.

Tom Soehl, Government of Nova Scotia
Tom has worked on Indigenous issues with the provincial governments of British Columbia and Nova Scotia for more than 20 years. He has been involved in Treaty and Aboriginal rights negotiations, consultation, land use planning and a variety of collaborative management initiatives. Tom is currently director of Aboriginal policy with the Nova Scotia Department of Natural Resources, which is responsible for provincial parks, Crown land administration, forestry, mineral resources and wildlife management in the province. His educational background includes a master of science in resource and environmental management from Simon Fraser University.

7.6 PATHWAY TO CANADA TARGET 1 WORKFLOW DIAGRAM



Pathway to Canada 1 Target Draft Workflow Schematic

RESOURCES AND FURTHER READING

- Truth and Reconciliation Commission of Canada: Calls to Action http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf
- Principles Respecting the Government of Canada's Relationship with Indigenous Peoples http://www.justice.gc.ca/eng/csj-sjc/principles-eng.pdf
- Indigenous Leadership Initiative (ILI) https://www.ilinationhood.ca/
- Indigenous Guardians Program https://www.ilinationhood.ca/our-work/guardians/
- Section 35 of the Canadian Constitution Acts, 1982: Rights of the Aboriginal Peoples of Canada http://laws-lois.justice.gc.ca/eng/Const/page-16.html
- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html
- Free Prior and Informed Consent Manual https://www.un.org/development/desa/indigenouspeoples/publications/2016/10/free-prior-and-informed-consent-an-indigenous-peoples-right-and-a-good-practice-for-local-communities-fao/
- Report of the Royal Commission on Aboriginal Peoples (RCAP) https://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/royal-commission-aboriginal-peoples/Pages/final-report.aspx
- Conservation 2020: Pathway to Canada Target 1 http://www.conservation2020canada.ca/
- Convention on Biological Diversity https://www.cbd.int/
- Aichi Biodiversity Targets https://www.cbd.int/sp/targets/
- 2020 Biodiversity Goals and Targets for Canada http://biodivcanada.ca/default.asp?lang=En&n=9B5793F6-1
- United Nations Educational, Scientific and Cultural Organization (UNESCO) https://en.unesco.org/
- International Union for the Conservation of Nature (IUCN) https://www.iucn.org/
- IUCN Protected Areas Categories System https://www.iucn.org/theme/protected-areas/about/protected-area-categories
- Forest Stewardship Council https://ca.fsc.org/en-ca
- Cree Regional Conservation Strategy http://www.eeyouconservation.com/cree-regional-conservation-strategy.html

INTERNATIONAL CONTEXT SOURCES

Indigenous Protected Areas

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Australian Government. (2012). *About indigenous protected areas.* Department of the Environment. Retrieved from http://www.environment.gov.au/indigenous/ipa/background.html

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Department of Conservation. (2014). *Tuhoe claims settlement and Te Urewera bills passed*. Media Release, Office of the Minister for Treaty of Waitangi Negotiations.

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Dearden, P., R. Rollins and M. Needham. (2015). *Parks and Protected Areas in Canada: Planning and Management.* Fourth Edition. Oxford University Press, Canada.

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Gibson, G. (2017). Culture and Rights Impact Assessment: A Survey of the Field. The Firelight Group

Herrmann, T.M., Ferguson, M.A.D., Raygorodetsky, G. and Mulrennan, M. (2012). Recognition and Support of ICCAs in Canada. In: Kothari, A. with Corrigan, C., Jonas, H., Neumann, A., and Shrumm, H. (eds). *Recognising and Supporting Territories and Areas Conserved By Indigenous Peoples And Local Communities: Global Overview and National Case Studies.* Secretariat of the Convention on Biological Diversity, ICCA Consortium, Kalpavriksh, and Natural Justice, Montreal, Canada. Technical Series no. 64.

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WEBSITES

- Indigenous Peoples' and Community Conserved Territories and Areas Consortium:
  http://www.iccaregistry.org/en/about/iccas

- Thaidene Nëné:
  http://landoftheancestors.ca/

- UNESCO Website:
  http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/biosphere-reserves/

- Tsa Tue Biosphere Reserve - Indigenous-led Biosphere Reserve:
  http://en.ccunesco.ca/search#q=indigenous-led
  http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/biosphere-reserves/europe-north-america/canada/tsa-tue/

- Canadian Protected Area Status Report 2012 to 2015
  http://en.ccunesco.ca/search#q=indigenous-led

- A new Shared Arctic Leadership Model (Mary Simon, Minister's Special Representative): https://www.aadnc-aandc.gc.ca/eng/1492708558500/1492709024236

REGIONAL GATHERING VIDEOS

- Western: https://www.youtube.com/watch?v=zvw5djVRjE0
- Eastern: https://www.youtube.com/watch?v=R3lO_xSRJK0
- Northern: https://www.youtube.com/watch?v=_Ci-RF5k-Fs
- Central: https://www.youtube.com/watch?v=PyG0BI7wzC8

ABBREVIATIONS

ACMC	Area Co-Management Committee
CARTS	Conservation Areas Reporting and Tracking System
CBD	Convention on Biological Diversity
CHN	Council of the Haida Nation
CIT	Coast Information Team
CNG	Cree Nation Government
COP 10	10th Conference of the Parties
CTA	Call to Action
DRFN	Doig River First Nation
DTP	Dasiqox Tribal Park
ECCC	Environment and Climate Change Canada
ENGO	environmental non-governmental organization
FPIC	free, prior and informed consent
FSC	Forest Stewardship Council
GNWT	Government of the Northwest Territories
HGMC	Haida Gwaii Management Council
ICCA	Indigenous Peoples' and Community Conserved Territories and Areas
ICE	Indigenous Circle of Experts
ICH	Intangible Cultural Heritage
IIBA	Inuit Impact and Benefit Agreement
INAC	Indigenous and Northern Affairs Canada
IPA	Indigenous Protected Area
IPCA	Indigenous Protected and Conserved Area
IUCN	International Union for Conservation of Nature
IWGA	Indigenous Watershed Governance Area
JSP	Joint Solutions Project
LKDFN	Lutsel K'e Dene First Nations
MMF	Manitoba Metis Federation
NAP	National Advisory Panel
NCC	Nature Conservancy Canada
NGO	non-governmental organization
NSC	National Steering Committee
OECM	other effective conservation measure
PCA	Parks Canada Agency
TDN	Thaidene Nëné proposed National Park Reserve and Territorial Protected Area
TRC	Truth and Reconciliation Commission
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific and Cultural Organization
UINR	Unama'ki Institute of Natural Resources

GLOSSARY[12]

Aichi Targets: A set of 20 targets related to biodiversity that are included in the Strategic Plan for Biodiversity 2011–2020 adopted by the signatory parties to the Convention on Biological Diversity at the 10th Conference of Parties, Nagoya, Japan, 2010.[13]

Appropriate recognition: Recognition or acknowledgement that is validated by each Indigenous government and its peoples in a manner of their choosing. Appropriate recognition is not a token process. Appropriate recognition can only be achieved through a due diligence process that is grounded in respect for human rights and the implementation of United Nations Declaration on the Rights of Indigenous Peoples.

Biodiversity: The biological diversity of life or the variability of living organisms (e.g., genes and species) from all sources and biomes (e.g., terrestrial, marine and other aquatic ecosystems), and the ecological complexes of which they are a part.[14]

Cultural keystone species: Iconic species that have helped shape the traditions, beliefs and knowledge systems of Indigenous Peoples over time. Because of their association with the lands and waters of Indigenous territories, these species have played (and continue to play) essential roles in diet, livelihood, traditional medicines, and materials used for clothing, shelter and tools, and have been featured in the languages, ceremonies, stories and narratives that have shaped Indigenous natural laws.

Capacity: Having both the knowledge and the skills to be empowered to act, including for exercising authority. Capacity and ability are not the same. A need for capacity is not meant to address a lack of ability, nor can it be resolved by providing funds only. Having capacity means having access to appropriate tools on an ongoing basis (e.g., long-term support) until individuals, communities and nations are empowered.

Ceremony (ies): Cultural practice(s) by Indigenous Peoples for connecting to the spirit and showing respect and gratitude. The practice of ceremonies can be understood as the gateway through which Indigenous values and principles continue to guide the way of life of Indigenous Peoples: *"The most important part of our knowledge as people is the spirit, which is nurtured through ceremony. Ceremony and spirit is not something that can be taught, it is something that can only be experienced."* (Opening statement of Dave Courchene at the Central Regional Gathering, Winnipeg, MB)

Conservation economy: Usually refers to the pursuit of social and economic benefits through the conservation of ecosystems within an area, or a variety of economic arrangements that have been redesigned to restore, rather than deplete, natural and social capital, based on the premise that life comes from nature and depends on its capacity to maintain healthy ecosystems. In this manner, peoples' needs are directly linked and dependent on local ecosystem services, which serve as the starting point for a different kind of economic prosperity that can provide for generation after generation.[15] For example, conservation economy has been used in relation to Tribal Parks to describe a level of economic development that maintains the health of ecosystems and communities.

Customary rights/Indigenous Laws: Principles, rules of conduct and beliefs that have been informed by a given generation and transmitted from one generation to the next, and are recognized and practised by Indigenous Peoples. Such laws dictate the spiritual, political and social customs and conventions that guide the relationships between Indigenous Peoples and their lands and territories as well as between themselves. These ancient laws are unique to each community, and identify principles related to rights and standards of environmental governance. Indigenous laws are imprinted (transmitted orally) and distinct from Canadian laws (written and enforced laws).[16]

Distinction-based approach: Recognizing the specificity of lands, waters, territories, identity, language, culture, histories, circumstances, legal frameworks, socio-economic issues and other factors important to First Nations, the Metis Nation and the Inuit, a distinction-based approach provides for concrete, pragmatic actions that allow for fulsome self-determination of Indigenous Peoples as they choose to identify themselves, whether or not they affiliate with a national Indigenous organization, a provincial or territorial Indigenous organization, or other representative or lobby organization.

[12] The glossary was developed using Regional Gathering notes and summaries. Additional sources were also used in some instances, and are noted for each specific term.

[13] See http://www.cbd.int/sp/targets/.

[14] Convention on Biological Diversity (1992). Convention on Biological Diversity Article 2. Use of Terms. Secretariat of the Convention on Biological Diversity, Montreal, Canada.

[15] The term conservation economy has been used by Ecotrust, one of the first organizations to expand on the implications of the concept. See http://www.conservationeconomy.net/conservation_economy.html.

[16] Source: http://www.aboriginallegal.ca/assets/withorwithoutyou.pdf.

Free, Prior and Informed Consent: The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) commits signatory states (including Canada) to consult and cooperate in good faith with Indigenous Peoples, through their own representative institutions, to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them (e.g., lands, waters and their resources)[17]. In this context:

- Free implies no coercion, intimidation or manipulation.
- Prior implies that consent is sought sufficiently in advance of the authorization or start of activities, with respect for the time needed for Indigenous consultation and consensus processes.
- Informed implies that information is provided that covers a range of aspects, including the nature, size, pace, reversibility and scope of any proposed project or activity; the purpose and duration of the project; the locality and areas affected; a preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks; personnel likely to be involved in executing the project; and procedures the project may entail. This process may include the option of withholding consent. Consultation and participation are crucial components of a consent process.

Governance: The authority or use of power to make decisions and be accountable for them. In comparison, management is the making of decisions that will guide actions to meet desired goals or objectives—in other words, decisions that can be overturned by the governing body. Governance differs from management in terms of who holds the authority and who is ultimately accountable.

Guardians: According to the Indigenous Leadership Initiative, "guardians are employed as the 'eyes on the ground' in Indigenous territories. They monitor ecological health, maintain cultural sites and protect sensitive areas and species. They play a vital role in creating land use and marine-use plans. And they promote inter-generational sharing of Indigenous knowledge—helping train the next generation of educators, ministers and nation builders."[18] The original guardians began with the Haida Nation and soon blossomed into Guardian Watchmen along the West Coast with a formal program established under the nine member-strong Coastal First Nations Great Bear Initiative (https://coastalguardianwatchmen.ca/guardian-watchmen-programs).

Indigenous Cultural Landscapes (ICLs):[19] The Forest Stewardship Council defines these as "living landscapes to which Indigenous Peoples attribute environmental, social, cultural and economic value because of their enduring relationship with the land, water, fauna, flora and spirits and their present and future importance to their cultural identity." ICLs are characterized by features that have been maintained through long-term interactions based on land-care knowledge and adaptive livelihood practices. They are landscapes over which Indigenous Peoples exercise responsibility for stewardship. Their functional value may be vary according the needs and capacity of Indigenous governments. ICLs may be delineated with the intent to protect and enhance *biodiversity*; protect cultural keystone species*;* support lower-impact resource development; support cultural repatriation through mapping of original place names; and/or revitalize Indigenous governance systems. They may also be delineated as part of an Indigenous-led land use planning process or through a government consultation and accommodation process. An ICL may also be known another name, such as Tribal Park or Indigenous Protected and Conserved Area (IPCA).

Indigenous governments: The exercise of self-determination executed through a representative structure or organization of power and authority that is recognized by Indigenous Peoples. Indigenous political systems are extremely diverse and not limited to band councils, as set out in the *Indian Act*. In this sense, Indigenous governments are governing structures embedded in their traditional government (pre-colonization) structure and constitution status, setting the roles and responsibilities of all members of each Indigenous chosen according to their territory. In this manner, each recognized governing "structure or organization" is there to address the political, social and economic realities and needs of its people, and can negotiate with other recognized government entities.

Indigenous-led: Refers to Indigenous government or Peoples having the primary role in determining the objectives, boundaries, management plans and governance structures for IPCAs as part of their exercise of self-determination. IPCAs are initiated by Indigenous governments as mandated by Indigenous Peoples in the exercise of self-determination. There may be a range of partnerships to support these acts of self-determination.

Indigenous Peoples: The original people inhabiting lands and territories before the arrival of European settlers. Canada's constitution recognizes three distinct groups of Indigenous Peoples (referred to as Aboriginal Peoples

[17] Source: http://www.ohchr.org/Documents/Issues/IPeoples/FreePriorandInformedConsent.pdf.

[18] See https://www.ilinationhood.ca/our-work/guardians/.

[19] FSC Canada. 2016. Indigenous Cultural Landscape (ICL): Discussion Paper, Version 1. Page 7 (of 16). https://ca.fsc.org/preview.icl-discussion-paper-v1.a-1316.pdf.

in the constitution): First Nations, the Metis Nation, and the Inuit.

Indigenous Protected and Conserved Areas (IPCAs): IPCAs are lands and waters where Indigenous governments have the primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems. Culture and language are the heart and soul of an IPCA.

IPCAs across Canada will vary in terms of governance and management objectives however they generally all include three essential elements: they are Indigenous-led; they represent a long-term commitment to conservation; and they elevate Indigenous rights and responsibilities.

Lands: In the context of IPCAs, the term land(s) includes waters. The relationship between Indigenous Peoples and their territories is not limited to lands; it also extends to adjacent waters. Watersheds and rivers are often talked about as "life-givers" and cannot be separated from any conservation actions or land use planning processes. In the Indigenous world view, everything is interconnected (water, land, air, plants and animals); there are no political or geographic boundaries

Natural law: Referred to as the first rule of spirituality by Elders during the ICE Regional Gatherings. In the Indigenous world view, the natural world is not separate from humans, but is rather a world where all living beings and spirits are connected; this understanding requires us to care for, live in harmony with, and respect the natural world. Natural laws are not negotiable. *Indigenous law* stems from natural law, which came from the observation of nature and the principle of peaceful relationship with the rest of creation in the forms of duty, responsibility and guardianship of the lands and waters.

Primary role: In the context of this report, the "primary role" means Indigenous Peoples control any development, management or operations that affect them or their lands, as described in UNDRIP, which states that such control "enables Indigenous Peoples to maintain and strengthen their institutions, cultures and traditions, and to promote development in accordance with their aspirations and needs." This does not necessarily mean that an Indigenous government must take an exclusive role; it is understood that different kinds of partnerships and supports may be required or sought depending on circumstances. However, it does necessitate a deliberate elevation of Indigenous governments in decision-making processes with appropriate recognition.

Protected area: The Convention on Biological Diversity (CBD) defines a protected area as "a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives"[20]. CBD parties report on the status of the protected areas network using the International Union for Conservation of Nature definition: "a clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values."[21]

Reconciliation: The Truth and Reconciliation Commission of Canada defines reconciliation as "an ongoing process of establishing and maintaining respectful relationships. A critical part of this process involves repairing damaged trust by making apologies, providing individual and collective reparations, and following through with concrete actions that demonstrate real societal change. Establishing respectful relationships also requires the revitalization of Indigenous law and legal traditions. It is important that all Canadians understand how traditional First Nations, Inuit, and Metis Nation approaches to resolving conflict, repairing harm, and restoring relationships can inform the reconciliation process."[22]

Reconciliation can mean different things to different people, and was acknowledged at ICE Regional Gatherings as "a very powerful word and highly charged, evoking a lot of emotions." As such, it is up to each nation to define reconciliation for itself. In this manner, reconciliation means identifying the appropriate healing process for restoring relationships: first, between Crown and Indigenous Peoples, recognizing what has not worked in the past so it is corrected moving forward in the spirit of peace and friendship; and second, between all people (Indigenous and non-Indigenous) and the lands.

Self-determination: Exercising the right to freely determine the nation's political status and pursue its economic, social and cultural development.[23] For Indigenous Peoples, in Canada, rights do not come from Treaty, but from the Creator.

Support: Providing or substantiating assistance. In the context of IPCAs, it has generally been talked about as requiring a long-term commitment during the gatherings.

Traditional economy: An economy that is grounded in cultural practices and the abundance of natural resources.

[20] See www.cbd.int.

[21] See https://www.iucn.org/theme/protected-areas/about.

[22] Canada's Residential Schools: Reconciliation, The Final Report of the Truth and Reconciliation Commission of Canada. Volume 6, page 11. 2015. See http://www. trc.ca/websites/trcinstitution/index.php?p=890.

[23] Self-determination for Indigenous Peoples in the context of UNDRIP. See http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.

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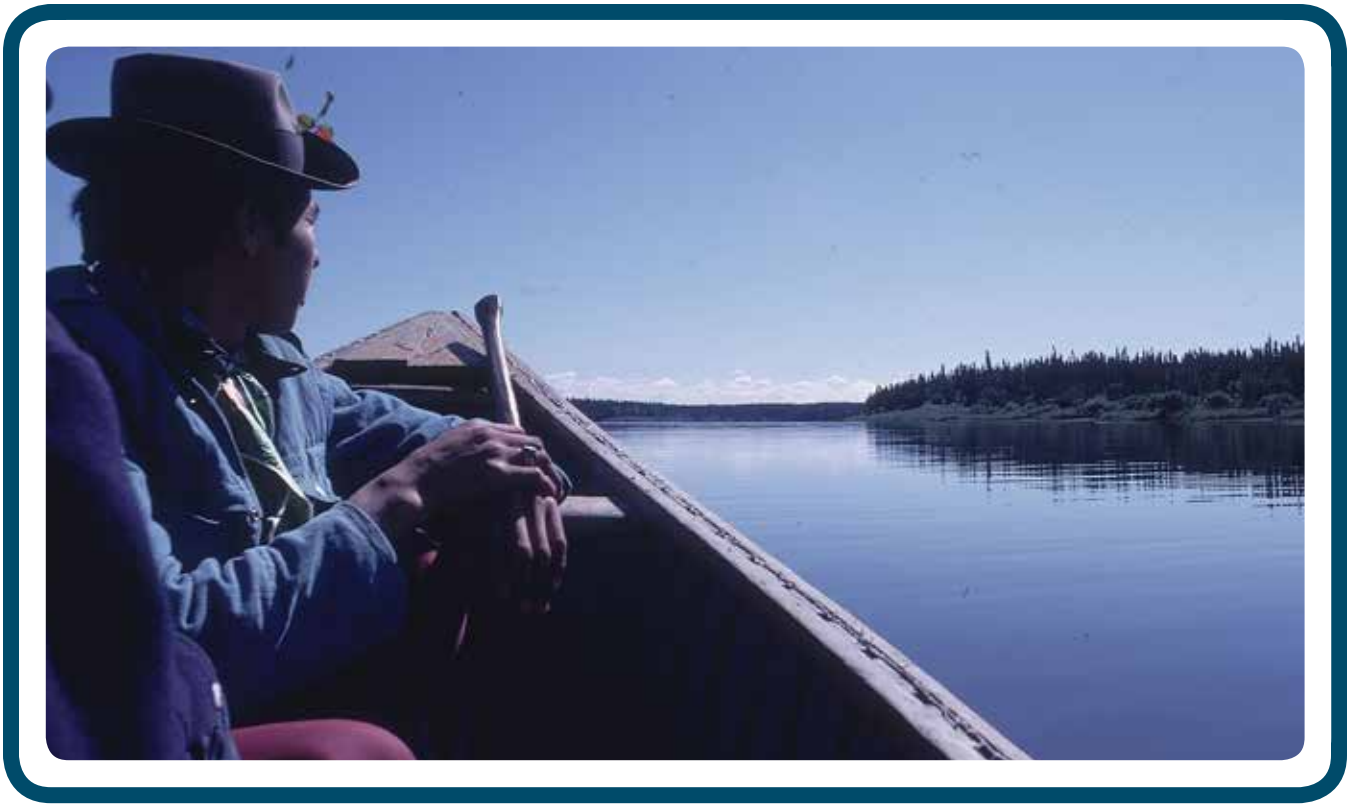

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