

RECOGNITION AND SUPPORT OF ICCAs IN CANADA

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Case study for:
RECOGNISING AND SUPPORTING
TERRITORIES AND AREAS CONSERVED BY INDIGENOUS PEOPLES
AND LOCAL COMMUNITIES
Global Overview and National Case Studies

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List of acronyms

AANDC	Aboriginal Affairs and Northern Development Canada
CBEM	Community-based environmental monitoring
CNPA	Canada National Parks Act
CPAWS	Canadian Parks and Wilderness Society
CWA	Canadian Wildlife Service
GDP	Gross Domestic Product
ICCAs	Indigenous Peoples' and Community Conserved Areas and Territories
IPAs	Indigenous Protected Areas
JBNQA	James Bay and Northern Québec Agreement

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KI	Kitchenuhmaykoosib Inninuwug
MDDEP	Ministère du Développement durable, de l'Environnement et des Parcs du Québec
MWA	Marine Wildlife Area
NGO	Non-governmental organization
NLCA	Nunavut Land Claim Agreement
NMCA	National Marine Conservation Area
NP	National Park
NWA	National Wildlife Area
PA	Protected Area

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Summary

The name Canada would come from the word *Kanata*, which in Huron-Iroquois – an indigenous language – means ‘the village’. The origin and the meaning of that name already sound like good omen to discuss conservation undertaken precisely by (indigenous) communities in that country. In fact, the majority, if not all forms of ICCAs that have been reviewed for the purpose of this study are related to indigenous groups. In Canada, they are divided between First Nations People, Métis and Inuit. There are at least 50 First Nations language groups (including dialects) spread in 11 language families.

Indigenous and other communities that play a role in conservation have only recently been introduced to the name and acronym of ICCA, to describe a concept that has been present for millennia and therefore preceded the creation of that fairly recent country. Examples used in the Canadian report are not restricted to ICCAs proclaimed by Indigenous people and communities under that specific name and acronym but rather all initiatives that would match the broad definition of such a concept (whether the ICCA acronym may have been adopted or not). The discussion around that topic being fairly recent in the country, it is still difficult to paint an accurate picture of the spatial extent it really represents as well as all communities it may include. A portion of those ICCAs may have been overlapped by more conventional forms of protected areas (such as national and provincial parks), however when they maintain characteristics that broadly define ICCAs, we included them in our inventory. It explains why some portions of them that may be included in parks and conservancies have also been included in the report.

Federal, provincial and territorial (three levels of government in Canada) respective conservation strategies have made considerable progresses since their origin in the 19th century in terms of inclusiveness of the role of local communities in the management process. From an original model that excluded indigenous communities from their own territories, we have now

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transitioned to a more inclusive process that opens doors to various modes of governances and tend to be based on preliminary consultation, in the case of recently state declared conservation areas. This recent trend should not prevent encouraging and promoting the existence of ICCAs in a setting completely distinct from any state conservation process.

Another report, produced by the ICCA Consortium, details the limitations in terms of legislation and policies in Canada that would support voluntary designation and protection of terrestrial and marine ICCAs on indigenous/aboriginal-owned lands/waters. However, several land claim agreements in Canada do recognize indigenous ownership of land, and therefore responsible indigenous communities could voluntarily take actions to protect their lands (e.g. the Inuit have negotiated comprehensive constitutionally protected agreements for land and self-government). Yet, even if indigenous territories are constitutionally allowed (land claim agreements), the transfer of powers to the indigenous communities remains of critical importance. The phenomenon of indigenous conservation and governance that the Indigenous Peoples' and Community Conserved Areas and Territories (ICCAs) concept partially embodies has been well established in indigenous lands across Canada for thousands of year. Indigenous Peoples in Canada adapted to the territories that they have occupied and used since times immemorial, and developed various ways to modify and manage the natural ecosystems that they depended upon for part of their livelihoods and cultures, as well establishing social and spiritual connections with these ecosystems. Self-identity, place and cultural identity of Indigenous Peoples in Canada are strongly linked to the land upon which they rely for their livelihoods. The wide range of terrestrial and marine areas that can be considered as ICCAs in Canada requires site specific approaches to adapt solutions to local problems through learning-by-doing. 'Packaged' prescriptions do not work in Canada and it justifies the relevance of ICCAs that by definition are not based on a template or blue print. Long-term financial sustainability for communities is crucial for effective ICCA management.

If recognition of ICCAs is an important factor for their existence, some threats also compromise their integrity. Two types of threats are identified: external and internal. Hydroelectric mega-projects, mining, oil and gas (and associated means of transportation across territories), large scale logging, climate change and correlation of environmental and anthropogenic changes are described as external threats. Cultural realities that are often consequences of the previous list of external threats can be accounted as internal threats. For instance, the decline of ecological cultural knowledge and the loss of ability to transmit traditional culture (including languages) are two serious threats to indigenous peoples and their respective ICCAs. The last generation of elders who lived a 'traditional life on the land' is passing away quickly. In fact, examples used in this report demonstrate the role ICCAs play in reinvigorating traditional cultures.

This report points out key issues faced in governing and managing ICCAs. It also highlights key issues related to the recognition and support given by the government or non-governmental actors to ICCAs in Canada. At the end of this report there are a number of recommendations highlighted that could encourage recognition and support of ICCAs in Canada.

1. Country description and context

1.1. Key features of Canada

Occupying 41% of the North American continent, Canada spans from the Atlantic Ocean in the east to the Pacific Ocean in the west, and the Arctic Ocean in the north, with the United States to the south and northwest. The country covers 9,984,670 km², or 7 %, of the Earth's surface (Natural Resources Canada 2009). Canada's population reached an estimated 34.1 million in 2010 (Statistics Canada 2011). Approximately 1.17 million Indigenous people live in Canada, who are referenced in the section 35(2) of the Constitution Act, 1982 as 'Indian, Inuit and Métis peoples'. The term 'Aboriginal People' is commonly used in Canada and refers to the indigenous inhabitants of Canada when describing in a general manner the Inuit, and First Nations (Indians), and Métis people, without regard to their separate origins and identities (see also ITK, 2012). The 2006 Census counted 1,172,790 people who reported Aboriginal identity – i.e., First Nations people, Métis or Inuit. First Nations people represented 60% of the Aboriginal population (698,025 people), Métis accounted for 33% (389,785 individuals), and Inuit accounted for 0.4% (50,480 people) (Statistics Canada, 2010). Canada is home to 614 First Nations (IAND, 2003), the Inuit and the Metis communities, representing 50 languages belonging to 11 major language families.

Canada comprises 10 provinces and three territories. The major difference between a Canadian province and a territory is that provinces are jurisdictions that receive their power and authority directly from the Constitution Act, 1867, whereas territories derive their mandates and powers from the federal government. Canada is a federation that is governed as a parliamentary democracy and a constitutional monarchy with Queen Elizabeth II as its official head of state and is represented in Canada by the Governor General. It is a bilingual country, with both English and French as official languages at the federal level.

As of 2010, Canada has a total gross domestic product (GDP) of C\$1.60 trillion (US\$1.56 trillion) ranking ninth worldwide. Canada maintains a diversified economy that is heavily reliant upon its abundant natural resources and upon trade. Ontario and Québec host most of Canada's manufacturing industry (i.e. motor vehicle production). Other important industry sectors include food and beverages, paper, primary and fabricated metals, petrochemicals and chemicals. Natural resource-based economies dominate in the Atlantic, Prairie and Pacific regions: the Atlantic Provinces focus on fishing, forestry and mining, while Prairie provinces are dependent on agriculture and mineral fuels. British Columbia's primary sectors are forestry and mining, as well as tourism.

As the second-largest country in the world covering a wide range of different ecosystems, Canada hosts almost 7% of the Earth's terrestrial surface, 10% of the world's total forest cover, 25% of the world's wetlands, and 7% of the world's renewable supply of freshwater (CBD 2006, cited in CAC/CCA 2010). Canada's Arctic constitutes about 20% of the world's circumarctic area. Each of these landscapes has many unique assemblages of species and ecological communities (CAC/CCA 2010).

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1.2. Brief history of conservation, state- and community-based

As of May 2009, 9.4% of Canada's land area and 0.64% of its ocean area had provincial, territorial, or federal protected-area designation. As of 2010, 94% of protected lands in Canada were classified as 'strictly protected'. 36 protected areas in Canada are larger than 5,000 km², making up 59% of the total area protected. 3,464 protected areas are smaller than 10 km², which represents < 1% of the total area protected (Federal, Provincial and Territorial Governments of Canada 2010).



Cobble Beach, Torngat Mountains National Park Reserve in northern Labrador

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In situ conservation in Canada encompasses a wide range of protected areas mechanisms and approaches, including National Parks, National Historic Sites, Migratory Bird Sanctuaries, National Wildlife Areas, National Marine Conservation Areas, Marine Protected Areas, and approximately 8 different types of provincial parks, ranging from wilderness areas and ecological reserves to recreational parks. Conservation in Canada is not centrally planned, and is dependent upon the jurisdiction, the resources, and the planned use of the area: protected lands and waters in National Parks are under federal authority, while the rest is managed by provincial and territorial governments. A number of partners are engaged in protected areas including all levels of government, non-governmental organizations (NGOs), private citizens, and industry. Within the federal government, Environment Canada, the Parks Canada Agency, and Fisheries and Oceans Canada are the three main federal departments that have the mandate to create and manage various types of federal protected areas – both terrestrial and marine:

- Environment Canada directly and/or through partnership arrangements, establishes and manages National Wildlife Areas, and Migratory Bird Sanctuaries (in both terrestrial and marine environment);
- Fisheries and Oceans Canada establishes Marine Protected Areas;

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- Parks Canada establishes and manages National Parks and National Historic Sites. It is responsible for setting up a national system of marine protected areas, the National Marine Conservation Areas Program.

National Parks are created under the Canada National Parks Act. NMCAs are created under the Canada National Marine Conservation Areas Act. Environment Canada's Canadian Wildlife Service is responsible for both the Migratory Bird Sanctuaries, which are created under the Migratory Birds Convention Act and for the National Wildlife Areas (NWAs), which are created under the Canada Wildlife Act (CWA). The CWA also calls for the establishment of Marine Wildlife Areas (MWAs) with the Exclusive Economic Zone (12-200nm). Marine Protected Areas (MPA's) are established under the Oceans Act. Aboriginal Affairs and Northern Development Canada (AANDC) is responsible for managing land use planning, land claims and treaty negotiation processes that can result in lands being set aside for protected areas. Revenue Canada, through its tax regime, influences private stewardship initiatives and the donation of lands to protected areas (CBD undated).



Torngat Mountains National Park Reserve in northern Labrador
© Parks Canada

In 1885 Canada's first National Park (NP) was established around the Banff hot springs on the slopes of Sulphur Mountain (British Columbia). In 1911 the Dominion Parks Branch was founded – the world's first National Park Service. In 1930 the National Parks Act was established by federal government and ensured the creation of new parks / changes of the boundaries of existing parks by an Act of Parliament. In 1979 the Revised National Parks Policy introduces ecological integrity of national parks as a guiding principle. In 2001 Canada National Parks Act (CNPA) was proclaimed and limits commercial development in national park communities.

Whereas the 19th and 20th century can be characterised as a top-down protectionist, colonial and in some cases a militarised approach to NP managements (Usher 2003) (e.g., in the process of a creation of a park in the 1960s, the Dene in the Yukon, were barred from accessing their traditional hunting territory and had their campsites burned down by park officials), since the late 1970s, *“Parks Canada policy has increasingly tried to define a new relationship between*

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indigenous groups and potential NPs” (Timko & Satterfield, 2008: 240), thanks to land claim agreements, National Park establishment agreements and national cost-sharing arrangements for National Historic Sites (Mitchell et al. 2002). Resulting from land claim settlements, since the 1970s, according to Bradshaw (2003) an increasing number of indigenous communities in Canada have secured authority over the management of natural resources, which led to emerging local and regional decision-making in these communities. In resulting co-management governance agreements community institutions such as Inuit hunting-trapping committees have been working with PA agencies. Berkes et al. (2009:141) argues that co-management has “*proven critical in the development of strategies that support livelihoods and conservation initiatives.*” Land claims processes in northern Canada and the crucial lobbying on the part of indigenous groups, resulted in Parks Canada pursuing a ‘National Park reserve’ designation for some new National Parks. “*A national park reserve is an area set aside as a national park pending settlement of any outstanding aboriginal land claim. During this interim period, the National Parks Act applies and traditional hunting, fishing and trapping activities by Aboriginal peoples will continue. Other interim measures may also include local Aboriginal people's involvement in park reserve management*” (Parks Canada). Although First Nations land settlements have secured authority over the use of certain natural resources challenges remain. Berkes et al., (2009, cited in Rozwadowska 2011) note that indigenous communities are still embedded within broader legal institutions that require securing of rights over access to resources even in cases where they have managed to negotiate self-government agreements and comprehensive land claims. Studies have shown that in NP reserves an *ad hoc* approach to accommodating the needs of indigenous people has often meant that few rights are accorded to them in practice (Berg et al. 1993, cited in Timko & Satterfield 2002).

2. Features of ICCAs

2.1. Range, diversity, and extent of ICCAs

Although the Indigenous Peoples' and Community Conserved Areas and Territories (ICCAs) concept emerged only recently within professional conservation circles, the phenomenon of indigenous conservation and governance that it partially embodies has been well established in indigenous lands across Canada for thousands of year. Indigenous Peoples in Canada adapted to the territories that they have occupied and used since times immemorial. For example, Inuit occupied the Arctic since the last continental deglaciations 8,000 to 3,000 years ago, they moved into and adapted to the Arctic tundra over a period of up to 10,000 years as the polar ice caps contracted northward (Ferguson & Viventsova 2007).

The Indigenous Peoples of Canada have developed various ways to modify and manage the natural ecosystems that they depended upon for part of their livelihoods and cultures, collecting wild plants and animals for food, clothing, fuel, and medicine, as well establishing social and spiritual connections with these ecosystems. Thus, there is a great diversity of cultural ecosystems that sustained Canada's Indigenous Peoples throughout history. First Nations, the Inuit (Ferguson et al. 1998) and the Métis communities all possess their own traditional knowledge of their environment and its ecology through their special relationships with the land and environment (Arnason et al. 1981; Scott 1988). This ancestral knowledge is passed on from generation to generation through factual stories and conceptual understandings of complex

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ecological interrelationships, as well as legends, songs, cultural and spiritual values, traditional laws, languages and rituals (e.g., Scott 1988, Berkes 2008). Evidence has shown that indigenous knowledge and practice can provide a sound foundation for the conservation and sustainable use of natural resources in Canada, and provides a special contribution to a broad understanding of native plant and animal species, as exemplified by the maintenance of indigenous ecosystems prior to the occupation of North America by western Europeans and others. Indigenous modifications of Canadian ecosystems had relatively few environmental impacts on biodiversity, compared to the effects of development and exploitation over the past few hundred years. For example, the coyote, a prairie carnivore, has expanded its range 1000s of kms east to the Atlantic Ocean because of the prairie-like habitat conditions created by agriculture, forestry and urbanization. Other species, like woodland caribou and wolves, dependent on old-growth habitats and limited human development have retracted their ranges. Changes in the distributions not only reflect for the mentioned species, but massive shifts in biodiversity for the indigenous landscapes on which they depended.

2.2. Key ecological, cultural, socio-economic and political values of ICCAs

(i) Ecological values

- Protect threatened plant and animal species (e.g., caribou);
- Support potentially sensitive ecosystems (e.g., arctic tundra);
- Offers ways to adapt to climate change (e.g., in the arctic, use of Inuit knowledge in climate change adaptation strategies);
- Help to ensure resilience in both social and ecological systems;
- Maintain ecosystem services and benefits;
- Provide ecological connectivity across the landscape conserve local cultural values and belief systems;
- Enable sophisticated indigenous management regimes that could be incorporated equitably into modern environmental management, maintain sustainable use of biodiversity;
- Conserve large scale landscapes and seascapes;
- Preserve genetic pools of biodiversity that may enable restoration of degraded environments;
- Provide lessons for development of future ecosystem conservation strategies.

(ii) Cultural, spiritual, social values

- Provide cultural learning opportunities for First Nation, Inuit and Métis youth
- Enable opportunities for aboriginal youth and elders to share cultural and environmental experiences and knowledge;
- Embody broadly based spiritual values as well as values attached to sacred sites;
- Form part of the belief systems of many First Nations, Inuit, Métis groups;
- Are a fundamental element of culture;
- Contribute to the maintenance of cultural identity;
- Maintain reciprocal relationships between people, their heritage, and social responsibilities and the environment;

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- Offer aesthetic qualities and values to members of both aboriginal and non-aboriginal communities.

“If I lived in the city, I would be an uprooted Indian. The forest is where I come from. Otisinan, it is the word for ‘identity’ ” (Anicinape woman of Kitcisakik; St-Arnaud et al. 2009: 94).

“Sea ice trails were much more than just a means of getting from point A to point B. They represented a complex social network right across the North that helped create part of the Inuit people’s cultural identity” (Aporta 2009).



Carving Totem pole

Ron Austin, Wet’suwet’en master carver, designed and carved that totem pole representing the 5 Wet’suwet’en clans and later raised in a public area in Smithers, BC.

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(iii) Economic values

- Support well-established subsistence economies and traditional life styles;
- Provide new alternatives in economic development (ecotourism), which will allow people to stay in communities;
- Help maintain the economic development of the past 300 years that was provided largely on intact indigenous landscapes.

Box 1: A Naskapi elder's description of traditional subsistence uses of caribou

“When we shot down a caribou, we used all parts of his body. Even the bones were crushed and boiled into bone fat and broth that we drank. The marrow was eaten raw. We also used the powder of the burned bones to whiten tanned hides, which we rubbed with this powder. [...] The skins of the caribou were used to make tents. We also made sinew with skin -thin strips that were used for fishing nets or fishing rods. [...] When we made a drum, we used a lot of parts of the caribou. We also made toys for children with certain parts of the caribou. We respected this animal a lot because it allowed us to live and it was always present among us.”

Source: Levesque et al. 2004

2.3 Main threats to ICCAs

A - External threats

(i) Large scale development projects and extractive industrial activities

Hydroelectric mega-projects have had important effects on lands that qualify as ICCAs in Canada, like for example the James Bay hydroelectric project in Quebec (which began in the 1970s), and its impacts on the Cree Nation and their land (Shkilnyk 1985; Hornig 1999) (See Box 2).

Box 2: The James Bay hydroelectric project and its socio-ecological impacts

Even though it was modified and reduced in size (see section 4.1. land agreements), the James Bay hydroelectric project caused major ecosystem alterations to eastern James Bay (e.g., changed timing and rate of flow of fresh water, inundation of large parts of land) (Savard 2009; Hernandez-Henriquez et al. 2010) and on the Cree customary land and sea tenure and management which is divided in territorial units of multifamily hunting groups. The project required the development of associated infrastructures (e.g., the construction of a new worker village, of major roadways, of six high-tension transmission lines, of airports). Road access to hunting territories implied that Cree families on such territories suffer disproportionate impacts. The community relocation and the transition from nomadic to permanent, year-round settlement of Crees and the emergence of a mixed economy (Whiteman 2004) as a consequence of hydroelectric construction have resulted in a transformation from independent and self-sufficient livelihoods to lives of wage labour, greater dependency on formal institutions, and increasingly violent and self-destructive behaviour, drug and alcohol dependence (Niezen 1993). Sedentarism also inevitably weakened the values of the forest economy and had an impact on the relationship of the Cree with their hunting culture, as mobility was central to its efficiency and the land provided the basis for their social, economic and spiritual practices (Carlson 2008).

The mining, oil and gas industries have had severe ecological and social impacts on ecosystems of ICCAs and on Indigenous peoples' wellbeing, values, and way of life in Canada (Gibson & Klinck, 2005) (See Box 3 for examples). Indigenous peoples have often not been adequately consulted about potentially harmful projects, have suffered environmental and cultural

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consequences from mining activities, and have received a limited share of the industry's benefits (IHRC 2010).

Box 3: Socio-ecological impacts of mining, oil and gas industries

The oil sands development in the Fort McKay area of northeast Alberta is an example where residents experienced a loss of trapping areas soon after its establishment, a decline in traditional activities, a deterioration of the community's social fabric and loss of control over community life (Notzke 1994; Justus & Simonetta 1982). Increased involvement in wage labor caused shortages in bush foods and led to the withdrawal from the traditional sectors (Stabler & Howe 1990; O'Faircheallaigh 1995). Exploration and development of Northern petroleum and mineral resources accelerated in the 1980s when Canada sought to increase its energy supply, with little or no consultation with Aboriginal communities (Caine & Krogman 2010).

Canada's Northwest Territories is currently characterized by extensive natural resource development, particularly mineral and petroleum exploration, with more development expected in the next two decades with the proposed Mackenzie Gas Project's \$16.2 billion gas pipeline through the Mackenzie River valley in which a 1,220-km-long pipeline will cut across four Aboriginal land claim areas from the Beaufort Sea to Northern Alberta (Angell & Parkins 2011). Recent mining projects include also a new \$5.5 billion Northern Gateway Pipeline project plans to move 525,000 barrels a day of oilsands-derived oil from Alberta over 1,177 km to a new marine terminal in Kitimat, British Columbia. First Nations (e.g., Haisla, Wet'suwe'ten) and environmental NGOs in British Columbia are opposed to exports of crude oil from the Alberta oilsands through their indigenous territories conserved under customary land and sea management (Office of the Wet'suwe'ten 2011, Vancouver Sun 2011).

According to international and Canadian law, First Nations have the rights to participate in decision-making about the future of their territories and to use their lands, which are inextricably linked to their cultures. However, a recent report (IHRC 2010) analysing the impacts of mining on First Nations in British Columbia, shows how British Columbia's mining laws have failed to institutionalize these special aboriginal rights and favoured the industry over First Nations.

Correlation of environmental and anthropogenic changes: In the tundra of Quebec and Labrador, the George River caribou herd has suffered a dramatic decline from about 800,000 heads in 1993, to 74,000 in 2010. Modifications in the distribution and numbers of the caribou might be due to climate change, food availability, predator's density and human disturbance (e.g., iron-ore mining, flooding vast areas for hydro-power) have not only ecological but also socio-economic impacts, as this animal is central to the culture of the Cree, Naskapi and Innu people of the region. Far fewer animals make any negative future impacts from economic development even more risky for the herd.

“The caribou is central to our culture, our spiritual beliefs and to our society as hunters that have lived on our homeland, Nitassinan [Quebec-Labrador peninsula], for thousands of years. [...] But all the massive industrial “development” projects that have been imposed on our land in the last forty years have undoubtedly had a cumulative impact on the size of the caribou herd. That is why we need real control

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over our territories and resources, and why we must be involved as equals in decisions that affect our lands and the animals that live there.” (Innu Elder and Chief Georges-Ernest Gregoire, Survival International 2011). “Our elders say that the animals will be the first to feel the effects of all this damage. The food chain cycle will be broken and many will suffer in the end. [...] And so much development like hydropower, mining, roads, forestry, will be only adding to the dilemma that is facing the animals’ survival.” (Alex Andrew, Innu, cited in: Survival International 2011).

Large-scale logging and associated infrastructure such as forest roads on indigenous territories are severely affecting areas that can be considered as ICCAs (Kneeshaw et al. 2010). Leaking fuel, hydraulic fluids and other contaminants from logging equipment is a well-known problem observed by many First Nations hunters in their territory. Forestry roads penetrate family traplines (territorial units of family hunting groups), and opens previously inaccessible areas to southern hunters. Often mining companies are following (see also section ii).

Major future economic development projects have recently been announced which will have an impact on Indigenous territories that qualify as ICCAs (See Box 4 for an example).

Box 4: The Plan Nord project

The Plan Nord project, launched in May 2011, is an economic and social development plan of \$80-billion over 25 years, that aims at attracting investment into industrial activities (forestry, mining, hydroelectricity, tourism, and bio-food sectors) in Quebec’s northern territories. The area covered by the plan consists of 1.2 million km². To compensate environmental impact of industrial activities, the government has promised to establish protected areas to encompass 20 % of the land covered by Plan Nord by 2020, which gradually be extended so that by 2035, 50 % of the territory (600,000 km²) will be protected. Innu, Cree, Naskapi and Inuit traditional territories under customary management regimes, which qualify as ICCAs are comprised in the area covered by the Plan Nord. It will be important, that fair hearing of community concerns about the Plan Nord, and open and transparent discussions are held with the concerned First Nations and Inuit to ensure that incorporating their indigenous conserved areas into the future protected area system will be consistent with their rights of self-determination, and their objectives for their territories will be respected.

(ii) Degradation of traditional indigenous governance, disruption of traditional hunting experience

Traditional hunting is often part of customary management systems of ICCAs in Canada. The application of national hunting laws and regulations and the introduction of western hunting methods to Indigenous people, with lack of regard to their customs or customary hunting practices and laws, served for decades to undermine indigenous practices, values, and cultural norms that together constituted identity and well-being, for Indigenous people, and resulted in abandon of traditional hunting way by many hunters (See Box 5).

Box 5: Hunting regulations in the Canadian Arctic

In the Canadian Arctic, the Inuit had to deal with severe regulations on their use of polar bear and marine mammals since the 1970s, and their traditional ways of living relying on ringed seals, came under attack (Wenzel 1991). “The decades or centuries of foreign commercial harvesting, government imposed harvest prohibitions or strict quotas, with little if any regard for customary practices, and other social changes may have led to degradation of traditional governance structures and cohesion that empowered the strength and adherence of Inuit practices” (Ferguson & Viventsova 2007: 31). The creation of the Nunavut government has put emphasis on Inuit knowledge – Inuit *Qaujimagajatuqangit* – in the making of policy and in procedures affecting Nunavutmiut (Nunavummiut), and since the 1990s, Inuit knowledge has taken on a substantial role in wildlife (e.g., polar bear) management in Nunavut through its direct use in quota-setting procedures. The interaction of scientific and local perspectives on polar bears as they relate to harvest, climate change, and declining habitat has recently caused controversy and significant conflicts over harvest quotas (Dowsley & Wenzel 2008; Kotierk 2009; Henri et al. 2010). Some conservation, management, and research decisions have been contentious because of ineffective integration of indigenous knowledge and scientific information, gaps in scientific knowledge, inadequate communication between parties, and the polarization and politicization of the roles of the various stakeholders (Tyrell 2007; Peacock et al. 2011). This is also true for other First Nations contexts (Clark & Slocombe 2009).

Major declines of wildlife populations caused by past market hunting followed by government restrictions and prohibitions on harvesting disrupted customary hunting practices among Inuit as discussed in Box 6. Today, due to erosion of traditional hunting practices and adoption of modern equipment, Inuit hunters tend to compete with each other for species and populations with relatively small quotas near larger communities. In Clearwater Fiord, a beluga calving area, sometimes the quota of whales resulted in rushed hunting practices (Ferguson & Viventsova 2007).

Box 6: Disruption of traditional Inuit hunting as a result of market hunting

From the 1500s to the 1800s commercial whaling to satisfy European markets reduced the populations of bowhead whales in the eastern Canadian Arctic to the point that by the early 1900s, commercial whaling of bowheads became impossible. One population in Baffin Bay probably numbered about 11,000 in 1825, while almost 29,000 were taken commercially from 1719 to 1915 when commercial hunting finally ended. The federal government did not prohibit Inuit from hunting the bowhead until 1979, but before that many Inuit had thought that it was illegal because of discouragement by traders, police and government administrators. From 1915 to 1979, about 40 bowheads were known to have died due to stranding or Inuit hunting. The greatly reduced opportunity for Inuit to continue their traditional hunts of bowheads after commercial whaling, and both perceived and real government prohibitions has depleted Inuit knowledge about these whales.

Source: Ferguson & Viventsova 2007.

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A number of indigenous hunters across Canada have expressed concerns regarding the impacts of sport hunting (e.g., caribou, moose), as sport hunters sometimes leave waste or animal carcasses around their camps, including near local waterways or berry patches. This poses a threat to families as their water supplies become contaminated, or to animals (e.g., bear that may eat berries near hunting camps). Hunters are concerned with the impact of excessive noise (e.g., helicopter flights, continued gunshots from sport hunters) on local animal populations in their traditional territories. Wildlife habitats (e.g., moose yards) have been cut, against the wishes of local tallymen (local Cree hunting boss) impacting subsistence activities (Jacqmain et al. 2008).

(iii) Large scale official conservation initiatives and ICCAs

There are threats related to inadequate recognition of ICCAs, as protected areas have been superimposed over the areas and territories under customary management, like the Far North Act in Ontario. In setting up protected areas, the values and importance of ICCAs and special places, such as sacred natural sites and traditional uses have often been ignored. This situation, sometimes based on opposing world views, has many times led to conflict and mistrust, and created obstacles to the development of constructive relationships and cooperation between Indigenous peoples and conservation agencies. Plan Nord proposes to increase tourism in northern Quebec/Nunavik, where Inuit, Naskapi and Innu live. They are concerned that an impending invasion of tourists from outside, in the name of northern development, has the potential to undermine traditional governance systems.

(iv) Climate Change

Climate change is a major threat: temperatures are predicted to rise by 4–5°C by 2090 in the Canadian Arctic (Costello et al. 2009), permafrost is warming (Thibault & Payette 2009), and hydrological processes are changing. In response to changing conditions, the distribution, abundance, diversity and interaction of plant and wildlife species are modified. These fluctuations impact ecosystems structure and function thereby affecting ecosystem services and quality of life for societies. Local and indigenous societies are particularly vulnerable to impacts of climate change, owing to their close relationship with climate-sensitive biodiversity resources for their livelihoods (e.g., harvesting fish and wildlife, picking berries) (ACIA 2005; Ford et al. 2009; Turner et al. 2009; Downing & Cuerrier, 2011). Shifts in migratory patterns of animals (e.g., caribou, Canada Goose) or in animal health, along with changing snow and ice conditions, can impact the success, safety and ability to hunt, trap and fish (Berkes & Jolly 2002; Krupnik & Ray, 2007; Peloquin & Berkes 2009) thereby affecting the availability and quality of traditional food resources (Ford 2009; Chan et al. 2006). Likewise, climatic changes are introducing changes in the productivity of plant species, such as medicinal and aromatic plants (e.g., *Rhodiola rosea*, a traditional medicinal plant used by Inuit) and thus in the traditional systems of medicine and community wellbeing (Cavaliere, 2009). Due to these harms, Indigenous peoples cannot fully enjoy their culture, which is inextricably linked to their surrounding environment.

B - Internal threats

(v) Loss of use for customary management activities, loss of ability to transmit traditional knowledge to young generations

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The diminishing use of and declining cultural knowledge and customary management activities is one of the most severe long-term consequences resulting from cumulative environmental threats (e.g. habitat and species reduction, land degradation and transformation), social, political threats (e.g. colonial policies, regulations against indigenous cultural practices, loss of territory for accessing traditional food, introduction of foreign hunting methods) and economic threats (e.g., hydroelectric development, logging, mining) on territories under customary management and governance. The culturally valued food plants described in Box 7 is an example of this decline in knowledge and use over the years. If the land is changed or lost, the knowledge and traditional activities vital for ecosystem conservation and maintaining indigenous livelihoods are also lost.

Box 7: The Decline of Ecological Knowledge and Uses: culturally valued food plants

Culturally-valued food plants such the edible camas (*Camassia* spp.), the springbank clover (*Trifolium wormskioldii*), the marine alga red laver (*Porphyra abbottiae*), the fruit Pacific crabapple (*Malus fusca*), and the green vegetable thimbleberry shoots (*Rubus cuneifolius*) were formerly harvested throughout its species range involving specific management practices, and eaten in large quantities by Northwest Coast First Peoples. Each of these food plants has had significant ecological and cultural knowledge associated with its conservation, harvest and processing (Kuhnlein & Turner 1991). Each was to be associated with particular stories or ceremonies. At one time a ‘cultural keystone species’ over all or part of their ranges (Garibaldi & Turner 2004), they now are considered as ‘culturally at risk’.

(vi) Changing values and acculturation into dominant society

Indigenous people in Canada have suffered acculturation impacts:

- Education – enforced attendance of Indigenous children in residential schools: they lost the opportunity to enjoy and learn all the knowledge and traditional practices they needed to harvest their traditional food; to hunt, and were unable to learn how to fish. The loss of this knowledge has been a major impediment in efforts to uphold/renew peoples’ traditional practices to govern and conserving nature, as well as their culture (Turner & Turner 2007);
- Linguistic, spiritual (missionary activity) and cultural assimilation;
- Globalization and domination of mainstream food systems;
- Territorial displacement from ancestral lands and homes by force or compulsion, the reserve system, land privatization have alienated indigenous peoples from their original resource sites and their resources;
- Resource competition reinforced by legislative and socio-economic dominance;
- Reduction and destruction of critical ecosystems and natural landscapes through development, and local and long-distance pollution;
- Immigration of dominating non-indigenous peoples into their ancestral lands;
- Inadequate recognition and inappropriate expropriation and exploitation of indigenous knowledge, customary practices, lands and resources.

Cultural discontinuity and oppression have been associated with high rates of depression, alcoholism, suicide, and violence, with the youth population being at highest risk.

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The interplay of social, environmental, economic factors reduced the amount of time that children/youth spend with their parents and elders out on the lands: some Inuit children no longer know the names for plants or animals, have lost the ability to fish or hunt caribou, and no longer have contact with their environment (UNESCO 2009). Elders in many First Nation and Inuit societies are trying to emphasize the importance of retaining their connection with the land and traditional activities as a mechanism by which to retain their customary ways of governing and conserving environment and culture: “*The elders and hunters recognize that the ignorance of traditional ways and laws are part of the problems today.*” (Kilabuk 1998: 57, cited in Ferguson & Viventsova 2007:33). Elders are culture-bearers in many Indigenous communities who are holding rich knowledge gained over the course of their lifetimes, but the last generation of elders who lived a ‘traditional life on the land’, is passing away quickly.

2.4. Some ways of addressing threats

Indigenous communities in Canada have put in place community-based language and culture revitalization projects (See Box 8 for an example).



Child and Salmon

Wet'suwet'en child and Chinook salmon during a cultural camp in Moricetown to teach children how to prepare canned and smoked salmon.

© Hannah Sohl

Box 8: The Gwich'in Place Names and Traditional Land Use Project

The 'Gwich'in Place Names and Traditional Land Use' project is carried out by the Gwich'in Social and Cultural Institute of the Gwich'in Tribal Council, in collaboration with Gwich'in communities in the land claim area. It includes language revitalization initiatives, the development of curriculum materials, a language immersion camp and an annual Gwich'in Science Camp, an on-the-land traditional knowledge and western science camp for senior high school students. Bringing elders and youth together on the land, passing on the language and knowledge about the land and the culture, is much like the way traditional learning happened in the past. The project has provided information towards the production of educational materials, such as a land-based and community history book that is being used in local schools, an ethnobotany book, and a web site that features a 'talking place name map' and virtual tours of the Mackenzie, Peel and Tsiigehtchic Rivers. It has led to the successful designation of the largest National Historic Site in Canada (Nagwichoonjik NHS, on the Mackenzie River from Thunder River to Point Separation) and the nomination of eight Territorial Historic Sites (Kritsch, 2011).

Traditional food valorisation programs such as the Nuxalk Food and Nutrition Program, Gwich'in Traditional Food for Health Program, have shown great potential in addressing in a socially and culturally adapted manner the needs created by a society experiencing vast socio-environmental changes (Kuhnlein et al. 2009).

Land agreements can help addressing threats to lands that can be considered as ICCAs, as shows the new Agreement (*Paix des Braves*) signed in 2002 between the Crees of Quebec and the Provincial government. It creates a new forestry regulation that empowers the Cree to assume a key role in the decision making process regarding resources management in a way that allows them to ensure that the socio-cultural meaning they attach to the land will be given prominence (Salée & Levesque 2010).

3. Governance and management of ICCAs

3.1. How are ICCAs governed and managed?

(i) The role of culture, and traditional knowledge and practices in ICCA management and governance in Canada

First Nations, Inuit, Métis have developed complex relationships with the lands they have occupied for countless generations; they hold a wealth of traditional knowledge – the knowledge, innovations, and practices of indigenous and local communities embodying traditional lifestyles that are important to the preservation and sustainable use of natural resources – which constitutes their relationship with their land and their identity (e.g., Turner et al. 2000; Cuerrier 2005). For Gwich'in harvesters, for example, knowledge is generated by 'checking' the land or through empirical observations of change at species and landscape scales (Parlee & Berkes 2005). This traditional knowledge continues to develop through observation, exchange and interpretation. It is learned through experience and passed from generation to generation. Evidence has shown that

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this knowledge and practices are an important foundation for the conservation and sustainable management of natural resources in Canada, it is used in various ways within and among communities, family units and across gender roles to address health and nutrition, customary law and the use and management of biodiversity for their benefit and maintenance, and is central to decision-making and management, most especially in how territories are used and governed as illustrated in Box 9 and 10 (Berkes 2009). It allows for adaptation and when faced with climate change or with challenges of government and conservation interests in the lands they occupy/use (Berkes & Turner 2006).



Net fishing Skeena River

Fishing for salmon with a net on the Skeena river in Gixtsan territory.

© Francois Depey

Box 9: Cree hunters local knowledge and management and governance practices

Cree hunters hold in-depth knowledge relating to animal ecology, its complexity and fluctuation in the subarctic landscape (e.g. conditions of rivers and forest) (Tanner 1979). They make a multitude of observations on animal behavior, animal health, presence of animal tracks, characteristics and dynamics of habitat types; they must also monitor wildlife conditions and related environmental and climate conditions (e.g. wind direction, ice thickness) while travelling on the land (Peloquin & Berkes 2009). Cree knowledge is constantly evolving as it adapts to alterations in the environment; this allows them to adapt their hunting practices accordingly and thus establish a management system that goes in hand with the ecosystem's variability (Sayles & Mulrennan 2010). The James Bay Cree territory is divided up into territorial units – so-called traplines – of family hunting groups, which are used year round in the hunting of wildlife and harvesting of other forest resources. Each trapline is under the leadership and guidance of a senior hunting territory leader, or trapline 'tallyman', who is responsible for managing the land and the resources sustainably. He decides how the land will be passed to the next generation and who can come in the territories to fish, trap and hunt from other traplines (Scott 1986; 1988). The hunting of geese (*Branta canadensis*) during spring and fall, illustrates various traditional

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practices. The goose hunt is supervised by the ‘goose boss’ a role is often taken up by the tallyman, who assures the sustainable management of geese populations, making sure that the quotas are respected and that all takes are equally separated among all hunters (CTA 2009). An essential task of the goose boss is the sharing of his knowledge on the traditional way of life to allow for an intergenerational transmission of traditional knowledge. The goose boss’s wife is in charge of the women at the hunting camp, she is responsible for maintaining the camp, assuring a transfer of knowledge on preparation methods to the younger generations and the preparation of all birds killed. She must avoid all spoiling of meat. She has the power to stop the hunt, with consent from the goose boss, to allow for the treatment and conservation of the geese harvested.

Box 10: Local land and sea tenure systems

The pattern of land and sea tenure takes different forms among Nations. Whereas among the Cree First Nations a system of traplines forms the land and sea tenure, the Inuit trails are very recently beginning to be understood as a network that connects most of the Inuit territory, and as a system of land tenure (Aporta 2009). Although Inuit societal and cultural circumstances are changing, the knowledge of the land and sea ice trails is still at the heart of Inuit culture, and forms an essential part of how they interact with their land. Trails are traced each year in the same locations, following specific courses that are often not visible on the snow-covered ground before they are broken. The itineraries are remembered by people, and transmitted through travelling and oral means. The trails create a sense of connection and identity.

(ii) Indigenous rules for resource access and commons management:

Institutions or rules-in-use governing resources have been developed in many Indigenous communities across Canada to prevent resource scarcity (see Box 11). The extent to which these rules are enforced depends on ecological conditions, thereby creating a local adaptive management system. Box 12 explains how common property arrangements can also help to enhance resilience facing outside drivers.

Box 11: Examples of indigenous rules for resource access and commons management

The Chisasibi Cree of the Eastern James Bay, have social regulations for fishing in different seasons (e.g., the species to catch, the size of fish, the kinds of nets used) (Berkes, 1977). These customary norms provide an adaptive management to the ecosystems (Berkes et al, 2003). Resources are often not owned by the hunter but are subject to access rights based on kinship (Tanner 1979; Usher 1987).

In other First Nations common property arrangements govern the subsistence harvest. Thus, three sets of rules in the Gwich'in region of the Northwest Territories, relate to berry harvesting (rules for resource access, information sharing, and sharing the harvest) and are likely developed to limit use of berry patches, thereby increasing potential yields to individual harvesters and ensuring good stewardship (Parlee & Berkes 2005). The enforcement of these rules depends on ecological conditions, in that way creating an adaptive management system (e.g., cloudberries, which are scattered in distribution and sensitive to environmental changes, are associated with few property rights; the more densely distributed cranberry, are associated with extended family group property rights).

Box 12: Kitchenuhmaykoosib Inninuwug Watershed Declaration

Gleb Raygorodetsky

The main purpose of *Kitchenuhmaykoosib Inninuwug* (KI) or Big Trout Lake⁵ Watershed Declaration⁶ is to protect the watershed that is at the core of the KI's culture, while asserting KI's jurisdiction over the KI homeland. According to KI Chief Donny Morris, the Declaration aims to “*foster dialogue with governments and corporations and as well as open up new opportunities in the areas of economic development, environmental sustainability and off-reserve issues*”. All waters that flow into and out of Big Trout Lake, and all lands whose waters flow those lakes, rivers, and wetlands, are declared to be completely protected under KI's authority, laws and protocol. No industrial uses, or other uses, which disrupt, poison, or otherwise harm KI's relationship to these lands and waters will be permitted. The KI Watershed Declaration applies to 13,025km² of lakes, rivers, forest, and wetlands in the community's homeland, including Big Trout Lake's 661km².

The Watershed Declaration is part of KI's land use planning project based on the 3 'Rs':

- **Recognition** – *the purpose of land use planning is to recognize the culture, language, history and geography of place that is KI. These lands have been the KI homeland since the Creator placed KI here. KI has been organized as a self-governing society with clear rules for the exclusive and shared use of lands and resources throughout the homeland since time immemorial.*
- **Restoration** – *Land use planning protects and restores the ecosystems on which the KI culture and jurisdiction depends.*
- **Reconciliation** – *In the past, Ontario officials were responsible for creating a climate of fear over KI activities on the land. KI and the Government must work together to learn to trust once again. Through recognition and restoration a reconciliation and new relationship of peaceful coexistence with Ontario will be achieved.”* (Dr. David Peerla, personal communication).

As such, the KI Watershed Declaration helps to enhance the resilience of KI homeland in the face of external drivers (e.g., development). In addition, it may provide a foundation and serve as a model for KI's climate change adaptation planning. By protecting watershed and wetlands, the Declaration de facto addresses one of the priority climate change adaptation areas for First Nations around Canada, as identified by CIER, deteriorating or changing water quality and quantity (CIER 2008).

(iii) Indigenous peoples conservation of habitats

For many Indigenous peoples in northern Canada, including the Dene, Naskapi, Innu, and Inuit dealing with variability in the abundance and distribution of caribou is part of their way of life (Parlee et al, 2005); they have special respect and customary practices for caribou in their calving areas. The caribou calving areas are a type of area that could be identified as ICCA (Ferguson & Viventsova 2007: ii). Knowledge is generated by observing the land and interpretation of change in caribou (e.g., behaviour, health condition of the herd, calving grounds, vegetation, snow conditions, changes in the use of main migration routes, water

⁵ See <http://kitchenuhmaykoosib.com>

⁶ See http://wawataynews.ca/archive/all/2011/7/6/ki-votes-protect-watershed_21634

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crossings) (Parlee et al, 2005; Kendrick & Manseau 2008). Inuit have developed special respect and conservation practices for female caribou and their calves before, during and after the calving season (i.e., from May to July) and at seasons when environmental stresses may be particularly high (e.g., at water crossings during migration) (Thorpe & Kadlun 2000, Ferguson et al. 1998). Many Inuit believe that the calving period is a sacred time when the caribou should be left alone. There exist various customary Inuit practices relating to pregnant female caribou and females with calves: hunters avoid harvesting pregnant females in late winter and spring, where calving occurs inland or on rocky terrain during the snowmelt, Inuit harvest marine mammals or fish in other areas during this period, where caribou calve close to camps, most Inuit do not hunt pregnant females and females with calves from about May 15 to July 15. Only a small proportion of calves will be harvested to provide skin for children's clothing. (Ferguson & Viventsova 2007:15-16).

Inuit hold in-depth knowledge on other Arctic species, such as the eider (*Somateria mollissima sedentaria*) distribution, habitat and ecology, and use their knowledge and observations of changing animal distribution to ensure the sustainable use of wildlife populations (Nakashima 1993).

(iv) Aboriginal forestry in Canada

Over the past few years, several First Nations throughout Canada developed community-based criteria and indicators frameworks an effort to better define Aboriginal forestry (St-Arnaud et al. 2009). First Nations, such as the Cree, have adapted national scale criteria and indicator frameworks (Canadian Council of Forest Ministers 2006), to their local specific context by developing local indicators (Lévesque et al. 1997; Gladu & Watkinson 2004). Others, such as the Tl'azt'en of British Columbia (Karjala et al. 2004; Sherry et al. 2005), have developed their own criteria and indicators for sustainable forest management based on a community values approach. The Anicinape Nation of Kitcisakik developed in partnership with researchers' five principles and 22 criteria, as a culturally adapted tool and an adaptive strategy to community-based sustainable forest management on Kitcisakik Akî, the Anicinapek's ancestral territory (St-Arnaud et al. 2009). These principles are based on their representation of the forest as Anicinape territory, heritage, and social responsibility.

“We must establish social rules for the entire population and implement control measures. One objective is to protect food sources for future generations. We must reclaim our role as guardians and protectors of the land” (Chief Jimmy Papatie, 2004; in St-Arnaud 2009:38)

(v) Sacred Natural Sites

A number of areas in Canada embody spiritual values and are considered as sacred by the indigenous peoples and protected under customary laws which either forbids resource extraction or regulate it rigorously. An important part of cultural identity is expressed through historical association and embedded memories linked to these Sacred Natural Sites providing thus a sense of responsibility. Box 13 provides two examples.

Box 13: Managing ICCAs through specific beliefs, rules, and rituals: Sacred Natural Sites

After Mameamskum et al. 2010

A sacred natural site to the Naskapi Nation is the Caribou Heaven in the arctic tundra, which they call *atiuk weej* in Naskapi or ‘the house of the caribou’. Based on legends, the Naskapi believe that it is a place to which the souls of dead caribou go. The soul is then ‘clothed’ in a new body, enabling it to return to the land. Only the shamans visited the Caribou Heaven by using their supernatural powers of ‘vision’. Through songs and stories that they created based on their visions, they could call the caribou out of their house to be hunted. Even though Naskapi ancestors used to hunt near the Koroc River, the shamans forbade them to look for that place for fear of disturbing the caribou (Rousseau 1953). “*No Naskapi for generations has hunted in this place where now only occasional Eskimos venture in winter*” (Rousseau 1953:66). No Naskapi person knows the exact location of the ‘house of the caribou’. The legend of Caribou Heaven guided the hunting behaviour (using all parts of the caribou as a way of showing respect to the soul of the caribou, ensured that the caribou would return to the hunter, thus ensuring the survival of the Naskapi themselves) and serves as a tool to teach the children the importance of treating all of Nature, not just the caribou, with respect (Mameamskum et al. 2010).

After Ettenger, 2002

The Muskuuchii mountain (‘Bear Mountain’) is considered a sacred site by the Cree because of the role it played in times of famine, when the mountain ‘generously’ provided game for several families: “*There was a time in life that my family ran out of food for us to eat... If it wasn't for the abundance of food on Muskuuchii we probably wouldn't be around at this very moment. Nobody would see my children and grandchildren running around these days.*” (Johnny Weistche, Elder, GCC no date). The experiences and memories of those who hunted on Muskuuchii, along with stories and legends, have created a deep respect and attachment to this area among the Cree. Muskuuchii is tied to spiritual beliefs about the mountain’s willingness to provide for the Cree as long as they respected it and performed rituals to preserve its abundance. Families developed rules and restrictions to have as little impact as possible on the mountain and its wildlife (e.g., avoid making noise, no shots being fired on calm days, hunters speaking in whispers, fires were made only for eating): “*We even used dead trees and branches for tanning moose hide and other purposes, so we didn't have to cut wood and scare the game away.*” (Hilda Diamond, Elder; GCC no date). The rules that families developed for using Muskuuchii represent an indigenous wildlife management plan for the area, which has proven effective (Ettenger, 2002).

(vi) Maintenance of customary practices while looking to the future for sustainable uses of resources

Indigenous management and use practices are constantly evolving. The Whitefeather Forest Land Use Strategy (Keeping the Land 2006) approved by Pikangikum First Nation and the Ontario Ministry of Natural Resources (OMNR) in 2006 is a good example to illustrate this (See Box 14). Other First Nations recently started developing their own land use and resources management plans (e.g., the Cree develop conservation propositions to protect the woodland

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caribou, the Kativik Regional Government (which is comprised of 14 Inuit villages, including the Naskapi Nation) developed a Master Plan for land management in Nunavik).



Sockeye Salmon

Chinook and Sockeye salmon prepared to be smoked in Irene Brown (Dzih)'s smokehouse in Moricetown in Wet'suwet'en territory.

© David deWit

Box 14: The Whitefeather Forest Land Use Strategy

A new interim protection land use category, called 'Dedicated Protected Areas' was applied to 436,025 hectares or 35.7% of the Whitefeather Forest planning area located in Northwestern Ontario. This interim protection step recognizes the importance of continuing a cross-cultural dialogue (Ahkee Dialogue) to arrive at culturally-appropriate, protected area regulatory designations. Through this dialogue, both Pikangikum First Nation and Ontario Parks agreed in 2009 that the Dedicated Protected Areas would be regulated under the Ontario Provincial Parks and Conservation Reserves Act (2006) and that a jointly approved Whitefeather Forest *Cheemuhnuhcheecheekuhtaykeehn* (Dedicated Protected Areas) management plan would be completed by 2012 (OP & WFMC, 2010). The Whitefeather Forest Land Use Strategy – *Keeping the Land*, is made up of three key components: Stewardship Strategy; Customary Activities and Community Economic Development. Individually these components interlock to become part of a larger whole, the customary relationship of Pikangikum people to the land they have cared for since time immemorial (Davidson-Hunt et al. 2010).

(vii) Community-based environmental monitoring (CBEM): combining scientific and indigenous knowledge

A number of Aboriginal-led CBEM initiatives are currently underway: communities in the Western Canadian Arctic participate on a CBEM of animal health (Gordon et al. 2007); the Lutsël K'é Dene First Nation used hunter's observations to monitor caribou movements (Parlee et al. 2005). The Igliniit project brought Inuit hunters and geomatists together to design and test a

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new integrated GPS/PDA/mobile weather station technology for observing and monitoring the environment (Gearhard et al. 2011). The technology is an artefact of Inuit knowledge, science and engineering collaboration and a tool for meaningful engagement of Inuit in community-based monitoring. In 2009, the Cree Trappers' Association and computer professionals pioneered a new tool, the Climate Change application in the GeoPortal of Eeyou Istchee, an online GIS based geospatial information tool that combines manually entered observations with a base maps (vector and satellite images). The Eeyou Istchee Climate Change GeoPortal delivers geospatial information to Cree communities for purposes of planning and decision making related to the new challenges of natural resources management the Cree are facing in the light of environmental change, allowing for the development of adaptation strategies appropriate to the local context. However, there are some obstacles to the development and application of CBEM (e.g., lack of funds, non-systematic data collection, potential incompatibilities between TEK and scientific approaches, Lefler 2005).

3.2. Key issues faced in governing and managing ICCAs

- The importance of secure land rights: rights to traditional lands and resources enable Indigenous Peoples to take care of their natural resources, with a great ability to set internal regulations through customary law and practice, have the power to hold extractive industries outside, to impose laws that outside resource-users must respect.
- Scientists and managers must come to a greater understanding of the social and cultural role that biodiversity play in First Nations, Métis and Inuit society. It is essential to respect and work within the traditional authority structures in determining new management schemes.
- First Nations, Inuit, Métis are adapting traditional natural resource management schemes to bring them together with western science methods and approaches, incorporating new conservation and management concepts into their interactions with the environment. Societies are evolving and new interpretations of traditional management schemes are one of the many paths towards the future conservation and sustainable use of natural resources.
- Self-identity, place and cultural identity of First Nations, Inuit and Métis are strongly linked to the land upon which they rely for their livelihoods.
- The erosion of traditional knowledge and culture. For many First Nations in Canada, the process of cultural revitalization goes together with the challenge of redefining their responsibilities to, and governance of, their territory.
- For Indigenous peoples today, natural resource management also involves the cooperation of state authorities and non-governmental organizations.
- Access to information, especially concerning their rights and how to enforce them, means that communities have the power to hold extractive industries and other outside forces to national and international laws that may otherwise be disregarded.

4. Recognition and Support to ICCAs

4.1. Government recognition and support to ICCAs

Canada does not have a legislation that would support voluntary actions in a manner comparable to Australian laws that enable state recognition and support of Indigenous Protected Areas (IPAs) where communities enjoy full rights to sustainably use, control, and manage their lands and resources. However, several land claim agreements in Canada do recognize indigenous ownership of land, and the responsible indigenous communities could voluntarily take actions to protect their lands. A number of Canada's protected areas are managed with a degree of involvement from communities supported by collaborative and co-operative management agreements (between the provincial or federal government and a First Nation or indigenous community) that establishes the framework between these parties for the management of the area located within the asserted traditional territory of the community.

(i) ICCAs as a distinct Protected Area type in Canada: Conservancies, Tribal Parks

The majority of these areas are co-managed, but for some of them *de facto* the overall control is with the Indigenous community, and they could be considered as an ICCA. An example is the '**Conservancies**' created by provincial and territorial governments, which recognize the cultural, social and ceremonial uses by First Nations. So far 10 Coastal Conservancies for the north and central coast of British Columbia have been established and protect about 28% of the coastal area (covering 6.4 million hectares). 31 First Nations participated since 2001 in the planning processes on the basis of a government-to-government relationship (Rozwadowska 2011).

'**Tribal Parks**' are emerging in Canada. Since 1980s, First Nations on the west coast of Vancouver Island, in British Columbia have declared areas as Tla-o-qui-aht Tribal Parks: the Meares Island (84.8 km²) at Clayoquot Sound, and the Haa'uukmin Tribal Park (500 km²), at Clayoquot Sound near Tofino. Tribal parks are managed through cooperation among First Nations and can include other partners such as Parks Canada. To manage their Tribal Parks, Tla-o-qui-aht has taken steps to establish a Tribal Parks Organization (Tla-o-qui-aht Tribal Parks, 2011). These Tribal Parks balance traditional governance with adaptive and ecosystem based management approaches to integrate human and ecosystem wellbeing, similar to the First Nations ancestral way of life (Tla-o-qui-aht Tribal Parks 2011; PAPR 2010). A tribal park integrates human activities while caring for the ecosystem conservation (e.g., Ha'uukmin Tribal Park includes tree farm licenses, mining tenures, public land, provincial and federal park land) that the Tribal Park unites with one land use plan (e.g., Ha'uukmin Land Use Plan established in 2009). In Alberta the Doig River First Nation has recently announced plans to develop Alberta's first Tribal Park: The K'ih Tsaa? dze Tribal Park - a protected area of about 90,000 hectares.

“This area has been in our traditional territory (for) camping and hunting. It's a spiritual area for our people” (Doig River Nation Chief Norman Davis, in Audette 2011)

Some First Nations established their own protected areas. Thus, the Haida Protected Areas are land designations and administrative decisions of the Council of the Haida Nation. These HPAs

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represent the only land use planning other than logging plans being done by the province. These areas account for approximately 250,000 hectares of land (CHA, undated).

A new **cooperatively managed PA** – the Saoyú-Æehdacho National Historic Site of Canada – a cultural landscape of 5600km² was created in 2008 in Northwest Territories. It has many of the characteristics of a community PA; however, the formal protected area status is achieved through national legislation, at the urging of the community that is most closely associated with the site. It is cooperatively planned and managed by the community of Déline, Northwest Territories and Parks Canada, according to the terms of the ‘Saoyú-Æehdacho National Historic Site of Canada Protected Area and the Cooperative Management Agreement’ signed in 2009 between the Government of Canada, the Déline Land Corporation and the Déline Renewable Resources Council. Numerous oral legends tied to specific places found throughout Saoyú and Æehdacho highlight the importance of traditional narratives to the culture of the Sahtugot’ine. The Elders’ vision for Saoyú and Æehdacho is one of continued teaching and healing, a place that sustains the culture and well-being of the Sahtugot’ine:

“Saoyú and Æehdacho is an important cultural and spiritual area and the land is alive with the stories of our people. Without the land, the stories die” (Chief Raymond Tutcho, Déline First Nation, in GC 2009)

(ii) Land claim agreements

In Canada, land claim agreements (See Box 15) protected by the national constitution allow for the creation of indigenous territories, which can also be managed to achieve conservation goals. Land claim agreements rank second in precedence behind the Canadian constitution and before any federal, provincial or territorial legislation. Where there may be conflicts between provisions of government legislation and land claim agreements, the land claim would prevail, although it may take the courts to resolve disputes.

Box 15: Land claim agreements

In 1975, the James Bay Crees, the Inuit of Québec, and the governments of Québec and Canada signed the ‘James Bay and Northern Québec Agreement’ (JBNQA) – the first of the modern-day land claim agreements– which stipulates privileged land tenure rights to areas around Cree communities, exclusive hunting and fishing rights over a certain part of the territory, regional self-government powers. The JBNQA also established new administrative structure for the James Bay Cree Nation (e.g., the Cree Trappers’ Association, the Cree Income Security Board, the Cree Regional Authority), which have been instrumental in maintaining traditional activities. The ‘Agreement Concerning a New Relationship between the Government of Québec and the Crees of Québec’ (*Paix des Braves*) signed in 2002, fortifies Cree influence over the management of their territory.

In 1978, the Naskapi signed the ‘Northeastern Québec Agreement’.

In 1984, the ‘Inuvialuit Final Agreement’ established similar management bodies, as well as established national and territorial parks, which enabled the inclusion of Inuvialuit traditional knowledge in management decision-making, and a strong role in existing and future conservation management and planning.

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The IFA was followed by the settlement of the Gwich'in claim (1992), the Sahtu Dene and Metis claim (1993) and the Tlicho self-government agreement (2003).

Nunavut, the geographically largest territorial or provincial jurisdiction in Canada entirely within the Arctic tundra, was created in 1999, as requested under the 'Nunavut Land Claim Agreement' (NLCA) between the Inuit of Nunavut and the Government of Canada, signed in 1993. The NLCA recognized Inuit ownership of about 18% of the land surface of Nunavut, provided a financial settlement with the Inuit, and created five institutions of public government responsible for land, wildlife and resource management in Nunavut (Ferguson & Viventsova 2007). In 2008 when the 'Nunavik Inuit Land Claims Agreement' came into legal effect the newest National Park which contains important indigenous conserved areas is established: the Torngat Mountains National Park. It is co-managed based on the 'Park Impact and Benefit Agreements' with the Inuit in Labrador and the Inuit in Nunavik (Québec), which enables ongoing exchange of indigenous knowledge, and ways of management of natural resources. There is a seven-member co-operative management board established to advise the federal Minister of Environment on all matter related to park management. Parks Canada, Makivik Corporation and the Nunatsiavut Government will each appoint two members and there will be an independent chair jointly appointed by all three parties (Parks Canada 2011).

The national status report of 2006 documented five Aboriginal PAs (two in Yukon and three in North West Territories) which represent 1,2% of the total PAs and cover an total area of 1,147,769 ha (Environment Canada 2006). These Aboriginal PAs are set aside for conservation by an indigenous community through a land claim agreement or other legal instrument. They have no federal, provincial or territorial protected area designation, but are recognized as protected areas by government protected areas agencies.

(iii) Recognition and Support of Sacred Natural Sites

Sacred natural sites have been recently designated as a zone of extreme protection. Box 16 highlights some initiatives that are among the first efforts by the Government of Québec, to give expression to the importance of and to provide protection to sacred sites recognized by the First Nations. The implementation of the IUCN-UNESCO *Sacred Natural Sites Guidelines* is of particular relevance in Canada (Wild & McLeod 2008).

Box 16: Acknowledgment of Sacred Natural Sites

The 'Caribou Heaven' (see section 3.1.i) is situated within the limits of the Kuururjuaq National Park. The area falls under 'Northeastern Québec Agreement' land claim settlement. During the park planning process, the Naskapi Elders Advisory Council and the Council of the Naskapi Nation recommended that the site known to them as the 'Caribou Heaven' be designated as a sacred area. They further recommended that a Naskapi Elder should be a member of the committee responsible for managing the park at all times. In 2009, the site was designated as a zone of extreme protection (Mameamskum et al. 2010). Similarly, in the zoning plan of the Albanel-Temiscamie-Otish Park project special protection is designated for a Cree sacred site, in accordance with recommendation No. 13 of the IUCN World Parks Congress, which is called *Waabushukamikw* or 'Rabbit's House'. Since 2008, the Muskuuchii hills, a sacred site for the Crees, are in the process of being declared as biodiversity reserve *Réserve de biodiversité*

projetée des collines de Muskuuchii. The land in the proposed biodiversity reserve is classified as Category III land under the 'James Bay and Northern Québec Agreement' and partly falls under the 'Paix des Braves Agreement'. The Cree community of Waskaganish has special rights regarding hunting, fishing and trapping in the area (Gouvernement du Québec, 2008).

4.2. Civil Society recognition and support to ICCAs

(i) Partnerships between Indigenous communities, researchers, scientists and universities

An successful partnership exist between the Cree Nation of Wemindji on the coast of James Bay in Northern Quebec and an interdisciplinary team of researchers from universities across Canada (McGill University, Concordia University, University of Manitoba) in a project to create a culturally appropriate protected area that can be qualified as ICCA. The partnership has grown to include more partners: the Grand Council of the Crees (Eeyou Istchee), Parks Canada, Fisheries and Oceans Canada, and the Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) du Québec (See Case Study in section 4.4.).

Some universities have established Indigenous programs (e.g., Trent University, University of Alberta) and research centres to address indigenous concerns about the integrity of their culture and environment (e.g., Centre for Indigenous Peoples' Nutrition and Environment at McGill University). Disciplines such as ethnobiology, ethnobotany, ethnoecology, or ethnozoology are also becoming increasingly important, and it would be beneficial to include awareness of ICCAs in academic curricula. Collaborations between scientists and indigenous people across Canada (under a fair and equitable framework, on the basis of the Free, Prior and Informed Consent of the communities) that are involved in bio-cultural conservation can lead to the creation of new frameworks for understanding biodiversity, future environmental changes, and governance and management strategies. An example of successful partnership is the ArcticNet, a Canadian Network of Centres of Excellence that brings together scientists and managers in the natural, human health, and social sciences with their partners from Inuit organizations, northern communities, federal and provincial agencies, and the private sector to study the impacts of climate change in the Canadian Arctic (Pearce et al. 2009).

(ii) Partnerships between Indigenous communities and civil society organizations devoted to conservation

A number of NGOs in Canada devoted to nature-culture conservation and human rights, such as Terralingua⁷, the Boreal Forest Initiative, the David Suzuki Foundation, are supporting First Nations, Inuits, Métis, to record their knowledge and practices, and to disseminate those to other communities and the formal conservation sector (see Box 17).

⁷ Virtual platform on bio-cultural diversity conservation: <http://www.terralingua.org/bcdconservation>

Box 17: The Brokenhead Wetlands Ecological Reserve

The Brokenhead Ojibwe First Nation of southern Manitoba, who wanted to protect the rare wetlands in their ancestral territory from external threats, undertook a community-based research with support from the NGO, Native Orchid Conservation Inc. that combined Western science and traditional knowledge. After eight years of negotiations, the area was designated an Ecological Reserve, the highest form of environmental protection in Canada. The Ojibwe have access to sacred areas and medicinal plants, and manage the Reserve in partnership with Manitoba Model Forestry and Native Orchid Conservation. In 2011, they were awarded \$1 million to build a boardwalk in the Reserve to mitigate tourism pressure upon the sensitive wetlands (NOCI 2011).

4.3. Key issues for the recognition and support to ICCAs

- Canadian governments do not have legislation or policies that could recognize and support voluntary designation and protection of terrestrial and marine ICCAs on indigenous/aboriginal-owned lands/waters, comparable to Australia's Indigenous Protected Areas. Such recognition could increase considerably the current area under conservation status in Canada, while at the same time strengthening the recognition of indigenous rights, allowing aboriginal communities to retain autonomy of their lands, and promoting more socially and culturally inclusive conservation approaches.
- Even if indigenous territories are constitutionally allowed (land claim agreements) of critical importance is the transfer of powers to the First Nation, Inuit, Métis communities.
- The diversity of areas that can be considered as ICCAs in Canada requires site specific approaches to adapt solutions to local problems through learning-by-doing. 'Packaged' prescriptions do not work in Canada because each ICCA is different (Berkes, 2009).
- Addressing weak institutions and capacity building requires partnerships and networks, typically involving the community, NGOs, government agencies, and universities. Time, patience, trust and dedication are required in developing and nurturing such meaningful partnerships between stakeholders.
- Community-based management instills a strong sense of ownership and commitment, but communities often lack the necessary funds. Long-term financial sustainability for communities is crucial for effective ICCA management.
- Bringing together indigenous knowledge with formal technical knowledge (based on an equitable framework) of resource management and governance can enable new approaches to bio-cultural conservation, sustainable resource use, and adapting practices to climate change.
- Networks of ICCAs in Canada could enable on-going exchange of indigenous knowledge, and ways of management of natural resources.

4.4. Case Study: The Tawich (Marine) Conservation Area Project

www.wemindjiprotectedarea.org

Monica Mulrennan

The case study below presents an innovative initiative by the Cree community that comprises the different sections mentioned in this report. The case offers a compelling and promising case that could inspire the conservation community, in showing how an equitable valuation of different approaches, value systems and cosmologies is an essential part of respecting customary governance and management systems.

The Wemindji Cree Nation is located on the central east coast of James Bay, in northern Quebec. It has a population of about 1400 people and a traditional territory, bounded by latitudes 52°30' N and 53°10'N, that extends up to 300 km inland from the coast. Although the region is broadly defined as taiga, the area represents a zone of transition between arctic/subarctic, boreal/tundra, and terrestrial/marine ecosystems. This contributes to surprisingly high levels of biodiversity, reflected in the range of subsistence resources available to Cree hunters. In recent years, for a variety of reasons (see section B), the Wemindji Cree Nation, with broad support from community members as well as the regional level Grand Council of the Crees (Eeyou Istchee), has initiated a protected areas program on the Wemindji territory as a core element of a strategy for balancing economic development and environmental protection. The protected areas program focused initially on the protection of two major watersheds, known in Cree language as Paakumshumwaaou and Maatuskaau, which include two large lakes, a complex estuarine environment and numerous tributaries. The Paakumshumwaaou-Maatuskaau Biodiversity Reserve, with a total area of 4,755 km² or approximately 20% of the total Wemindji territory, was formally registered in March 2006 with the Québec Government's Ministère du Développement durable de l'Environnement et des Parcs (MDDEP; Service des Aires protégées). Efforts to extend this form of protection to a mosaic of smaller areas on more inland sections of the territory are ongoing. A parallel proposal, initially to extend protection of these two watersheds to the adjacent offshore waters, shoals and islands of James Bay, became a regional inter-community initiative in marine protection. The Tawich (Marine) Conservation Area proposal resulted and was submitted to the National Marine Conservation Program of Parks Canada in early 2009. The proposal encompasses a total area of more than 20,000 km², including Wemindji's entire marine territory as well as contiguous marine territories of neighbouring coastal Cree communities.

(i) Key socio-economic and political values of Paakumshumwaaou-Maatuskaau

The Paakumshumwaaou-Maatuskaau Biodiversity Reserve includes the watersheds of the two largest rivers in Wemindji territory not modified by hydroelectric development. The area was identified by the community for enhanced protection because these rivers were important travel routes in the past connecting the interior to the coast, and retain high cultural and historical, as well as ecological value for community members. Land and sea comprise an ecological and cultural continuum for Crees; however for jurisdictional reasons, protection at this interface required the Tawich federally-recognized marine conservation area to be developed in tandem with the Quebec-recognized Paakumshumwaaou-Maatuskaau Biodiversity Reserve. The

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proposed Tawich area encompasses coastal, estuarine and offshore environments, is home to numerous species of marine mammals, fish and waterfowl and supports subsistence waterfowl hunting and fishing by Crees, as well as small game hunting, berry picking, egg collecting, and the gathering of water and firewood.

These watersheds are also rich in archaeological heritage. The lower sections of both rivers are associated with fur trade-era archaeological sites (Denton 2001), which although originally coastal in location are now a few kilometres inland due to coastal progradation caused by isostatic uplift. Earlier evidence of human occupation of this ancient coast is being investigated by archaeologists and their Wemindji guides. Exploration of ancient coastline nearly 100 km inland has yielded 5000 year-old prehistoric sites. Growing local interest in the natural and cultural heritage of the area, combined with an increase in research capacity (see section E), is supporting the development of several related initiatives (e.g. Summer Science Camp, Canoe Expedition for youth, traditional skills program, and a cultural centre/museum proposal). At a political level, the establishment of these protected areas is part of a dual strategy adopted by the Wemindji Cree Nation to pursue uncompromised protection of certain parts of their territory that are of particular cultural/ecological significance, together with an openness to negotiate externally-proposed development in selected areas. In this sense, protected areas are tied to local and regional Cree aspirations for greater autonomy in deciding the appropriate mix of ‘traditional’ land-based and alternative livelihoods, while honouring inherited responsibilities for the land. In the words of Grand Chief Matthew Coon Come:

“We are confronted daily with the dual challenge of protecting our land and our culture from ever encroaching development while creating the conditions to allow our youth to prosper in the new industrial economy”⁸.

(ii) Main threats to Paakumshumwaau-Maatuskaau.

The motivation of the Wemindji Cree Nation for placing a significant portion of their traditional territory under strict forms of protection is tied to the fact that many parts of their territory have been damaged by hydroelectric development. This includes radical modifications to two of its largest rivers, the Opinaca and the Sakami, the diversion of the Opinaca and Eastmain Rivers through the heart of their territory into the La Grande watershed, and flooding associated with reservoirs to the south and north of extensive portions of Wemindji’s family hunting territories. The community is committed to setting aside and protecting major portions of its territory that remain in relatively unaltered condition.

The main threats to those remaining portions are from industrial scale natural resource developments. The intermediate size of the two rivers within the biodiversity reserve spared them the fate of larger rivers in the region. The reserve is also far enough north that it is of limited interest for commercial forestry. However, the discovery of diamond-bearing minerals in the territory in 2002, followed by a major gold find in 2004, triggered a frenzy of geological exploration, with hundreds of mining exploration permits issued by the Government of Quebec. Until then the possibility of a unilaterally declared protected area for Paakumshumwaau-Maatuskaau was under consideration. However, in the Quebec context of free-entry mining in which companies enjoy exclusive rights to Crown-owned mineral resources from the surface of their claims to an unlimited depth, only a protected area designation officially recognized by the Government of Quebec could offer protection in the near term (see section v).

⁸ See <http://www.gcc.ca/newsarticle.php?id=254>

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Until recently, inaccessibility helped to buffer the Wemindji coastline and the adjacent offshore from direct development impacts. This situation has changed since the construction of permanent roads to Wemindji and other coastal communities, raising concerns about the potential for a rapid increase in the number of southern hunters and recreational fishers on the coast which would disturb locally sensitive waterfowl bays and islands (Mulrennan & Scott, 2000). Possible hazards resulting from marine shipping accidents pose another threat, particularly given the shallowness of these coastal waters. The potential for development of Wemindji's harbour as a port for commercial shipping was discussed some years ago and remains a possibility.

As with the biodiversity reserve, the major threats to Tawich come from external industrial developments. Preliminary assessments indicate very limited prospects for oil, gas and mineral development in the offshore. Nevertheless, the profusion of mining claims upstream raises concerns about the possibility of negative downstream impacts on estuarine and offshore areas.

Other threats could potentially emerge from within, as a result of population growth and shifts in the local hunting economy which could make it necessary for Wemindji, similar to other Cree communities, to review existing environmental protection measures and perhaps make adjustments to wildlife harvesting to ensure the protection of key wildlife species both within and beyond the protected areas.

(iii) Governance and Management of Paakumshumwaau-Maatuskaau

Numerous extended family hunting territories constitute the basic land and sea tenure system of the James Bay Cree (Scott 1988). The biodiversity reserve falls primarily within three coastal family hunting territories, while the proposed Tawich area incorporates all seven of Wemindji's coastal family territories, as well as several more from adjacent Cree communities. In addition to significant inland portions defined by lakes, rivers and streams, each of these territories encompasses a complex of coastal bays, estuaries and offshore islands that support an array of suitable hunting locations. Each hunting territory is under the stewardship of a senior hunting boss or tallyman, who has responsibility for ensuring the productivity and sustainability of the land (Scott 1986). A non-hierarchical system of resource management has evolved under the guidance of the tallyman, based on respect, reciprocity and sharing (Scott 1986), and Cree hunters within this system are said to regard themselves as part of a larger ecological 'community-of-beings' (Berkes 1995:107).

(iv) Key issues faced in governing and managing Paakumshumwaau-Maatuskaau

It is early days in terms of the implementation of the Paakumshumwaau-Maatuskaau Biodiversity Reserve. The environmental review required before final approval of the reserve has been postponed for now in anticipation of it being addressed as part of a more comprehensive review of several such reserves within the broader region. The Tawich (Marine) Conservation Area is at the proposal stage; high-level talks between Parks Canada and the Grand Council of the Crees indicate the strong interest of both parties in pursuing this initiative; however, the implementation of supporting legal frameworks has delayed progress to date.

Local community support, as well as the endorsement of the Grand Council of the Crees is contingent upon two conditions: that a) these protected areas fully accommodate the customary hunting, fishing and trapping rights, interests and practices of the Cree, and b) management of these areas remains centered on Cree knowledge and institutions for resource management. The

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extent to which these conditions are met will depend on the flexibility of existing protected area frameworks and political will at both provincial and federal government levels to improve upon existing models and arrangements for cooperative management of protected areas. At the local level, these protected areas raise important issues concerning the relationship between community-wide interests on the one hand and those of families whose hunting territories are within the biodiversity reserve on the other. Tawich poses similar issues along the coast, although harvesting on more distant offshore islands is less strictly governed by hunting territories. Another issue relates to the potential economic activity associated with these protected areas. Both designations include provisions for visitor experience but how and by whom public access would be controlled has yet to be addressed. There is strong recognition of the important role that community-based monitoring can play in the identification of threats and appropriate solutions to address them.

(v) Recognition and Support of Paakumshumwaau-Maatускаau

The Quebec Government has, over the past decade, moved assertively on protected area development, with the total amount of land dedicated to protection increasing from 1.29% in 2002 to 8.35% currently, with a target of 12% endorsed for 2015 (Brassard 2011). The James Bay Crees have contributed to this policy objective and benefitted in turn from different forms of protection from the impacts of natural resources development. These include the creation of 'biodiversity reserves' (*réserves de biodiversité*), a provincial designation compliant with the International Union for Conservation of Nature (IUCN) Category III which prohibits all forms of forestry, mining exploitation and energy production and supports existing rights and privileges including fishing, hunting, vacationing and indigenous activities. The Federal Government has indicated its commitment to establish a national network of marine protected areas; however, less than 1% of the country's marine territory is currently protected (Jessen et al. 2011). The National Marine Conservation Area (NMCA) program, administered by Parks Canada, seeks to protect representative examples of Canada's natural and cultural marine heritage and provide opportunities, as well as financial support, for public education and enjoyment. NMCAs support ecologically sustainable use of the marine environment and include zones of high protection as well as zones where sustainable uses are permitted, but mining, oil and gas exploration and development, and ocean dumping are prohibited. NMCAs are also intended to be more flexible in accommodating Aboriginal treaties, support visitor experience and promote research and ecological monitoring. In the context of northern Quebec, these protected area designations must conform with rights acknowledged under the James Bay and Northern Quebec Agreement (JBNQA) and New Relationship Agreements, as well as the Eeyou Marine Region Agreement, respecting the priority subsistence rights of Crees, the authority of Cree tallymen on their family hunting territories, and various wildlife and other resource co-management provisions. New governance arrangements agreed to in 2011 by the Grand Council of the Crees and the Government of Quebec affirm exclusive regional municipal powers for Crees on certain parts of their territory (known as Category II lands), together with strong regional municipal participation in the governance of other lands (known as Category III lands).

The Paakumshumwaau-Maatускаau biodiversity reserve has come about mainly through the work of an on-going research partnership (co-directed by Chief Rodney Mark of Wemindji and Dr. Colin Scott of McGill University) between the Wemindji community and a team of trans-

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disciplinary university-based researchers. Research on the natural, social and cultural values of the area has supported the development of the protected area proposals through the gathering of information such as: remote sensing-assisted classification and mapping of floral communities; identification of hundreds of plant species, including rare species; analysis of goose, beaver and moose ecology; documentation of place names and associated histories; assessment of the role of these areas in promoting community health and cultural renewal; and analysis of customary and imported institutional frameworks for environmental management. This research confirms the abundance and richness of a diversity of subarctic and James Bay marine flora and fauna, as well as the importance of the area for the Cree hunting and fishing way of life, and for the social exchange, ritual, spirituality, and oral tradition that inform that way of life. In the case of the Tawich NMCA proposal, the Wemindji-university partnership has received significant support from the Canadian Parks and Wilderness Society (CPAWS), mainly in terms of networking and communications at the federal policy level. Links between Wemindji and west coast Haida involved in the Gwaii Haanas NMCA have also been constructive. Networking with other indigenous groups engaged in establishing terrestrial protected areas has been assisted by the Canadian Boreal Initiative.

(vi) Key issues related to the recognition and support of Paakumshumwaau-Maatuskaau

Because the Paakumshumwaau-Maatuskaau biodiversity reserve is still at project stage in the Quebec Government's process, and because the Tawich NMCA proposal has yet to undergo feasibility research, many arrangements and procedures remain to be defined in regard to research, monitoring, and management. However, as discussed above, various treaty frameworks relating to Cree ownership and governance rights in both terrestrial and marine contexts already provide a robust set of principles and general frameworks within which these matters will be negotiated. This negotiation will seek creative ways to reinforce, in particular, the salience and authority of indigenous knowledge and institutions through 'hybrid' intersections of ICCA/provincial/federal protected area designations.

(vii) Planned future activities

"We may have a different way of relying on the land today than we did in the past, and there is little doubt that in the future it will be different also, but there is no question that the land, and our relationship to the land, will be the basis of our future." (Deputy Grand Chief Ashley Iserhoff, 2012⁹)

The political context in which an expanded network of protected areas may be realized is likely to be heavily conditioned in the next few years by the Plan Nord process. The Quebec Government's statement that it will protect 50% of Quebec's north from high-impact industrial development opens the door for Crees, at community and regional levels, to articulate their own vision of land/sea use planning for the future. In matters of what balance should be struck between environmental integrity and traditional livelihoods on the one hand, and various options for 'development' on the other, the cosmology, values and interests of Crees differ significantly from those that inspire the Quebec Government's vision for Plan Nord. The reconciliation of these distinctive visions in concrete terms is the major challenge that lies ahead.

⁹ See www.gcc.ca/newsarticle.php?id=259

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(viii) Recommendations for dealing with key issues of recognition and support

While much progress has been made by individual Cree communities pushing forward with protected area projects, a balanced plan for the Cree Nation as a whole will require increased collaboration between community councils, tallymen and their representative Cree Trappers' Association at local and regional levels, and the Grand Council of the Crees/Cree Regional Authority. The coherence of a Cree vision, and political means and determination to implement it vis-à-vis Quebec and federal governments, will benefit by comprehensive planning at local and regional levels, proactively mapping out institutional means and procedures for achieving consensual goals in environmental protection and development.

5. The Future

Recommendations

There are several lessons that could encourage recognition and support of ICCAs in Canada:

- ✓ Canada should pass legislation that would *de jure* recognize and support voluntary designation and protection of terrestrial and marine ICCAs on indigenous/aboriginal-owned lands and waters. This would promote First Nations, Inuit, Métis to establish areas, comparable to Australia's Indigenous Protected Areas. Such recognition could increase the current area under conservation status in Canada, while at the same time strengthening the recognition of indigenous rights, allowing communities to retain autonomy of their lands, and promoting more socially and culturally inclusive conservation approaches. Representatives of Indigenous peoples and local communities should be involved in the development of such ICCA-relevant legislation and policies enacted at the provincial and national level, in policy, or treaties. Appropriate linkages to international agreements on conservation and human rights (i.e. UNDRIP endorsed by Canada in 2010) should be also made.
- ✓ Federal and provincial laws and policies that recognize Indigenous Peoples as legal actors possessing common rights should be further strengthened. A political commitment by the government of Canada, to continue to move beyond the 'consultation after decision-making' model reflected in earlier management approaches towards fully engaging Indigenous peoples in the day-to-day management and decision-making processes of conservation within the context of the right to self-governance through their own decision-making institutions is crucial. Canada should continue to build upon land claim agreements by recognizing Indigenous peoples (whether they be hunters, trappers, fishers or gatherers) as key decision makers in conservation, and therefore should enable community management of important biodiversity and cultural areas such as national, provincial and territorial parks.
- ✓ Canada should recognize ICCAs as an important means for the governance and conservation of bio-cultural diversity conservation, for the promotion of equity and sustainability, and for implementing UNDRIP (endorsed by Canada in 2010), by

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emphasizing ancestral territories, and cultural identity, as well as their continuing evolution and adaptation, and by implementing CBD's Programme of Work on Protected Areas.

- ✓ An environment favourable to ICCAs should be provided by recognizing customary laws and the land, water and bio-cultural resource rights held in common by indigenous peoples and local communities within national legal frameworks.
- ✓ Policies and legislations should be further strengthened that formally recognize the existence of sacred natural sites in Canada, as one form of ICCA, in culturally appropriate and sensitive ways that enhance their protection and respect and affirm the rights of their traditional caretakers (Indigenous peoples) to their autonomous control and management of their sacred sites (e.g., ensure that custodians of sacred natural sites retain decision-making control over tourist activities within such sites).
- ✓ Land claim agreements allow for the creation of indigenous territories, which can also be managed to achieve conservation goals; communities should continue to stride towards the recognition of their ICCA-related common rights.
- ✓ First Nations, Inuit, Métis communities (with assistance from other stakeholders if requested by the communities) should continue and intensify their efforts with respect to the documentation of their ICCAs. They should continue to build on existing community-based socio-environmental evaluation initiatives to strengthen their own mechanisms for participatory monitoring and evaluation of ICCAs and ICCA-related issues (e.g., impacts for conservation, livelihoods, governance, and culture). There are good examples of community based monitoring of ICCA-related issues (e.g. community fishing programs, the Cree Migratory Bird Project, Lutsël K'é Dene First Nation caribou monitoring). Additional efforts in community program funding are now crucial to ensure effective continuation of the implementation and monitoring of ICCA systems by concerned communities (in collaboration with civil society, and government administrations if requested).
- ✓ ICCAs in Canada can offer lessons in incorporating indigenous knowledge and practices into measures of successful planning and management of protected areas and Conservancy decision-making processes. Hence, it would be useful to carry out a country-wide inventory of ICCAs in Canada, with the Free, Prior and Informed Consent of all the concerned actors. Indigenous peoples should be provided with the resources to record their traditional and contemporary knowledge related to animals and plants, harvesting, gathering and hunting practices, indigenous conservation strategies and methods, governance institutions and customary management systems (e.g., customary hunting rules such as the Traditional Eeyou Hunting Law). First Nations should continue to make efforts to systematize best practices and lessons learnt and make known those to other communities and the formal conservation sector (if this is requested and/or agreed upon by them) through appropriate tools (e.g., maps, photo stories, videos, community-based GIS, or written documents). Integrating indigenous and western scientific knowledge systems involves multiple partnerships, and requires to ensure sufficient time, patience, and trust to

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- develop an equitable partnership between the Indigenous communities, Provinces, Park agencies, and other stakeholders, thereby increasing potential for the adoption of ICCAs.
- ✓ It is important to understand traditional management institutions (e.g. Cree Trappers' Association) and strengthen the continued management of ICCAs by these institutions.
 - ✓ Indigenous communities need to be free to adapt their traditional systems to modern circumstances, without state governments or scientists determining what is or is not 'traditional'. Traditions have always evolved and should be expected to do so in the future.
 - ✓ It is crucial to design appropriate policy and incorporate ICCAs in climate change mitigation and adaptation responses in Canada. Indigenous peoples and scientists should continue to work together (e.g., the Iglinit project) to better understand climate change threats on ICCAs.
 - ✓ Carry out an assessment of the impacts of protected areas on ICCAs in Canada. Where ICCAs have been incorporated within government or private protected areas in ways (or where such protected areas are within larger indigenous territories that have been ICCAs), that have affected the tenure rights of their custodians, it is crucial to explore options for the devolution of such rights/the return of these ICCAs to their original caretakers, and for their long-term tenure security. Root the management of protected areas that contain (or are contained within) ICCAs in a rights-based approach respecting human and Indigenous rights, rights to self-government and self-determination.
 - ✓ Develop legal, policy and management procedure in order to reduce external human/natural threats to ICCAs. Apply integrated environmental and social impact assessment procedures, and the Convention on Biological Diversity's Akwé: Kon Guidelines for minimizing the impacts of development actions, especially major socio-environmental development projects affecting ICCAs, (e.g., the Plan Nord in Quebec). Extractive industries (e.g., oil and gas, mining, logging), industries related to major infrastructures (e.g. hydroelectric dams) and tourism must not impact on ICCAs and seek Free, Prior and Informed Consent in their relations with indigenous/local communities governing these territories.
 - ✓ It is vital that communities continue to enhance their efforts in developing intervention, education and awareness programs, and community-based responses to the problem of internal treats impacting to ICCAs (e.g. overhunting, community and family violence, suicide). Provide coherent support to communities (if requested by them) in their efforts.
 - ✓ Elders are culture-bearers in many Indigenous communities who are holding in-depth knowledge gained over the course of their lifetimes; yet the last generation of elders who lived a 'traditional life on the land', is passing away very quickly, and although elders still continue to play an important and respected role in many Indigenous communities in Canada, that role is now endangered. It is urgent that Indigenous peoples are provided with the resources to record the knowledge, language, experiences and history, that only the elders possess by using appropriate tools (e.g. digital storytelling, maps, videos, or written

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documents, see for example *Nunavut Arctic College Guidelines for working with Inuit elders*, see also the ‘Gwich’in Place Names and Traditional Land Use’ community project), otherwise this valuable information will be lost forever.

- ✓ Promote initiatives to strengthen inter-generational dialogue (i.e. bring elders and youth together on the land, transmitting the language and knowledge about the land and the culture to the next generation) and engage the youth as concerned party in the conservation and renewal of ICCAs (possibly through a combination of customary and “modern” processes). Strengthen local training of indigenous youth in traditional knowledge and customary practices through locally relevant, culturally-sensitive education services that incorporate indigenous languages, spirituality and ancestral wisdom. This can help encourage indigenous communities to remain involved and active in traditional activities.
- ✓ Develop training and experience-sharing programs on policy and legislation in support of ICCAs in Canada, and provide communities with resource toolkit on ICCAs, thus they can strengthen their own awareness and recognition of the importance of their ICCAs.
- ✓ Indigenous communities need to be able to develop their own sources of revenues from or related to ICCAs to ensure that their communities may be move towards self-sufficiency.
- ✓ Knowledge mobilization can strengthen community governance of ICCAs by learning from other experiences and identifying best practices and errors. It is crucial, to continue to promote opportunities for ICCAs to connect with each other in Canada and in other countries to foster the exchange of knowledge and practices, for co-learning, and empowerment (good examples are the networking between Dene, Innu, Naskpi, Inuit whose cultures rely upon the caribou; the collaboration between Labrador Inuit and Nunavik Inuit in co-management experiences; the networking among Indigenous peoples across the Circumpolar regions).
- ✓ Promote the incorporation of ICCAs, including the respect for Free, Prior and Informed Consent practices into school curricula, public educational programs, academic syllabi in Canada and into collaboration initiatives between Indigenous peoples and scientists, (e.g., DIALOG, ArcticNet, etc.) and in training programs for protected area managers.
- ✓ There are examples in Canada of successful partnerships between indigenous and local communities and NGOs, civil society groups, research institutions, and national conservation agencies, and it would be important that these actors continue to support communities, as needed, in monitoring, evaluation and recognition of their ICCAs: to assist in documenting ICCAs, indigenous and local knowledge, monitor species, etc.; to support Indigenous peoples as they seek to implement their inherent rights under national frameworks; to facilitate negotiations between communities and state institutions for the recognition of ICCAs (e.g., facilitate communication between Parks Canada and communities); to support networking and exchange visits between ICCAs on a provincial, national level; to disseminate lessons learnt and best practices; to organize events on ICCAs to provide awareness/training; to elaborate policies and laws to recognize and support them; to take advantage of the presence of the CBD Secretariat in Montréal to

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further intensify links with the CBD and with ICCA-Consortium regional coordinator in Canada to mainstream awareness of ICCAs.

In conclusion, the strong entanglement between cultural identity, knowledge transmission, rights, and biodiversity conservation commitment in ICCAs across Canada, combined with land claim agreements offer much potential to redefine conservation, and the role of local and Indigenous people and institutions in Canada, as well as to strengthen recognition of Indigenous and human rights, and to shift conventional conservation approaches towards rights-based conservation approaches and development. Where ICCAs are part of the protected area network, there is an opportunity for skills and practices to be shared amongst different management stakeholders. The failure to recognize ICCAs in Canada, or an inappropriate recognition of ICCAs, would constitute a failure to recognize Indigenous peoples' rights. The challenge is now to recognize and support ICCAs in Canada as a key means of implementing principles of good governance and human rights recognition advocated by the CBD and IUCN in their protected area policies.

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