First Nations Cooperative Management of Protected Areas in British Columbia: Tools and Foundation

by

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First Nations
Cooperative Management of Protected Areas In British Columbia: *Foundations and Tools*

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A paper by David Boyd (published in April, 2000 – see references) was drawn upon heavily to describe the legal context for cooperative management, especially in the marine setting.

Several examples and options for effective cooperative management were drawn from two recent reports:

- a report produced for Parks Canada by Isabel Budke (February 1999 "A Review of Cooperative Management Arrangements and Economic Opportunities for Aboriginal People in Canadian National Parks")
- a draft report by Jessica Clogg (December 1999, *Maintaining Cultural and Ecological Diversity on the Central Coast: Co-management Options, DRAFT*, A Discussion Paper Produced for the Sierra Club of British Columbia. West Coast Environmental Law Occasional Paper Series, Issue 25:02)

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The most important contributors to this report are the 104 participants at the May, 2000 workshop. These people from First Nations, environmental non-government organizations, federal and provincial government agencies, and other organizations worked hard to tackle some difficult questions and generate ideas on how to move forward. While there was inadequate time to reach consensus on a wide range of discussion topics, a multitude of proposals for improvements to the draft discussion paper have been incorporated into this tool kit.

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1 Introduction

Ecotrust Canada and the Canadian Parks and Wilderness Society-BC (CPAWS) co-hosted the second workshop on First Nations Cooperative Management of Protected Areas in BC on May 30th and 31st 2000 in Vancouver. This was a follow-up workshop to one held in November 1998 on the same topic. The first workshop highlighted some of the challenges with existing cooperative management agreements. The goal of the 2000 workshop was to find ways to make cooperative management arrangements work more successfully.

Using the elements of various arrangements that are working well, workshop participants were asked to discuss a set of principles or possible "best practices" that could guide and improve cooperative management of protected areas in British Columbia. These were set out in a background paper, *Best Practices for First Nations Co-operative Management in Protected Areas*. The themes were: Authority and Governance, Funding Cooperative Management Arrangements, Management Models and Approaches, Building Capacity Among First Nations, Tourism and other Economic Opportunities for First Nations, Cultural issues, and Interpretation and Partnerships with Non-government and Other Organizations.

This document is the second of two produced from the workshop. The first was a summary of presentations and discussions: *First Nations Cooperative Management of Protected Areas: A Summary of Discussions from the May 2000 Workshop* (Gardner, 2001). This second report is a significantly revised version of the background paper which incorporates the main points raised by workshop participants. While the contents have been reorganized and themes re-combined, all the topics addressed in the background paper are covered.

ABBREVIATIONS

CPAWS	Canadian Parks and Wilderness Society
ENGO	Environmental Non-Governmental Organization
LRMP	Land and Resource Management Planning
MPA	Marine Protected Area
TEK	Traditional Ecological Knowledge

Foundations for First Nations Cooperative Management of Protected Areas in British Columbia

2 Foundations for First Nations Cooperative Management of Protected Areas in British Columbia

The draft version of this paper discussed at the May 2000 workshop explained some of the underpinnings of cooperative management of protected areas, but left a number of assumptions unstated. The sections below provide a fuller description of the foundations for cooperative management of protected areas: the reasons for looking at cooperative management, the broader context of protected areas, and the legal foundations of cooperative management in British Columbia. Within these sections, the assumptions behind the Tools for Cooperative Management are explained. The assumptions are summarized in section 3.

2.1 *The need for a closer look at cooperative management of protected areas*

Protected areas are fundamentally important for their role in protecting biodiversity. At the same time, different interests have various reasons for promoting or entering into cooperative management agreements for protected areas. As well, every First Nation and each protected area is unique. These factors establish the need for a set of tools for cooperative management that are based in experience, but must be tailored for use in any given situation.

The ecological importance of protected areas

Our national and provincial parks and protected area systems attracted much public attention at the end of the 1990s. Both a provincial and a national panel reported on the challenges facing protected areas, on values that the public places in these areas and on ways that they can be better protected in the future.

In 1999, B.C.'s Park Legacy Panel found that British Columbians want assurance that natural values in parks will be protected. The Panel's vision stated, "The utmost priority in planning and managing protected areas is to protect their ecological integrity." Panel members acknowledged that humans have been part of ecosystems for centuries and that humans will continue to influence and interact with the natural environment. Nevertheless, they concluded, "parks are places where people choose to put other species first" (MELP, 1999, p.13-14).

The Panel on the Ecological Integrity of Canada's National Parks reported in 2000 on the results of their investigation of the maintenance of ecological integrity in Canada's national parks. The Panel concluded that the ecological integrity of national parks can only be achieved in a cooperative effort involving federal, provincial, territorial, Aboriginal, and municipal governments, communities, organizations, employers, industries and landowners. They also called on Parks Canada to "ensure that protecting ecological integrity is the first priority in all actions and thoughts of national parks" (2000, Parks Canada Agency 14-3).

A key assumption behind this report is that protected areas are necessary to conserve biodiversity, and that to play this role, protected areas must be managed so as to maintain ecological integrity.

The challenge of cooperative management

In this report cooperative management is defined as the sharing of responsibilities and authority for protected areas between First Nations and federal and/or provincial governments. "Co-management" is often used as a short form for cooperative management and the two terms are used interchangeably. However, for many people "co-management" implies an equal sharing of power and authority, which is not generally the case for protected areas in Canada so far. Therefore, the term co-management is only used in this paper if it specifically means equal sharing of power, or if it is in a quotation.

Environmental non-government organizations (ENGOs) called for this paper and the workshop on cooperative management of protected areas. ENGOs are interested in cooperative management partly because they know they must respect the rights and interests of First Nations – because it is the right thing to do, and because the decisions of our courts legally require it. They are also interested because they know that the management of protected area lands and waters can be improved by building in First Nations traditional ecological knowledge and cultural knowledge. ENGO interests mesh with those of First Nations in that both want to set land and water aside to protect them from unsustainable development. However, other motives may be different. Environmentalists are highly focused on the protection of ecological integrity.

First Nations also want to protect ecosystems, but they may have additional reasons for setting land aside from development: to protect areas for traditional activities, to ensure that resources are protected now for use after treaties are settled, or to gain economic opportunities from the establishment of a protected area for recreation and tourism. From a First Nations perspective, protected areas are both a threat and an opportunity. This viewpoint is summarized in a study on First Nations and marine protected areas (MPAs):

> "MPA designations have potential to alienate First Nations from important resource harvesting areas and may have other long term consequences. MPAs also offer First Nations an opportunity to develop co-management arrangements, plan for the future, and take a lead role in coastal zone planning, management and decision-making in their traditional areas" (Jones, May 1998, p.1).

Beyond these more practical motivations of environmentalists and First Nations, interests converge on less tangible benefits: "Just as the non-Indian society pursues park activities that intend to provide a place where the human spirit can be in balance with its surroundings, native peoples also pursue that goal" (Maloney, 1994 p.52).

Federal and provincial parks agencies are interested in cooperative management for reasons similar to those of environmentalists. The federal government also owes a fiduciary obligation to First Nations. With these motivations, federal and provincial governments and their agencies responsible for protected areas (especially Parks Canada and BC Parks) have been working at building cooperative management agreements with First Nations for some years.

A second key assumption is that in several places around the province, First Nations and provincial and federal governments are willing to engage in the cooperative management of protected areas to pursue both separate and shared interests.

The success of cooperative management arrangements for protected areas in B.C. to date has been mixed, with inadequate funding posing a serious challenge. BC's Park Legacy Panel (MELP, 1999, p.25) highlighted other concerns such as: fragmented authority and unclear management roles; how to maintain local harmony between First Nations and non-Native people; and differing opinions as to whether traditional rights or uses should be secondary to the protection of ecological integrity in the protected area system.

A third key assumption behind this report is that cooperative management of protected areas is worth pursuing and that efforts to make it work better will serve the interests of First Nations, federal and provincial governments, and environmental non-government organizations.

Tools based in experience, to be tailored for future use

The focus of the Tools section of this report is on topics that the Steering Committee for the workshop identified as needing attention and which the workshop participants discussed in detail (they are listed at the beginning of the introduction). This is not a comprehensive study and there may well be important issues that are not covered. For example, issues around "third party" interests are mentioned, but are not included as a topic on their own.

The research draws on national, international and provincial experience with effective approaches to cooperative management as a basis for learning and use in BC. Examples from broad-based agreements that include protective arrangements are included, as well as experience from individual provincial and federal protected areas. The acknowledgements at the beginning of this report list the 13 people interviewed by Canadian Parks and Wilderness Society staff in April and May 2000, including representatives of federal and provincial government agencies and First Nations.

A highly relevant document by the IUCN (World Conservation Union) became available in the final stages of preparation of this report, and readers are recommended to refer to it for more information: *Indigenous and Traditional Peoples and Protected Areas: Principles, Guidelines and Case Studies* (Beltrán, 2000). Other relevant, international publications are listed in the references section under the authors Oviedo, Borrini-Feyerabend and Weber. A useful reference that focuses on experience in the marine environment is Guénette et al.: *Marine Protected Areas with an Emphasis on Local Communities and Indigenous Peoples: a Review.*

Cooperative agreements for marine protected areas (MPAs) are in their infancy and there is little experience to draw on at this point; however much of what we learn from cooperative management in terrestrial protected areas can be applied in marine settings. Published articles on experience in other countries were especially valuable in providing examples of cooperative management for MPAs.

The emphasis of the research was on positive experience – what works for cooperative management, in both terrestrial and marine environments. At the workshop, more

examples of effective arrangements were mentioned, but much of the discussion focused on the challenges of making cooperative management work in a wide range of different circumstances with First Nations holding different priorities and interests. "All First Nations have a different way of managing their areas; no set way can be used for all First Nations" (Williams-Davidson, 2001).

A fourth key assumption is that the users of this tool kit can choose which tools fit their circumstances, selecting some and rejecting others. Each tool will have to be appropriately tailored to the unique needs of each case.

2.2 Beyond Protected Areas

Protected areas are not isolated from their surroundings; rather they are part of a broader ecological, cultural and political land/seascape. Land and Resource Management Plans have recently provided a planning context for protected areas. In another timeframe – since "time immemorial" - First Nations have seen the land and sea from a holistic worldview. The scientific, ecosystem approach is now striving to adopt an integrated perspective.

Regional planning

Land use planning in B.C. has been a key objective for the provincial government over the past decade, with the aim to create certainty around land use and to establish a system of protected areas representing the ecosystems of the province. Thirty Land and Resource Management Planning (LRMP) areas cover the province. Completed plans (17) have resulted in the doubling of the area of protected lands in the province. Seven plans are underway and 6 remain to be started One of the plans currently underway, for the Central Coast, extends over coastal waters for the first time.

One of the objectives of the LRMP process is to bring together the various stakeholders to reach agreement on land and resource use. However, First Nations involvement has been limited, in part due to concern for the integrity of government-to-government relationships, and due to lack of clarity on the degree to which land use processes prejudice aboriginal and treaty rights (Peart, 1998). For some First Nations that have chosen to be involved in LRMPs, the process has provided an opportunity for negotiating agreements for cooperative management of new protected areas.

Whether through the official LRMP process or through other approaches to regional planning, protected area designation and management needs to take place in a broader context, looking at the land- and water-base as a whole. This is essential in order to ensure that protected areas are not compromised by the impacts of surrounding resource uses, that sufficient areas remain open to extractive resource use to sustain communities, and that ecosystems and resources outside of protected areas are managed sustainably. A focus on First Nations title rather than rights would bring this broader perspective to the forefront: "We need to consider the whole territory and protect not just the specific area of interest … but also the bigger area of interest to the First Nations: our entire territories" (Williams-Davidson, 2001).

An holistic perspective

An holistic perspective is central to the First Nations worldview. For First Nations, "ecological integrity" is linked to social integrity, and the First Nations themselves are an important component of the food web. The historical presence, occupation and use of a territory by First Nations are inherent components of the greater ecosystems of the protected areas in that territory. The following comment from the Nuu-chah-nulth emphasizes the need for a holistic perspective:

> "The concept of protecting marine habitat and the associated aquatic resources is a natural outcome of the Nuu-chah-nulth principle of *hishtukish ts'awalk*, a belief that everything is connected as one. Humans are inextricably connected with their environment and all living creatures. Nuu-chah-nulth *Ha'wiih* (hereditary Chiefs) have always used protected areas to protect their *Ha-hoothee* (jurisdiction and dominion over their territory and resources within)" (Nuu-chah-nulth Tribal Council, November, 1998).

Many of the issues and options for cooperative management of protected areas considered in this document could be extended or adapted to the broader land/water-base. Nevertheless, the space was not available in this report, or at the May 2000 workshop to go beyond a focus on protected areas themselves.

A fifth key assumption is that while cooperative management of protected areas can be enhanced by using the tools presented in this report, protected area designation and management must take place in the broader context of decision-making for all lands and waters.

An ecosystem approach

The designation of special management zones in LRMPs recognizes that protected areas cannot be managed as islands: buffers and connecting corridors beyond their boundaries are needed to ensure that ecological integrity is protected. Similarly, marine protected areas cannot protect marine biodiversity on their own – they should be implemented as a part of integrated coastal zone management.

The management of protected areas on an ecosystem level is a priority that has been brought into the public eye recently through the report of the Panel on the Ecological Integrity of Canada's National Parks (Parks Canada Agency, 2000) and the report of B.C.'s Park Legacy Panel (MELP, 1999). There is growing recognition that the ecosystems of protected areas cannot be protected without attention to the portions of their ecosystems falling outside their boundaries, as opposed to being "islands in a sea of development."

In the marine setting, there is a parallel rationale for an ecosystem approach, often under the label, "integrated coastal zone management." But in this "sea of development" where fluid ecosystems even more thoroughly defy protection via boundaries, some argue that protected areas are contrary to the priority of protecting the whole environment. For example, "The Nuu-chah-nulth believe that all marine areas should be treated respectfully for the gifts that nature provides. The concept of establishing certain areas for favorable

protection while mismanagement occurs in areas outside of protected zones is foreign to Nuu-chah-nulth principles" (Nuu-chah-nulth Tribal Council, November 13, 1998). Similarly, the Te'Mexw Treaty Association asserted in response to the proposal for the Race Rocks MPA in 1998 that "It is the position of the Nations that a coordinated co-management program for the coast from Jordan River to Ten Mile Point would be the appropriate method by which conservation, harvest and priority for First Nations users can be properly integrated" (Morahan, 1998, p.7). At the very least, MPAs need to be considered in their broader setting, including the watershed and the surrounding sea.

A sixth key assumption is that land and sea are an integrated whole, so MPAs alone cannot protect the marine environment. Nevertheless, we can usefully consider the particular circumstances of protected areas in the water, so as to increase their extent and effectiveness through cooperative management.

2.3 Legal Foundations for Cooperative Management of Protected Areas

In British Columbia, virtually all parklands and any new terrestrial protected areas lie within the traditional territories of First Nations. Some of the waters in Canada's exclusive economic zone off the B.C. coast also fall within First Nations traditional territories. It is therefore critical to any discussion of cooperative management of protected areas to have a basic understanding of Aboriginal rights, the treaty process and interim measures. ***This section provides a short summary of a complex area of law, and readers are cautioned that many important aspects of the law are not included here.***

Aboriginal Rights and Title

A recent paper by lawyer David Boyd and advice provided by lawyers at the 1998 cooperative management workshop provide a concise description of rights and title in relation to protected areas. Terri-Lynn Williams-Davidson, Director of EAGLE (Environmental-Aboriginal Guardianship through Law and Education) gave a presentation at the May 2000 workshop that provided additional clarification.

"Aboriginal title is a right to land itself; it is a right to choose how lands are used. It is based on First Nations' long-standing, historic use and occupation of the land" (Williams-Davidson, 2001). A series of Supreme Court of Canada decisions, which include *Delgamuukw* and *Sparrow* set out that aboriginal rights (including title) may only be infringed by the federal or provincial government if the government can show that the infringement is justified. Some of the key considerations in determining whether an infringement is justified are whether the First Nation has been meaningfully consulted, whether the First Nation's rights have been infringed to the least extent possible and whether compensation has been paid.

The government has generally focused on aboriginal rights, rather than aboriginal title, which "leads to a 'site specific' approach to protecting aboriginal rights. … Aboriginal title is more useful because it allows for habitat protection and a wider protection of First Nations' interests and traditional/cultural uses. A title focus permits a more holistic approach to taking care of the land …" (Williams-Davidson, 2001).

Government-to-government consultations and agreements for cooperative management

"Court decisions on aboriginal rights (including title) have firmly established that both provincial and federal governments must consult with First Nations before taking any actions that affect aboriginal or treaty rights. In some cases involving aboriginal title, consultation will be insufficient and the consent of an affected First Nation will be required" (Boyd, April 2000, p.27). In cases where aboriginal rights may be affected by actions of the federal or provincial government, courts may also determine that the Aboriginal group must be compensated.

Formal, meaningful consultation must therefore occur between First Nations and the federal and provincial governments about the cooperative management of protected areas on a government-to-government level. Legally binding agreements are with governments, rather than with park agencies or departments. However, there may be occasions when more informal arrangements between First Nations and park agencies at district/regional levels are appropriate.

Consultation processes should be defined relative to the First Nations involved, since protocols and participants vary. Consultation must begin early, and it needs adequate time and resources.

In the marine environment, as on land, Aboriginal rights require government-to-government consultation with First Nations in selecting, designating and managing marine protected areas. Involving First Nations in MPA talks is a legal obligation for Fisheries and Oceans Canada under the *Oceans Act*.

First Nations access to protected area resources

Aboriginal people are entitled to exercise their rights in Canadian protected areas, subject to certain limitations. Restrictions in protected areas that are based on conservation, if justifiable, apply to Aboriginal people. "In the 1997 *Delgamuukw* decision, the Supreme Court of Canada decided that where aboriginal title has been infringed, the government will generally have to pay compensation to the affected First Nation because of the obvious economic element associated with land ownership" (Boyd, April 2000, p.28). Compensation may also be required when other aboriginal rights are infringed. Impacts and benefits agreements may be made in conjunction with a co-operative management agreement to ensure adequate compensation for any losses incurred as a result of the establishment of a protected area.

Most of the above principles apply in the marine environment as on land. "Courts have determined that aboriginal rights include the right to fish, hunt and gather in marine areas and have been extended to the protection of fish habitat. So, First Nations in B.C. are likely to have a number of legally enforceable aboriginal rights that may be exercised in MPAs" (Jones, 1999, p.2). "The bottom line with respect to [Aboriginal rights and] MPAs is that aboriginal rights to fish will continue to exist, but will be subject to justifiable regulation for conservation purposes. The burden will be on the government, if challenged, to provide the evidentiary basis for the conservation concern" (Boyd, April 2000, p.27).

Parks Canada policy states that "in areas subject to existing Aboriginal or treaty rights or to comprehensive land claims by Aboriginal peoples, the terms and conditions of protected areas establishment will include provision for continuation of renewable resource harvesting activities, and the nature and extent of Aboriginal peoples' involvement in park planning and management" (Canadian Heritage Parks Canada, 1994). BC Parks' *Protected Areas Strategy* states, "Aboriginal peoples may use protected areas for sustenance activities (including hunting and fishing), subject to conservation objectives, and for ceremonial and spiritual practices" (Province of British Columbia, 1993).

It may be appropriate to spell out terms for continuing First Nations resource use in cooperative management agreements. For example, the Gwaii Haanas Agreement (section 6) clearly specifies that Haida cultural activities and traditional resource harvesting activities will continue in the protected area. Agreements might specify protection for current ways in which traditional resource harvesting activities are carried out, and they could identify places in the designated area that will be used on an exclusive or priority basis by the First Nation(s).

The question of when conservation objectives should constrain First Nations access can be controversial. Cooperative management agreements could include agreed-upon processes for determining when conservation objectives have been met, and some people have suggested that First Nations could contribute to setting the conservation objective through the mechanism of a steering committee or a negotiated agreement.

Much discussion has surrounded "no-take zones" in MPAs, where all extractive uses including fishing are prohibited. For First Nations, these zones are problematic. If they are in ecologically rich areas with abundant sea life they are also likely to be in areas that have been culturally significant, which First Nations have chosen to live nearby. Yet a closure of a commercial fishery in an MPA that is left open for a food fishery could meet opposition from the public. In some situations, First Nations may be willing to agree to voluntary closures; in others, conservation objectives may prevail; and in some, compensation may have to be paid.

In any case, non-First Nations people could be encouraged to understand why First Nations may continue to have access to resources such as fish after a protected area is designated. The explanation has to be based in improved cross-cultural understanding and move away from arguments about "special treatment" for First Nations. The following quotation from New Zealand provides an example of an attempt to explain cultural differences:

> "The predominant euro-centric approach uses preservation to achieve conservation. In contrast, a 'conservation for future use' ethos has been claimed by some indigenous peoples. In this view humans are seen as a fully-interacting component of ecosystems and moderate impacts of humans as natural" (Taiepa, et al. 1997, p.239).

A seventh key assumption is that First Nations have the right to exercise constitutionally protected aboriginal or treaty rights in a protected area, after conservation objectives are met.

The Treaty Process

The treaty process has provided an impetus for creating cooperative management agreements, even though some people feel that the treaty process should not drive the process of developing cooperative management arrangements. Treaties have not yet been reached throughout most of the province, and greater involvement in protected areas management and economic opportunities related to protected areas are common themes in negotiations. Treaties can be seen as a legal vehicle to accommodate true co-management agreements in conjunction with self-government.

The legal grounds and negotiation processes for First Nations "sea claims" are less clear than for land claims, as there have not been any treaties negotiated or completed that address marine areas in British Columbia. However, some First Nations, such as the Haida, are claiming title to the marine areas adjacent to their terrestrial traditional territories. The Nisga'a Treaty and Sechelt Agreement in Principle suggest that governments will likely insist that their ability to regulate aboriginal fishing for conservation purposes be preserved in future treaties.

Key differences in the negotiation process in the marine setting are that there is no land available for purchase, the federal government rather than the provincial government is the main non-First Nations government involved, and there are always more than two parties involved, assuming coastal areas under the jurisdiction of the province are included.

While the nature of cooperative management arrangements may be influenced by ongoing treaty negotiations, these arrangements may also reflect a very different approach (which might only apply until a treaty is reached or may be left outside the treaty). The arrangements may even set precedents that treaties will follow. For example, the Indian Arm Provincial Park/Say-Nuth-Khaw-Yum Heritage Park Management Agreement can be seen as enhancing treaty negotiation options. The Tsleil-Waututh have negotiated an agreement which foresees that there will be areas of exclusive or priority Tsleil-Waututh use, and that the Tsleil-Waututh will eventually take over management of the park. This will free the Tsleil-Waututh to select other lands through the treaty process (Clogg, 1999, p.6, 26).

Cooperative management agreements for land and water-based protected areas must not limit which areas can be subject to treaty negotiations or limit how these areas can be used without First Nations' consent. Therefore, cooperative management agreements should state explicitly that they are without prejudice to treaty negotiations (or land claims, as the case may be). The term "without prejudice" may require a legal definition. Another way of addressing the situation is to designate a protected area as a reserve in the sense of a national park reserve, i.e., with the protective status to be revisited upon settlement of land claims.

Ultimately, treaties provide a powerful vehicle for establishing long-term protected areas since they have constitutional stature. They take protected areas out of the political arena so that they cannot be dismantled, for example, when Governments change.

It is important to keep in mind that approximately one third of the First Nations in B.C. are not participating in the treaty process; yet even outside the treaty process, cooperative arrangements have been established.

Examples of post-treaty provisions for protected areas co-management

- Although limited to an advisory role, the advisory committees for Auyuittuq and Ellesmere national parks (in the Eastern Arctic) have evolved over time and are functioning well. They consist of four or five people who are often Elders. According to the Inuit Impact and Benefits Agreements, Joint Planning and Management Committees that will have more responsibilities and decision-making powers will replace these (Budke, 1999, p. 9).
- The Nisga'a treaty, Chapter 3, paragraph 121, states: "At the request of any of the Parties, the Parties will negotiate and attempt to reach agreement on the establishment of a marine park in the Nass area, but, for greater certainty, Canada is not obliged to establish a national park, national park reserve, or a national marine park or to reach agreement on the establishment of a national park, national park reserve or national marine park."
- Because the Champagne-Aishihik have established themselves as a self-governing body in the Yukon, they found it easier to build a relationship with BC Parks in connection with Tatshenshini Provincial Park which adjoins Kluane National Park in the Yukon. With their structure as a government already in place, working out differences and concerns went more smoothly (Joe, pers. com. April 2000).

Interim Measures and Cooperative Management

The cooperative management agreements that exist in B.C. are in the pre-treaty stage (with the exception of the Nisga'a Treaty), and as negotiations proceed towards their conclusions, the agreements presumably will be incorporated into treaties (except in those areas outside of the treaty process). In the meantime, cooperative management can be seen as a bridge to treaty, or as interim measures, negotiated bi-laterally (with the provincial or federal government and the First Nation). Interim measures between the province and a First Nation become tri-lateral at the treaty table (i.e. the federal government becomes involved).

Federal and provincial governments are often reluctant to implement interim measures. Protected area cooperative management is one area where there has been extensive discussion, but progress has been slow. Cooperative management agreements "represent a high level of consultation and have the additional benefits of starting to build long-term relationships in advance of treaties" (Jones, 1999, p.2). Informed consent through interim measures agreements is one way to achieve protection of the long-term interests of First Nations as they may be defined by individual First Nations.

Interim measure agreements have not yet been used to create an MPA. Nevertheless, such agreements with coastal First Nations "could either include provisions for the creation of MPAs and associated co-management regimes or fishing rights that may be affected by the creation of MPAs" (Boyd, April 2000, p.29). Negotiations are underway between the Haida and Canada to establish the Gwaii Haanas National Marine Conservation Area.

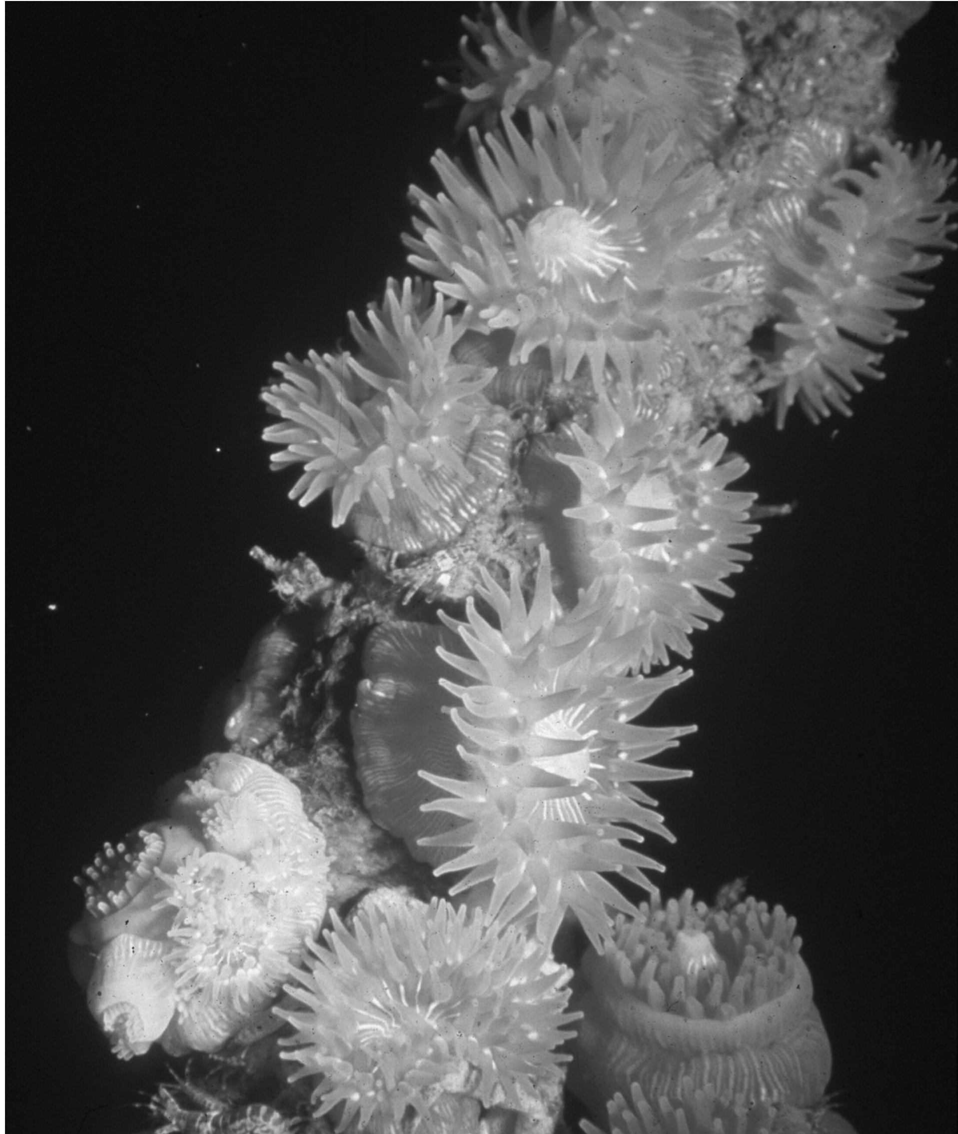
Key Assumptions Behind This Report

3 Key Assumptions behind this Report

The following seven key assumptions underlie the application of the tools for effective cooperative management that follow. The explanations for these assumptions are included in the discussion in Part 2: Foundations.

1. *Protected areas are necessary to conserve biodiversity, and to play this role, protected areas must be managed so as to maintain ecological integrity.*
2. *In several places around the province, First Nations and provincial and federal governments are willing to engage in the cooperative management of protected areas to pursue both separate and shared interests.*
3. *Cooperative management of protected areas is worth pursuing and efforts to make it work better will serve the interests of First Nations, federal and provincial governments, and non-government organizations.*
4. *The users of this tool kit can choose which tools fit their circumstances, selecting some and rejecting others. Each tool will have to be appropriately tailored to the unique needs of each case.*
5. *While cooperative management of protected areas can be enhanced by using the tools presented in this report, this must take place in the broader context of decision-making for all lands and waters*.
6. *Land and sea are an integrated whole, so MPAs alone cannot protect the marine environment. Nevertheless, we can usefully consider the particular circumstances of protected areas in the water, so as to increase their extent and effectiveness through cooperative management.*
7. *First Nations have the right to exercise constitutionally protected aboriginal or treaty rights in a protected area, after conservation objectives are met.*

Tools for Effective Cooperative Management



4 Tools for Effective Cooperative Management

Tools for effective cooperative management are listed under five topic areas: Management Structures and Processes; Funding Cooperative Management Arrangements; Economic Opportunities for First Nations; Cultural Issues, Traditional Ecological Knowledge and Interpretation; and Alliances between First Nations and Non-government and Other Organizations. Under each topic, background on the challenges and priorities is provided, tools are listed, and some examples are described.

4.1 *Management Structures and Processes*

Cooperative management arrangements for protected areas in Canada have not normally involved an equal sharing of decision-making power or a "delegation of power" to First Nations, because the provincial and federal governments cannot act in a manner that would fetter the powers of Parliament or the Legislature. Most agree that the settlement of treaties and/or significant changes to existing legislation would establish a firmer foundation for true co-management agreements. Yet, "The New Zealand experience shows that even when legislation signals from the top down that the doorway is open for co-management with indigenous people, this by itself is unlikely to make it happen" (Taiepa, et al. 1997, p.241).

Cooperative management boards established in the context of treaty settlements (e.g., Nunavut) do have a more authoritative role and a greater influence than boards based on earlier agreements for national parks (e.g., Wood Buffalo) Nevertheless, in the strict legal sense these boards still tend to have advisory functions only. Parks Canada and BC Parks are bound by current legislation to retain final decision-making authority with their Ministers (Budke, 1999, p.6).

Implementation of cooperative management is site-specific and aspects of any single model will not work everywhere. Depending on the circumstances, the holders of authority in a cooperative management agreement and the nature of this authority will vary. In some cases a joint board is appropriate; in others, federal, provincial, or First Nations governments should take the lead. For MPAs involving the *Oceans Act*, joint management boards are a given. The Act requires the government, in Section 32(i) to "establish advisory or management bodies and appoint or designate, as appropriate, members of those bodies," and in section 32(ii) to "recognize established advisory or management bodies." Some protective arrangements will be part of a broader management system, as in the Muskwa Kechika and Clayoquot Sound.

Appendix 1 is "A Sample of Agreements between First Nations, Provincial, Territorial, and Federal Government: Cooperative Management of Protected Areas in BC, Yukon & NWT." Some promising examples of cooperative management arrangements related to authority and governance are listed in the boxes at the end of this section.

A central force in the success of cooperative management bodies seems to be the attitudes of those involved. Experience to date clearly shows that dedication, trust and

commitment have been virtually as important as the type of model or structures used. A shared vision and objectives for cooperative management are critical. The Panel on the Ecological Integrity of Canada's National Parks promoted the concept of "genuine partnership:" Aboriginal peoples believe that genuine partnership must be built on fundamental conditions that must be understood and honoured by both sides for the partnership to be successful (Parks Canada Agency, 2000, p.7-3, 7-4). The conditions required for a "genuine partnership" can be put in writing, as demonstrated in Appendix 2: A Haudenosaunee Model for Genuine Partnership.

The effectiveness of the management body is related to more practical matters as well, such as clarity of objectives and roles, training in consensus decision-making, and support for logistics. Management structures also have to take into account the importance of communication with the broader community whose interests the cooperative management board represents. Broader consultation with First Nations and other communities must complement input into decision-making from members of the cooperative management body.

If the cooperative management board is functioning effectively, with positive attitudes, clear objectives and procedures, and full accountability, then the question of which parties to the agreement ultimately hold authority is less important, since a unilateral invoking of authority should not be necessary.

Tools for sharing authority

Parties in a cooperative management agreement could:

- Explore options and maintain flexibility around structure and functions of the management arrangement, including providing for change in authority structure over time to increase First Nations authority.
- Clearly define what decisions are the responsibility of the cooperative management body.
- Provide incentives for the cooperative management body to reach agreement on contentious issues, and have a process in place to resolve disputes if the cooperative management body is unable to come to consensus.
- Develop mechanisms for continuing First Nations community participation in policy formulation, planning, ongoing management, and evaluation.
- Provide to members of First Nations who are trained in enforcement the authority to enforce rules and regulations in cooperatively managed protected areas if they desire this authority.
- If the First Nations are not the managers of the protected area at the outset, make provisions for the First Nations to take over management of the designated area when the First Nations decide that they are prepared to do so.
- If a First Nation so requests, jointly designate the area as both a First Nations heritage site and a provincial or national protected area, with mutual recognition of the designations given to the area by all governments involved.

Tools for building commitment, trust, accountability

A foundation for virtually all cooperative management boards or equivalent bodies is that they:

- Ensure that all members share a vision for the future of the protected area, agree on the objectives of cooperative management for their protected area, and have a clear understanding of each other's interests and assumptions.

Members of the cooperative management board (or its equivalent) should also consider the importance and relevance of the following guidelines to the way they work together:

- Make a solid commitment and honour the protocols of the agreement.
- Be committed and willing to work in a team.
- Agree on common definitions of key terms, like consultation, conservation and cooperative management.
- Recognize that relationships must be built on respect, trust and credibility, and awareness of cultural differences.
- Follow protocol with hereditary and elected chiefs.
- Ensure that decisions affecting management are clear, transparent and open
- Be accountable to the constituents of the board (Ministers, First Nations communities, elders, the larger public, etc.) for the board's decisions.

It may be appropriate for the formal cooperative management agreement to:

- Clearly define roles and responsibilities; e.g., ensure that the formal agreement specifies who will manage which aspects of the protected area.
- Provide for First Nations' resource staff to research and inform Board decisions independent of the provincial or federal government.

Tools for linking with local and broader communities

A few general principles for linking with local and broader communities apply to the conduct of cooperative management boards or their equivalents in most cases:

- Use a bottom-up approach to decision-making by involving local communities in all stages of planning and management.
- Include regional, provincial, national interests (depending on the type of protected area), including inter-generational interests to represent broader perspectives.
- Develop and maintain open and effective communication between board members and their constituencies (e.g., First Nations bands and other local communities, other government agencies, third parties).

Other process tools

The following guidelines could help a cooperative management board or its equivalent to function effectively, depending on the circumstances of the individual board:

- Wherever possible, use consensus-based decision-making and alternative dispute resolution processes that embody the government-to-government relationship. Ensure that the processes are culturally-sensitive and are not used to prevent decisions from being made.

- Provide training in cross-cultural communication and conflict resolution for members of the cooperative management board and for protected area employees.
- Try holding frequent meetings, at least at first, to ensure that problems can be solved early, before they get out of hand.
- Develop and maintain open and effective communication among members of the board. Consider using a facilitator to support communications in circumstances that would appear to benefit from outside assistance and avoid becoming dependent on one and ensure that the facilitator does not influence decisions.
- Recognize and accommodate logistical constraints for the operation of the board (e.g., travel, seasonal patterns). Hire a coordinator to handle the logistics of management board meetings and other communications.
- Provide training on board functioning, procedures, etc. for those unfamiliar with board structures.
- Conduct monitoring and evaluation to measure progress, identify challenges and improve the effectiveness of the cooperative management arrangement. Learn to improve management through an experimental, or adaptive approach.
- Provide for comprehensive information sharing by the provincial or federal governments so that the management board can make informed decisions.

Examples of sharing authority

- The decision-making structure of the Archipelago Management Board for Gwaii Haanas is set out as an equal process, in which a consensus decision is a recommendation to both governments, who, if necessary, seek authorization of the decision according to their respective governance structures. The Agreement does not place final decision-making authority in the hands of either the Canadian government or the Haida Nation. The Agreement is without prejudice to aboriginal rights or title (Clogg, 1999, p.13). The requirement for both parties to agree to any proposed developments in the area results in a higher level of protection. If the Board fails to reach consensus, then no action is taken (Jones, pers. com. April 2000).
- The Muskwa Kechika Advisory Board is an effective interim measure that has its own legislative base and own funding. Within the broad management area, 1.17 million ha are designated as class A Provincial Park and 3.24 million ha are in a special management zone. In areas where development is a possibility, a pre-tenure planning process identifies major issues and makes recommendations to prevent or mitigate impacts prior to the permitting process required by government. The Board has oversight of the implementation of the agreement. The First Nations involved are the Kaska Dena, and there are aboriginal representatives from the communities of Fort Nelson, Prophet River, and Halfway (Porter, pers. com. April 2000).
- In the case of Clayoquot Sound all plans, permits and decisions related to resource use and land use planning must be referred to the Central Region Board. Recommendations on these referrals are not made by the Board without approval from First Nations representatives on the Board. If the Board's recommendations are not implemented to its satisfaction, the Board may refer the matter directly to Cabinet, and the Ministers of British Columbia must meet with the Hereditary Chiefs to consider solutions (Peart, pers. com. April 2000).

Examples of variations in management models

- The Indian Arm Provincial Park/Say-Nuth-Khaw-Yum Heritage Park Management Agreement establishes a joint management board with one individual from BC Parks, one from GVRD Parks and two from the Tsleil Waututh First Nation. They make decisions jointly and agree on the planning process (George-Wilson, pers. com. May 2000).
- The Quu'as Partnership in Pacific Rim National park was established for the cooperative management of the West coast Trail. It is a corporate joint venture among three First Nations – the Pacheedaht, Ditidaht and Huu-ay-aht, and Parks Canada. While the objective of the program is to protect the West Coast Trail, it is also designed to provide economic opportunities for the Nuu chah-nulth people (CPAWS, n.d., p.ST-181).
- The Nisga'a have worked with BC Parks to divide management roles according to experience. For example, BC Parks handles campsite and picnic site management while the Nisga'a have more responsibility for aspects related to the history of the park (Nyce, pers. com. May 2000).

Examples of communications and information sharing

- To support communication with the broader community, the management board for the Wapusk National Park Reserve in Manitoba sent out newsletters in English, French and Cree to the adjacent hamlets. By serving as a two-way sounding board between local communities and park administration, the Wapusk Management Board has smoothed and facilitated operations (Williams, n.d., p.ST-199).
- Northern national park reserves like Vuntut and Auyuittuq have a community liaison person who collaborates with the affected communities. In Tuktuk Nogait, all board meetings are public, and community members know that the door is always open for people to come in, ask questions, and voice concerns (Budke, 1999, p.11).
- Early in 1999, the Champagne-Aishihik First Nations held four workshops to gather band members' thoughts on appropriate activities within Kluane National Park Reserve. First Nation leaders took the workshop results forward as input to the Kluane Management Plan, which is still in development (Parks Canada Agency, 2000).

Marine examples

- The Mafia Island Marine Park of Tanzania was established at the initiative of the island residents. In this park, village meetings have been particularly useful in bringing the communities into the zoning process, and each of the twelve villages within the park boundaries has formed a committee to liaise with the park authorities on management activities (Agardi, 1997 p.174).
- Initiatives by the Marine Park Authority for the Great Barrier Reef Marine Park in the early 1990s increased efforts to accommodate the interests of indigenous peoples. These included: the appointment of an Aboriginal Liaison Officer; the adoption of a Regulation that calls for zoning plans to protect the cultural and heritage values held in the marine park by traditional inhabitants and other people; and the establishment of Aboriginal Councils of Elders at several locations along the Queensland coast to assist the Authority in determining the allocation of dugong and turtle hunting permits (Smyth, 1995 p.169).

- The New Zealand Department of Conservation set out to establish a marine reserve (no-take area) in the Bans Island Marine Sanctuary but due to lack of support, the area to be designated had to be re-located and decreased in size. The Maori, under the Settlement Act, can establish an authority to fish in the area, and they are now proposing a mixture of uses for the region initially intended as a marine reserve. They have already consulted with different stakeholders (aquaculture, fishers, recreation), and they are developing knowledge of stock levels and doing habitat assessments (Carson, pers. com. April 2000).

4.2 Funding Cooperative Management Arrangements

Many of the problems encountered in cooperative management arrangements in B.C. stem from a lack of adequate funding. Agreements with great potential such as the Kitlope have been stymied by lack of funds. The Tatshenshini Management Board has an allocation of $20,000 per year, which only allows for three meetings per year, limiting the involvement of the Champagne-Aishihik First Nations (Joe, pers. com. May 2000). Budgets must be large enough to provide government employee support, to build the capacity for participation by the First Nations, to reduce pressures to commercialize the protected area, and generally, to enable all parties to deliver on the agreements. Government funds may come from the parks agency, from various ministries at the corporate level or, eventually, from a treaty settlement.

Revenues from permit fees, visitor fees or other access fees can be shared between the parties to the cooperative management agreement and applied to the management of the protected area. If the required resources are not available from these revenues or from the groups involved in cooperative management, ways need to be found to involve other parties who can provide such support. Other sources of funding besides government might include industry, charitable foundations, contributions from other parties (users, NGOs), donations, and fundraising by local groups. Few First Nations are in a position to make significant funding contributions.

Whether funding comes from government, or other parties, there is a risk that funding can have strings attached.

The *Oceans Act* assumes that government pays for services in MPAs and is compensated by fee collection. It implies that fees can be collected only to the value of what is expended by the Department for management (Carson, pers. com. April 2000).

Tools for committing sufficient resources

Depending on individual circumstances, the following provisions might help ensure that sufficient resources are provided to support cooperative management:

- Get concrete funding commitments from the provincial or federal governments involved in the cooperative management agreement for the operations of the management board, the expenses of management board members, the cost of preparing management plans, and for other responsibilities assigned to the management board.
- Provide funding for management of the protected area that is multi-year, stable (secured/guaranteed), and predictable in terms of level of funding. Determine

minimum necessary funding levels for costs such as staffing, enforcement and signage.

- As well as funding, make technical and organizational support available to the cooperative management body.
- Build management cost considerations into the management plan for the protected area. Up-date these in annual business plans, while retaining some flexibility. As necessary, also develop strategic plans to help overcome shortfalls in management resources.

Tools for involving various parties to the agreement

Following are some options for getting the various parties to a cooperative management agreement to contribute to finding resources for cooperative management. These options will not be suitable in all situations.

- If provincial cooperative management agreements are made at the highest levels of the Provincial Government (the "corporate" level), this can give the agreement a broader profile in the government agenda, and provide for inter-agency funding rather than depending solely on BC Parks.
- All parties involved, government and First Nations, could share a commitment to seek funding opportunities since each have limited funds of their own, and each have different sources to which they can turn for funding support.
- Revenues raised in a cooperatively managed protected area through permits, access fees, etc. could be applied to the costs of managing the protected area rather than having these funds go into General Revenue (although Treasury Board rules can make this difficult to arrange).

Examples of provincial government funding

- There has been more money spent in the Nisga'a Memorial Lava Bed Park, as a direct result of Nisga'a involvement, than any other provincial park, on things like master plans, trail projects, visitor centres, campground, day use areas, and facilities (Markides, pers. com. April, 2000). Nevertheless, funding is still not yet adequate (Nyce, pers. com. May 2000).
- The Tsleil Waututh First Nation was awarded $40,000 to produce an atlas of the Indian Arm Provincial Park/Say-Nuth-Khaw-Yum Heritage Park and to conduct an oral history project that involved ten elders providing a historical and cultural perspective on the area. BC Parks applied to the Land Use Coordination Office for these funds, at the urging of the Tsleil Waututh. Otherwise, the Tsleil Waututh have been taking on the funding of initiatives in the area, subsidizing the Park Management Agreement by $20,000 per year (George-Wilson and Aberley, pers. com. May 2000).

Examples of other sources of funding

- In Riding Mountain National Park, Parks Canada, Western Region Economic Development Corporation and Indian and Northern Affairs are sponsoring a traditional land use history project, which involves collecting oral history information and natural and cultural resource information and mapping (Budke, 1999, p.16).

- Early on, the Haida Watchmen program in northern Haida Gwaii (established to protect Haida cultural sites and monitor recreational fishing activities in the Duu Guusd area) was funded by fishing lodges for two years. Then the provincial government funded it for two years under an interim agreement. The third year they could not reach a funding agreement because the government supported more lodges and more visitors to the region, while the Council of Haida Nations wanted limits on lodges and beds. This shows how funding can have "strings attached" (Jones, pers. com. April 2000).

Marine examples

- The Race Rocks MPA demonstrates a variety of funding sources. Contributions to date have come from Fisheries and Oceans Canada, BC Parks and the federal Millennium funding Project (Carson, pers. com. April 2000).
- In the Apo Island marine sanctuary in the Phillipines, funds are generated by the local community that manages the sanctuary through the collection of donations for snorkeling and from fees paid by tourists for bed and board (Caldecott and Salmon, 2000, p.112).

4.3 Economic Opportunities for First Nations

Tourism is the economic generator most likely to be compatible with the aims of a protected area, but the challenge is to identify the conditions for sustainable tourism development. Many people are concerned that tourism development could threaten the ecological and cultural values for which the area was protected. Sometimes it is the First Nations who most want to limit pressures on the protected area through constraints on tourism development. This was the case in Haida Gwaii, where the Haida have objected to the construction of tourism lodges (Jones, pers. com. April 2000). Several First Nations have had negative experiences stemming from recreational visitors' disrespect of cultural features such as burial sites. On the other hand, eco-tourism that follows acceptable standards has the potential to provide sustainable economic benefits with limited impact on natural resources. Regarding MPAs, the *Oceans Act* provides for permits and economic opportunities that could relate to access fees or guiding services.

Much tourism development can occur outside protected area boundaries, minimizing direct impacts on the area. Various forms of tourism development benefit the whole community through economic spin-offs, rather than just benefiting the business owner. Joint ventures or partnerships between First Nations and others present a promising model.

One drawback of tourism employment is that it is seasonal, lasting only 4-5 months of the year. Some year-round employment can be provided via management and research positions. Research projects might include documenting heritage information or conducting biodiversity surveys. While First Nations are increasingly being employed in protected areas, few management and research positions are currently held by First Nations. There is a need to identify and meet the training needs of First Nations so that more are qualified to take on these positions. As observed in a New Zealand example, "Transferring management to the Maori before they are equipped, funded or trained could be a major imposition, just as excluding them from a substantive role is

discriminatory and a lost opportunity" (Taiepa, et al. 1997, p.241). From a First Nations perspective, the acquisition of new skills, qualifications, expertise, and income and employment opportunities can be an incentive to participate in cooperative management agreements.

Training is not the only requirement to increase First Nations employment. According to Parks Canada's National Aboriginal Staffing and Leadership Group, barriers to aboriginal employment in Parks Canada are managerial, systemic, educational, cultural and personal (Budke, 1999, p.17). The allocation of management responsibilities to First Nations requires that these barriers be overcome, if the interests of the parties to the agreement and the needs of the protected area are to be met. Many First Nations could now play a more active role in administration and management. For example, in the marine setting, "many First Nations are ideally situated to provide efficient and cost effective management, monitoring and enforcement. Many already have well-trained staff such as Fisheries Guardians that are available for this type of activity" (Jones, 1999, p.2). On land or sea, First Nations often are "the experts" with respect to the natural history of the area, and they have generations of experience in managing the resources. To be able to join in management more actively, they need resources in the form of income and time, rather than expertise.

As well as providing economic benefits to First Nations, the establishment of protected areas can have costs. In the earlier section on First Nations access to protected area resources, the requirement for the government to pay compensation to First Nations in cases where protected areas have infringed on aboriginal title was discussed. In the context of MPAs, economic considerations for First Nations relate to a variety of marine resources and in particular, the fishery. First Nations' use of fisheries takes priority over other users, and closing a fishery curtails economic benefits to the First Nations of the area. Compensation may be required if First Nations can establish aboriginal title or other aboriginal rights in marine areas, and would be subject to negotiation (Boyd, April 2000, p.28).

Tools for capacity building

Options for improving the ability of First Nations to benefit economically from protected areas include:

- Create an economic development fund with monies from the province or the federal government as part of the cooperative management agreement.
- Provide for training and other forms of capacity building in cooperative management agreements to ensure that First Nations have the skills, knowledge and expertise to benefit from economic opportunities by effectively delivering tourism products.
- Explore linkages with associations representing the tourism industry.
- Develop means for effective marketing of tourism products provided by First Nations.
- Consider forming partnerships or joint ventures with non-First Nations businesses.

Tools for ensuring the appropriateness of tourism development

Following are some steps that a cooperative management board or its equivalent could take to ensure that tourism development in a protected area is appropriate (See also the section on Cultural Issues, Traditional Ecological Knowledge and Interpretation):

- Assess recreation and tourism impacts and potential benefits early in protected area planning to allow informed decision-making. In this process the parties identify their interests, concerns and priorities.
- Draw up a tourism development plan (or equivalent – e.g. recreation plan or business plan) in conjunction with the protected area management plan that includes how the First Nations will be involved in the timing and scope, etc., of tourism development,
- Put decisions on cultural tourism initiatives in the hands of the people whose culture is represented. The First Nations representatives who take on this responsibility have to be fully endorsed, respected and influential in their communities.
- Search for tourism products that would not endanger the cultural heritage of the involved First Nations or the ecological integrity of the protected area.
- Develop a code, standards or best practices for ecotourism, to minimize any negative impacts of tourism on the protected area and local heritage and culture.
- Seek ways of educating visitors to protected areas about the importance of respect for First Nations territories and culture.
- Set up programs like the Haida Watchmen, to ensure that First Nations have a direct role in preventing negative impacts from mis-use of the protected area by tourists and recreationists.

Tools for providing First Nations employment

A cooperative management board or its equivalent could select ways of providing for First Nations employment in protected areas from the following options, as appropriate:

- Provide for a target share for First Nations in the economic benefits of tourism associated with the protected area by setting a quota via a percentage of commercial permits, tenures, licences and/or contracts to be granted to members of the First Nations, and ensure that the quota is met or exceeded.
- Grant first rights of refusal on tenures and permits to First Nations.
- Establish First Nations employment plans in connection with the park management plan. These plans should recognize and value local and traditional knowledge and life experience as qualifications relevant to employment.
- Establish a target for the number of First Nations employees for staffing and managing the protected area, and determine ways to meet or exceed this target.
- Give preference to the employment of local indigenous people in the full range of protected area staff positions, from support staff and rangers to researchers, planners, and mid-level and senior managers.
- Advertise contracts for work in the park locally for a certain period before going outside the region.

- If the First Nations involved specifically wish to include youth, elders, women, etc. a clause could be included to this effect in the management agreement. This needs to be driven by local leadership.

Examples of First Nations-oriented tourism

- The Parks Canada Aboriginal Affairs Secretariat, with the External Relations Branch, is developing a Parks Canada Aboriginal Tourism Strategy. The product will be a practical guide for park managers containing an inventory of opportunities and a tool kit to assist staff in building on local opportunities (Olsen, 2000; Langdon, pers. com. 2000).
- Parks Canada has issued a licence of occupation for a campground in Riding Mountain National Park to Anishniabe Village Inc. and Western Economic Development Corporation, which consists of six First Nations. The participating First Nations have developed an extensive cultural program for their visitors, which provides 'hands on' demonstrations and training in hide tanning, weaving, making of traditional dresses and moccasins, traditional cooking and pow-wow dancing. They also offer teachings on herbs and medicines, the medicine wheel, weaponry and tools, as well as teepee readings, story-tellings, fire-side discussions, pipe ceremonies and various outdoor activities (Budke, 1999, p.26).
- First Nations have created the Wanuskewin Heritage Park near Saskatoon, which contains nineteen archaeological sites, connected by a network of interpretive trails. An archaeology laboratory is part of the large visitor center, which also features exhibits, two theatres, personal interpretation and performances by First Nations people, and a restaurant (Budke, 1999, p.28).

Examples of provisions for First Nations involvement and benefit

- In Kluane, the Champagne-Aishihik First Nations Final Agreement provides 25 percent of the share of river trips on the Tatshenshini and Alsek rivers to the Champagne and Aishihik First Nations. These First Nations also have the exclusive opportunity to provide commercial horse-back riding operations within the park, as well as the right of first refusal for contracts for horse operations, motor-assisted boat tours, motor-vehicle shuttles services, and the construction of trails, maintenance roads and retail outlets (Budke, 1999, p.22).
- Before negotiations on the management of the West Coast Trail were completed, First Nations were working in partnership with a non-government organization on hiking permits through Indian Reserve 13. Hikers were asked to pay a voluntary $20 fee to hike through the reserve and many hikers were willing to pay this. In return the hikers were handed a "passport" and pamphlet giving a background on the park and reserve (Ochman, Pers. Com. April 2000).
- In Pacific Rim National Park Reserve the Ditidaht have leased their reserve lands, which fall within the boundary of the park, back to the Federal government and have entered into numerous business agreements with Parks Canada (Morgan et al., 1997 p.8).

Examples of controls

- BC Parks reviews all proposed developments, operations and permits with the Nisga'a prior to their being granted in the Nisga'a Memorial Lava Bed Park via a co-management agreement (Markides, pers. com. April, 2000).

- The management board for the Indian Arm Provincial Park/Say-Nuth-Khaw-Yum Heritage Park has to approve anything that goes on in the park, such as kayaking (George-Wilson, pers. com. May 2000).
- In the Muskwa Kechika, to ensure any developments are compatible with the conservation and other objectives of the area, no permits will be issued until a recreation plan, a park management plan and a wildlife plan are in place (Porter, pers. com. April 2000).

Examples of training

- In Gwaii Haanas two training programs were implemented in 1997. The "Training in Partnership Program" has four parts: "1) the Individual Training Program (career succession planning); 2) the Horizon Program (introduction to warden skills, networking, team building); 3) the Mentoring Program (reinforcement of warden skills, personal/professional support); and, 4) the Exchange Program (reinforcement of warden skills, experience in another park and part of the country). The "Shadowing Manager Program" is designed to enable Haida trainees or assistants to work closely with park managers and thus be trained for middle management positions" (Budke, 1999, p.18).
- A member of the Champagne-Aishihik First Nations is a ranger in the Tatshenshini-Alsek. The fact that he has the full qualifications of a park ranger (having completed a two year renewable resource management program and the BC Parks public safety and public service course) gives him the advantage of peer credibility (Joe, pers. com. April 2000).

Examples of hiring and employment

- Approximately 50% of the positions held by First Nations in Gwaii Haanas are in operations and staff support (Langdon, pers. com. May 2000). Approximately 40% of the park wardens with full time positions are Haida. These numbers result from preferential hiring policies on the part of Parks Canada, based in Appendix 4 of the Gwaii Haanas Agreement, which states that Haida individuals will be encouraged and given opportunities for employment within Parks Canada in Gwaii Haanas.
- In Nahanni, five out of nine Parks Canada staff are Dene from the community of Nahanni Butte, largely working in operations. Following a suggestion by the Nahanni Butte Development Corporation, the open positions of two maintenance personnel were not restaffed but kept as contract positions on an as-needed basis for First Nation members (Budke, 1999, p.20).
- The land claims agreement that encompasses Kluane National Park Reserve states that the Canadian government "shall establish hiring procedures and policies with the objective that the ratio of Yukon Indian People employed in public service positions in the Park is at least equal to the ratio of the Yukon Indian People to the total population within the Champagne and Aishihik First Nations Traditional Territory" (Snead, n.d. p.149).
- In the Nisga'a Memorial Lava Bed Park there is involvement from the First Nations on the interview panel for hiring all staff and in determining economic opportunities (Markides, pers. com. April, 2000). Although only two Nisga'a have completed their training as park rangers, that training has been more than satisfactory (Nyce, pers. com. May 2000).

Marine examples

- In the Apo Island marine sanctuary in the Phillipines, the protection of the coral reefs in a no-fishing area has lead to a significant recovery of the reefs and an increase in the number of fish. As a result, the fishermen of Apo Island have benefited from larger catches. The community as a whole has benefited from an increase in income from tourism (Caldecott and Salmon, 2000, p.112).
- The Marine Park surrounding Saba, a small island in the Netherlands Antilles, accommodates a variety of potentially conflicting uses without conflict, via a multiple use zoning system. The park supports a thriving ecotourism industry based on scuba diving on its spectacular reefs. Economic benefits to the local community accrue through a marine park user fee system as well as through direct revenue generation (Agardi 1997, p.164).
- The Jervis Bay National Marine Park in New South Wales, Australia, one of the newest MPAs in Australia, is being managed effectively by First Nations. The MPA has national and state components, and the government addresses enforcement and management planning. The First Nations do all the management and collect fees at a tollbooth (Carson, pers. com. April 2000).

4.4 Cultural Issues, Traditional Ecological Knowledge (TEK) and Interpretation

A starting point for cooperative management boards is to acknowledge that the First Nations involved maintain full ownership and control over their cultural resources and it is their decision on what they are prepared to share. Furthermore, from a First Nations perspective, it is questionable whether cultural tourism can be separated from ecotourism because in the First Nations worldview, biodiversity and culture are a whole.

It is generally agreed that the use of traditional ecological knowledge (TEK) is essential to effectively establishing and managing both terrestrial and marine protected areas. The whole First Nations lifestyle – cultural, social and spiritual – is part of TEK, beyond the western concept of “ecological.” TEK (representing First Nations) and science (representing non-First Nations) can be seen as a protocol – both TEK and scientific knowledge are needed. TEK brings in data and knowledge to guide decision-making and it builds cross-cultural communication. Elders possess a wealth of information, central to the communication and application of TEK. Elders also play a major role in addressing other cultural issues, which include questions as to the types of cultural interpretation and preservation projects that are most important to First Nations and how to protect against damage to cultural features and cultural appropriation.

Fundamental challenges to cooperative management stem from the cultural differences among the parties involved that can lead to miscommunication and conflicting expectations. The following statement illustrates one implication of cultural differences:

> “Aboriginal concepts of language and ways of communicating often differ from those of non-Aboriginal people. For example, a park superintendent observed that non-Aboriginal people tend to think in a linear fashion and are task-oriented while Aboriginal people tend to explore the issues more

> and place a lot of importance on the ability and opportunity to talk and be listened to" (Budke, 1999, p.10).

Park employees need to learn about the various First Nations cultures and the role of First Nations in the area. They also need to understand the cultural backgrounds of protected area visitors and managers of the protected area.

Stepping back from the interests of the parties to cooperative management agreements, success in cooperative management also depends on building awareness in the broader society of the history and culture of the First Nations, so that support for new roles for First Nations in protected areas can spread. With respect to MPAs:

> "For [measures to address indigenous peoples' interests] to be implemented as a matter of course in places where indigenous maritime cultures survive, considerable progress must be made in increasing awareness of the relationship between indigenous peoples and the maritime environment among the general community and among governments" (Smyth, 1995 p.171).

Tools for promoting cross-cultural understanding

Methods of promoting cross-cultural understanding among cooperative management board members and protected area staff and managers will vary widely from one case to the next. Two basic approaches are:

- All members of management boards should strive to understand and respect each other's cultures.
- Deliver cross-cultural training programs for park employees to improve mutual understanding.

Tools for respecting First Nations culture in protected area management

Measures that a cooperative management board or its equivalent could take to ensure that First Nations culture is respected in protected area management include:

- Ensure that First Nations communities and elders have a central role in identifying and planning for protection of and access to (where appropriate) cultural resources in protected areas.
- Follow First Nations protocols on the sharing of cultural knowledge, access to features, etc., and recognize that park visitation to sites of significance may be constrained, or information may not be publicized. Develop new protocols where required.
- Establish standards for the protection of cultural features during research, identification, and management.
- Apply First Nations names and terms to places, natural features, etc.
- Ensure that sites of traditional significance that are accessible to visitors are used with care and respect. Keep sensitive or significant sites "off-limits" if the First Nations involved so desire.
- Ensure that the First Nations have continuing opportunities/access to renew and maintain their cultural ties to the land and/or waters involved (including plants, animals and cultural sites).

Tools for using traditional ecological knowledge

Ways that a cooperative management board or its equivalent can strive to ensure that the cooperative management of protected areas uses and respects TEK include:

- Integrate traditional cultural and ecological knowledge into protected area planning and management to the extent that First Nations choose to relinquish this information as a contribution to cooperative management. Apply knowledge that is purposefully gathered for this purpose.
- Start with TEK and work from there rather than adding it to a scientific approach as an afterthought.
- Use traditional knowledge in all cultural and natural heritage interpretation activities, to the extent that First Nations so choose.
- Gather traditional knowledge from Native coastal residents, commercial and recreational fishermen and use it (with scientific data) to monitor and manage MPAs.
- Give traditional resource management methods, including those for fire control and wildlife harvesting, consideration at least equal to the consideration given to Western scientific management techniques.

Tools for communicating First Nations culture through interpretation

As appropriate in specific situations, the cooperative management board or its equivalent could communicate First Nations culture through interpretation in the following ways:

- Develop interpretation and outreach programs with First Nations to educate visitors and the broader public about First Nations cultural heritage, and their resource use and harvesting in the area, emphasizing ecological integrity and the cultural conservation ethics of First Nations peoples.
- Ensure that interpretation and acknowledged history of the protected areas reflect the past and present occupation and use by First Nations.
- Recognize that First Nations are the appropriate authorities to deliver cultural programs.

Examples of respect for First Nations heritage

- A representative of the Nlaka'pamux Nation stated that central principles for the planning process for the Cascades International Park Proposal should include: 1, acknowledgement of the role of the First Nations in maintaining this landscape for many millennia through sustainable resource use and management; and 2, the recognition that the idea of 'wilderness' is a concept of Euro-Canadian/American society and that this region is a cultural landscape whose resources have been managed over those centuries by First Nations (Pasco, 1994, p.54).
- The fact that BC Parks has recognized the Nisga'a Lava Beds and volcanoes as a sacred area "is a huge step in the right direction" (Nyce, pers. com. May 2000).

Examples of First Nations control over and input into cultural aspects

- In the Muskwa Kechika, the Kaska Dena have an agreement that guarantees their participation in all planning and management procedures involving the protected areas, parks, and parklands. It is a legally binding agreement that also recognizes and provides for use of language, oral history, and traditional place names in the interpretation of Muskwa Kechika lands. The Kaska Dena also retain the right to fish, trap and hunt throughout the area and to use their traditional trails (Porter, pers. com. April 2000, and CPAWS and Ecotrust, 1998, p.5).
- In the Tatshenshini-Alsek, BC Parks has supported the rights of the Champagne-Aishihik First Nations to the use of cultural information and history on their terms. The agreement recognizes the First Nation's sole authority over aboriginal languages, aboriginal place names and the interpretation of their history. It also states that the disclosure of information by B.C. regarding heritage sites and ethnographic objects will not result in harm to relationships, negotiations, or the heritage site or object (Joe, pers. com. May 2000).
- The visitor and cultural interpretive centers in Pangnirtung and Pond Inlet (for Auyuittuq and North Baffin National Park, respectively) are results of collaboration between Aboriginal communities, Elders and Parks Canada. In Pangnirtung, the tourism committee and Elders helped in a community-based approach to develop the Angmarlik Interpretive Centre and the Parks Visitor Centre. The interpretive centre, opened in 1998, also houses the community museum, library, and Elders centre. "The intention was to ensure that the center is not a sterile museum but alive and relevant to the local people" (Budke, 1999, p.25).

Examples of research

- Archeology projects in several national parks engage First Nations community members, especially elders, integrating oral history into the research. Examples are Wapusk, Gwaii Haanas, Ivvavik/Aulavik, Auyuittuq and Kluane (Budke, 1999, p.15).
- Government and First Nations involved in the Tatshenshini-Alsek had a positive experience with cultural interpretation when a fossilized ice man was found in the park – Kwaday Dan Sinichi – which means "Long Ago Person Found" in Southern Tuchone. There was great interest and joint effort from all interests with regards to cultural preservation issues and interpretation (Markides, pers. com. April 2000, Joe, pers. com. May 2000).

Examples of learning opportunities for First Nations youth

- In Aulavik, a camp for Elders and First Nations students was developed in conjunction with schools and community organizations. Parks Canada provides transportation and the community supplies the camping equipment and food and selects participating Elders. Participants spend about ten days in the park, during which they attend a cultural program, learn about the history of the park, and listen to the Elders' stories of the land (Budke, 1999, p.16).
- In 1999 the Muskwa Kechika Board held a youth environment camp. It was developed and run by four young First Nations people from the area, with biologists and elders as leaders or mentors. There were one resident elder and two different elders each week. Participants learned many skills, from making drums and snowshoes, to hunting. The ultimate vision is to prepare youth for leadership and for them to understand their culture and language and to interact with their elders (Porter, pers. com. April 2000).

Examples of heritage site management

- The Haida Watchmen program in Gwaii Haanas provides information to park visitors on the local environment and the Haida history, fostering a better understanding of the cultural history of the area. The Watchmen are there to protect old village sites and also to show people around so that they have a better understanding of what they see. The Watchmen training program conveys interpretive and other relevant skills to the participants. Before the implementation of the Haida Watchmen program, the band council said they did not want more people going to village sites because of the destruction caused by visitors. With the program they can now provide controlled access (Jones, pers. com. April 2000).
- In the Tatshenshini-Alsek, the Park Management Agreement states that the Champagne-Aishihik First Nations has the authority to use, manage and protect heritage site areas in the park (Joe, pers. com. May 2000).
- The Nisga'a Memorial Lava Bed Park was primarily established to protect the natural environment and Nisga'a history and culture. The visitor Centre focuses on Nisga'a history and culture (Markides, pers. com. April, 2000). During the planning stages for the park, significant effort was made to understand the role of the lava beds in the history of the First Nation. Hereditary chiefs provided background in the form of history and stories. "We were able to tell it our way. That was a positive experience" (Nyce, pers. com. May 2000).

Examples of incorporation of First Nations traditional ceremonies

- Cultural traditions played a central role in the dedication of the park and visitor center for the Nisga'a Memorial Lava Bed Park. When the park was first established in 1993, there was a major ceremony and dedication with all the chiefs present for the signing ceremony. The Nisga'a also put on a traditional Potlatch in honour of the occasion and there was dancing and singing as well. In 1993 there was another ceremony for the opening of the visitor center where again the Nisga'a held a Potlatch and the chiefs were present for the dedication (Markides, pers. com., April, 2000).
- "One of the innovative steps [in the development of cooperative management in New Zealand] was to begin the process on local marae (traditional Maori meeting places). These marae-based gatherings, open to the wider community, helped create the basis for understanding, trust and dialogue. Marae protocol and kawa (traditional protocols followed by each iwi) have much to offer community-led initiatives. The relationship with the locality (and bioregion), the place of ritual, the tradition of dynamic debate and consensus decision-making, the sharing of meals and spiritual invocations, and the expression of traditional ecological knowledge are all accessible to a visitor. They help lay the foundation for better environmental practice and understanding" (Taiepa, et al. 1997, p.243).

Marine examples

- Fagatele Bay Marine Reserve in American Samoa is a small bay on the largest and most populated island in American Samoa. The island has an enduring cultural heritage involving a traditional communal lifestyle and communal ownership of land and marine areas, revolving around the extended family and led by a village chief (*matai*). The *matai* is responsible for managing the communal economy, distributing and controlling land uses, and has authority over access and activities affecting natural resources in the island. The area was proposed as a marine reserve by the American Samoan government after an infestation by the coral-eating Crown-of-Thorns starfish (*Axanthaster planci*). Establishment followed a traditional consensus-building approach in which the *matai* played an integral role (Guénette et al., 2000).
- In the case of Mafia Island Marine Park in Tanzania, "A major objective for the establishment of a marine protected area, in addition to the goals relating to curbing destructive fishing practices, was to allow residents of Mafia Island and surrounding communities to exert some control over tourism development on the island. Mafia Islanders are Islamic peoples with certain cultural sensitivities regarding clothing and behavior that tourism threatened to undermine" (Agardi, 1997 p.171).
- The official name for the Race Rocks MPA is a word in the Klallum language which means "swift water," the area around Race Rocks. An approximate spelling in English is "xwuayen." Representatives of Pearson College, which will provide ecowardens for the MPA, recognize the importance of place names. Pearson College representatives have met with leaders and elders of the Brentwood First Nations and the Esquimalt Nation and have visited the MPA with them. These elders "have helped us to understand the importance of the coastal areas to their people and their culture" (Fletcher, 1999). Pearson College participants have learned that the cultural dependence that First Nations people had on the land and the coastal areas of the Salish Sea and the role of First Nations people are key considerations in making plans for protected areas. In the College's Schools program, which takes students from local schools to Race Rocks, they are starting to include stories of First Nations traditional use of the resources that have been provided by the First Nations representatives. Finally, the College intends to produce, with the help of local First Nations people, a reference on marine resources used by First Nations, specific to the resources of the Juan de Fuca area (Fletcher, 1999).

4.5 Alliances between First Nations and Non-government and Other Organizations

At the May 2000 workshop, Chief Larry Baird emphasized the strength in working together; "there is no end to the possibilities of what you can do when you work together… We can build alliances with other First Nations and with environmentalists, and then we can move mountains. It binds us as human beings to honour those relationships." A message that pervaded the workshop was that if ENGOs want to gain the trust of First Nations, they must show support in broader issues of rights and especially title, and not limit their collaboration to protected area topics. Terri-Lynn Williams-Davidson stated at the May 2000 workshop: "Co-management already exists in Canadian law, as the courts have encouraged us all to work together. The real question is whether we are willing to find ways to work together and in doing so, respect First Nations governance models in both protected areas management and management of all

aboriginal title lands." Chief Baird further explained: "Every one of you non-natives is a messenger. There is going to come a time when you cannot be silent because we cannot work alone." A recent report from the IUCN (World Conservation Union) directly calls for non-government organizations to support First Nations beyond the realm of protected areas:

> "Governments and non-governmental organizations should provide resources to develop campaigns directed at the national population, aimed at increasing public awareness about indigenous and other traditional peoples' cultural and spiritual values and rights. This is to help ensure that the society as a whole recognizes the rights of indigenous and other traditional peoples to exercise management of their terrestrial, coastal/marine and freshwater domains, and understand the environmental benefits of respecting these rights" (Beltrán, 2000 p.11).

Some people feel that if the management of a protected area is locally driven, then there is good potential for alliances with locally-based, non-government organizations. If the non-government organizations themselves are not locally-based, then alliances are less feasible. Because non-government organizations do not have a role in governance/jurisdictional issues, their involvement is fundamentally different than that of First Nations and federal or provincial governments. When an non-government organization representative talks with First Nations it is "discussion," not "consultation." There is a risk that the involvement of non-government organizations could dilute the jurisdiction of First Nations, and that non-government organization priorities for ecosystem protection could run counter to First Nations rights of access.

The process of First Nations and non-government organizations learning to understand each others' cultures will be frustrating at times as those involved struggle with differences in a broad range of factors: protocols, worldviews, time horizons, mind-sets, conversational styles, oral vs. written communications, and even dress codes. Yet there are enough shared interests that, with respect, patience and courtesy, First Nations and non-government organization objectives can be jointly pursued in protected areas. A Sto:lo Nation representative stated in response to an ENGO proposal for an international park in the North Cascades: "A glimmer of hope exists within the environmental movement mainly because, in my understanding, environmentalism is founded upon native principles of respect for life and the interconnectedness of all things on the Earth" (Commodore, 1994, p.53). In a similar vein, at a recent meeting of ENGOs interested in MPAs, a First Nations leader stated that, "The ocean is our lifeline. No one has the right to take that away from our people. A belief system has existed for thousands of years. If you are going to talk to us about MPAs, it has to make sense for us. I have to be as important as the sea lion. Otherwise you aren't going to get support from me."

There are many possible First Nations/government/non-government organization partnership styles, so approaches to working together must be defined specifically for each situation and each partnership, rather than in general terms.

Tools for defining the role of non-government organizations in relation to First Nations:

Non-government organization roles might include:

- provide technical support (e.g., help First Nations with traditional use research, act as translators between scientific and traditional knowledge);
- build public support for First Nations' interests;
- use their power to influence media, political and financial forces;
- contribute research and analysis that will help First Nations present a best case for protecting their rights during negotiations;
- act as a neutral third party to host workshops;
- contribute training;
- communicate experience from working with other First Nations;
- help to obtain funding or other resources;
- represent third party interests;
- work with First Nations in research and planning efforts that support the establishment and management of protected areas;
- act as a watchdog to ensure parties to the management agreement meet their commitments.

Tools for building respect

NGO and First Nations who wish to work together in the context of a protected area could consider the following options for building mutual respect:

- Spend sufficient time building and nurturing a relationship and ensuring there is trust and respect between the organization and the First Nations interested in working together.
- Ensure that all those involved respect confidentiality.
- Keep agendas outside, be prepared to listen, and be prepared to give, not get. Look for ways to make the change necessary to move forward in the partnership.
- Strive for cross-cultural understanding. Non-First Nations participants have to understand First Nations values such as "oneness" and the importance of the natural environment in the belief systems and lives of First Nations peoples.

Tools for clarifying roles and purpose in a partnership

First Nations and NGO representatives intending to work together in a partnership could consider the following approaches to clarifying their roles:

- Establish a clear, shared purpose.
- Create a written protocol or agreement between the NGO and the First Nation that identifies the common interests of the NGO and the First Nation, and forms the basis for a working relationship.
- Involve NGOs as a third party interest when they can help the parties in cooperative management agreement to meet their objectives.

Example of ENGO membership on a Management Board

- Parks Canada was granted one out of seven voting seats on the Management Board for Wapusk National Park (the others consist of two representatives each from the Manitoba government, the local government of Churchill, and two First Nations communities). Instead of filling this seat with a Parks Canada representative, the agency opened the position to nomination by the Manitoba chapter of CPAWS (Williams, n.d., p.ST-196).

Example of First Nations working with colleges

- In several cases, colleges work with the First Nations in their area in training and/or research. In the Inuvialuit Settlement Region an arrangement with Aurora College supported training of local people for parks employment. Malaspina University College worked with Pacific Rim National Park Reserve to train the guardians of the West Coast Trail. In the agreement for the Race Rocks MPA reached in March, Pearson College is officially designated as the Community Ecowardens.

Example of a First Nation-ENGO protocol

- The Indian Arm Provincial Park/Say-Nuth-Khaw-Yum Heritage Park Management Agreement is supported by a Protocol Agreement between Ecotrust Canada, and the Tsleil Waututh. The Agreement sets out shared values and provides the foundation for a mutually supportive relationship, focusing in part on GIS mapping. Working face to face on several small projects has helped build a working relationship (CPAWS and Ecotrust, 1999, p.ii).

Marine examples

- CPAWS was hired by the Tsleil Waututh to do research and produce a background report on Indian Arm’s marine environment and a fisheries assessment report in connection with the Indian Arm Provincial Park/Say-Nuth-Khaw-Yum Heritage Park (George-Wilson, pers. com. May 2000). In May 2000, the Tsleil Waututh Nation and CPAWS signed a Protocol Agreement outlining shared values and defining joint initiative aimed at integrating the conservation of the Indian Arm marine ecosystem with existing potential activities maintained by the Tsleil Waututh Nation (Symington pers.com. May 2000).
- The Mafia Island Marine Park in Tanzania was established through cooperation between residents of Mafia Island, the Tanzanian government and conservation organizations. Following a series of community workshops, the NGOs worked with scientists to help local representatives draft a park management plan (Agardi, 1997 p.171).
- Apo Island is a small volcanic island off the south-eastern coast of Negros Oriental. In 1979, staff from Silliman University Environmental Centre in the Philippines examined the state of the island’s reefs and judged them worthy of conservation. Rather than trying to impose a protection order, they involved the local community – about 100 families – in negotiations. The governing Municipality of Dauin was brought in six years later, when the inhabitants of Apo Island were ready to make decisions. Given an increased understanding of marine conservation they chose to protect their environment. They banned destructive fishing methods and created a fishing-free sanctuary. The Apo Island sanctuary is still managed by the community (Caldecott and Salmon, 2000, p.112).

Moving Forward

5 Moving Forward

One of the fundamental keys to success in cooperative management of protected areas, whether marine or terrestrial, is mutual understanding and respect for the rights and interests of the parties involved. The Panel on the Ecological Integrity of Canada's National Parks asked us to embrace a shared vision:

> "Embracing a shared vision of the protection of these spaces is the foundation of a constructive relationship which recognizes the early presence of Aboriginal peoples, their knowledge and understanding of the land and its processes, and the contribution that Aboriginal peoples can make to the management of parks and the surrounding areas" (Parks Canada Agency, 2000 p.7-3).

The Panel's advice is similar to that offered by Thomas Berger, who summarized a discussion on "Wilderness, Parks and Native Land Claims" in 1989 partly as follows: "Might I suggest that the whole question of who is best equipped, who will manage these resources best, is one that in the end can only be answered in a cooperative way."

Beyond B.C. and Canada, other governments, NGOs and indigenous peoples in many countries are on the same path. According to a recent report by the IUCN (World Conservation Union):

> "It is sometimes assumed that protected areas must be in conflict with the rights and traditions of indigenous and other traditional peoples on their terrestrial, coastal/marine, or freshwater domains. In reality, where indigenous and traditional peoples are interested in the conservation and traditional use of their lands, territories, waters, coastal seas and other resources, and their fundamental human rights are accorded, conflicts need not arise between those peoples' rights and interests, and protected area objectives" (Beltrán, 2000 p.ix).

To minimize conflicts, and maximize the effectiveness of protected areas, this report has set out some options that people can consider when developing or improving cooperative management arrangements. The tools are not offered as prescriptions; rather the users of this report can choose which tools fit their circumstances, selecting some and rejecting others. Each tool will have to be tailored to the unique needs of each protected area, and shaped by the needs and interests of the parties seeking to manage it cooperatively.

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List of Interviewees

Ayers, Cheri, Fisheries Biologist, Cowichan Tribe, April 2000

Aberley, Doug, Land and Resource Planner, Tsleil-Waututh First Nation, May 1, 2000

Carson, Dick, Regional Director, Oceans, Fisheries and Oceans Canada, April, 2000.

George-Wilson, Leah, Treaty Researcher, Tsleil-Waututh First Nation, May 1, 2000.

Joe, Lawrence, Director of Land and Resources for the Champagne and Aishihik First Nations, Champagne and Aishihik First Nations, April 24, 2000.

Jones, Russ, Haida Fisheries Program, Council of the Haida Nation, April, 2000.

Langdon, Steve, Director, Aboriginal Affairs Secretariat, Parks Canada, May 1, 2000.

Markides, Hugh, District Manager, Skeena District, BC Parks, April 18, 2000.

Nyce, Harry, Chief, Resource Negotiator and Fisheries Negotiator Person for Nisga'a Tribal Council, April 24, 2000.

Ochman, Stefan, Fisheries Manager, Huu-ay-aht First Nations, April 14, 2000.

Peart, Bob, Executive Director, Canadian Parks and Wilderness Society-BC Chapter, April 12, 2000.

Porter, Dave, National Negotiator, Kaska Tribal Council, April, 2000.

Smith, George, Conservation Director, Canadian Parks and Wilderness Society, April 11, 2000.

Symington, Keith, Marine Spaces Coordinator, Canadian Parks and Wilderness Society-BC Chapter, May 2000.

Appendix 1:
Summary Table, A Sample of Agreements between First Nations, Provincial, Territorial, and Federal Government: Cooperative Management of Protected Areas in BC, Yukon & NWT

Protected Area Name	Type of Protection	Description of Agreement	Cooperative Management Arrangement	Location	Area	First Nation	Agreement, Date
Aulavik National Park	National Park designated under National Parks Act	Agreement on the rights & obligations around establishing, managing, operating & using the park	Within five years of the signing of this agreement, the Canadian Parks Service (in consultation with Sachs Harbour Hunters & Trappers Committee, Sachs Harbour Community Corporation, Inuvialuit Game Council, Inuvialuit Regional Corporation, & the NWT Wildlife Management Advisory Council) shall develop a Management Plan for the Park	Banks Is. Western Arctic NWT	1.2 million ha	Inuvialuit Game Council & Inuvialuit Regional Corporation	An Agreement for the Establishment of a National Park on Banks Island, July 6, 1992 Consistant with the Inuvialuit Final Agreement
Clayoquot Sound	Certain areas designated Class A provincial parks by legislation	Process for cooperative management of designated lands in Clayoquot Sound area. Provides a structure for examining issues of concern for First Nations in the area	Jointly managed by the Central Management Board on a double majority basis. Clear funding commitment by the province to the CMB.	West Coast of Vancouver Island	48,500 ha	Tla-o-qui-aht First Nations, Ahousaht First Nation, Hesquiaht First Nation, Toquaht First Nation & Ucluelet First Nation	Interim Measures Agreement, March 19, 1994 Three year extension to August 20, 1999 signed September 19, 1996
Coquitlam River Wildlife Management Area	Wildlife Management Area	Provides for a consultation process in the management of the Coquitlam River Wildlife Management Area, and for joint management efforts if desired	BC & Kwayhquitlum agree to work cooperatively & in good faith over planning & managing the Wildlife Management Area. Aim to seek consensual remedies to matters of potential conflict.	Southwest BC Fraser Delta		Kwayhquitlum First Nation	Memorandum of Understanding, August 18, 1994
Gwaii Haanas National Park Reserve & Heritage Site	National Park Reserve designated under National Parks Act	Agreement to constructively and co-operatively share planning, operation and management of the park, and apply the highest standards of protection and [illegible]	Jointly managed by the Archipelago Management Board. Membership: Two Haida Nation/Two Parks Cda. Aim to reach consensus	Gwaii Haanas/ South Moresby Island, Haida [illegible]	147,000 ha	Council of the Haida Nation	Gwaii Haanas Agreement, January 30, 1993

Protected Area Name	Type of Protection	Description of Agreement	Cooperative Management Arrangement	Location	Area	First Nation	Agreement, Date
Kluane National Park Reserve	National Park Reserve designated under the National Parks Act	Agreement to jointly manage park. Designates park within Champagne-Aishihik traditional territory as Special Management Area, including harvesting and trapping rights	Park management advised by Kluane National Park Management Board. Membership: Two Champagne-Aishihik/Two Parks Cda. Board will increase in size as other Yukon First Nations with traditional territories in the park (Kluane & White River First Nations) sign final agreements	Southeast Yukon	765,000 ha	Champagne and Aishihik First Nations	Champagne and Aishihik First Nations Final Agreement, May 29, 1993. Designated as a Special Management Area under the agreement,
Muskwa Kechika Management Area	Not a provincial park, but a specially protected conservation area made up of protected area & special management areas	Letter of Understanding re Kaska Dena Council input on planning & managing lands & resources in Muskwa Kechika area. Trust Fund Established under Bill 37 to support integrated resource management, training local persons & supporting costs of Advisory Board	Muskwa Kechika Advisory Board, 15 people including two from Kaska Dena Council & one from Dease River Indian Band. Other representatives on the Advisory Board include: a local MLA, mayor of Fort Nelson, and representatives from: Peace River Regional District, BC Oil & Gas Commission, CPAWS, Chetwynd Environmental Society, Petro-Canada, IWA Canada Local 1-424, Canfor Ltd, Guide Outfitters Association of BC, BC Wildlife Foundation, & BC & Yukon Chamber of Mines	Northeast BC	1 million ha protected area & 3.3 million ha special management areas (buffer zones & wildlife corridors)	Kaska Dena Council	Letter of Understanding, September 24, 1997; Bill 37, Muskwa Kechika Management Area Act, July 21, 1998
Nisga'a Memorial Lava Bed Park & Recreation Area/ Anhluut'ukwsim Laxmihl Angwinga'asanskwhl Nisga'a	Class A provincial park designated by legislation	Co-Management Agreement giving the Nisga'a Central Government the right to participate in management and planning for the Park.	A Joint Nisga'a/ BC Parks Committee will make recommendations to BC regarding establishment, development & management of the Park & Recreation Area. The Committee is comprised of representation from the Nisga'a Tribal Council and BC Parks, is jointly chaired & uses a consensus based approach to decision making. Responsible for making recommendations on the Master Plan, management plans, management of adjacent land issues affecting the Park, permits, budgets, research & publications/	Nass Valley, Central Coast BC	17,683 ha	Nisga'a Tribal Council	Memorandum of Understanding, April 30, 1992

Protected Area Name	Type of Protection	Description of Agreement	Cooperative Management Arrangement	Location	Area	First Nation	Agreement, Date
Steelhead/ Sk'emqin Park	Class A provincial park designated by legislation	M.O.U. regarding Steelhead Provincial Park that involves management of the Park through a joint committee	Skeetchestn Indian Band/ BC Parks Committee made up of representative from each (consensus based, jointly chaired). Responsible for making recommendations to BC on the Master Plan, management plans, management of adjacent land issues affecting the Park, permits, budgets, research, publications/ communications & identification of employment or training opportunities for members of the Skeetchestn Indian Band	Southern Interior BC	38 ha	Skeetchestn Indian Band	Memorandum of Understanding, July 8, 1995
Stein Valley Nlaka'pamux Heritage Park	Class A Provincial park designated by legislation	A commitment to work together cooperatively to jointly plan and manage the park to ensure that it reaches its fullest potential in so far as the Lytton First Nation's historic and current relationship to the park is concerned	Management Board oversees & manages all initiatives & undertakings re planning, operation & management of the Park. Membership: three reps of BC & three reps of Lytton First Nation	BC Interior	107,000 ha	Lytton First Nation	Cooperative Management Agreement, sub agreements on Fish & Wildlife, Cultural Heritage, November 23, 1995
Tatshenshini-Alsek Park	Class A provincial park designated by legislation, World Heritage Site	Sets out the relationship between the Parties with respect to the use and management of the park. Recognises the traditional & current uses of the Park by the Champagne-Aishihik First Nations, aims to integrate traditional and scientific knowledge in managing the Park, recognises oral history, aims to identify economic opportunities for the C-AFN, and facilitates the assumption of maintenance & operation of the Park by	Park Management Board (consensus based) consisting of two reps from the Champagne & Aishihik First Nations & two from BC (one of whom will be the District Parks Manager or designate, and one of whom will be the Director, Lands & Resources or designate). The Board will manage the Park, prepare and recommend management & operation plans, recommendations re: budgets, permit issuance, contracts, research, & publications/ communications	Northwest BC	958,000 ha	Champagne and Aishihik First Nations	Park Management Agreement, April 29, 1996, authorized by order-in-council under the Environment and Land Use Act

Protected Area Name	**Type of Protection**	**Description of Agreement**	**Cooperative Management Arrangement**	**Location**	**Area**	**First Nation**	**Agreement, Date**
Von Donop Marine Park (aka H· thayim)	Class A provincial park designated by legislation	M.O.U. regarding Von Donop Park. Commitment to jointly plan & manage the Park to ensure Klahoose's historic & current relationship to the area is not adversely affected by the establishment or management of the Park	BC & Klahoose First Nation agree to work cooperatively, in good faith, & in consensual manner in the planning & management of the Park, including development of a written agreement and Park plan.	Cortes Is. Southern Johnstone Straight, Southwest BC	1,277 ha, 360 ha of which is foreshore	Klahoose First Nation	Memorandum of Understanding, December 4, 1993
Vuntut National Park	National Park designated under National Parks Act	Agreement specifying the rights and opportunities of the Vuntut Gwichin in the park. Includes recognition of Vuntut Gwichin history & culture, protection of traditional & current uses in developing & managing the park, provide economic & employment opportunities, & recognition of oral history	A Renewable Resources Council consisting of three people from the Vuntut Gwichin First Nation and three nominees of the Minister will make recommendations on all matters pertaining to the Park, including Heritage resources, access, harvest, development & management, proposed boundary adjustments, development & revision of the Park Management Plan, coordinating management of cross boundary fish & wildlife populations, & existing & proposed Legislation relating to the Park	Northern Yukon, Near Old Crow	440,000 ha	Vuntut Gwichin First Nation	Vuntut Gwichin First Nation Final Agreement, May 29, 1993

Appendix 2:
A Haudenosaunee Model for Genuine Partnership

The following model is an excerpt from:

> Parks Canada Agency, 2000, *Report of the Panel on the Ecological Integrity of Canada's National Parks: Unimpaired for Future Generations: Protecting Ecological Integrity with Canada's National Parks, Volume II: Setting a New Direction for Canada's National Parks*

In the Haudenosaunee model, the fundamental conditions for developing a genuine partnership are respect, equity and empowerment.

Respect for the partnership is built with the tools of understanding, communication, consensus, mediation and honour.

- understanding requires that the parties learn about one another – assumptions and myths are not sound foundations for partnerships. The process of learning about each other must be formalized so that each partner is clearly hearing, seeing and listening to the other;
- communication is the process by which adequate information is transferred in a timely and appropriate manner to assist understanding;
- consensus and mediation are the backbones of respect. Consensus does not necessarily mean total agreement among the parties, but the reasonable agreement of a majority of the participants;
- mediation is the process for dealing with the minority who do not agree with the majority's decision. Mediation may be formal or informal.

Equity refers to the resources needed to carry out the partnership. The tools of equity are finances, knowledge, networks, personnel and social-political power. In Canadian society, equity is mostly viewed as money; in Aboriginal communities, equity is viewed more as knowledge, networks, personnel and power. Finance, knowledge, networks, personnel and social-political power must be evaluated by the partnership and a common value established.

Empowerment is the power and will to perform an action. Empowerment is strengthened by application, authorship, credibility, new partnerships and responsibility. Projects are accomplished in a partnership only by the mutual work and responsibility of the partners. Success and blame are shared by the partners and not assigned to one or the other. As empowerment grows, misconceptions are ended and respect grows; the partnership becomes more powerful. As the partnership completes its task, the ability to find equity increases and empowerment of the partnership prospers. This type of genuine partnership cannot help but to strengthen both partners.