



Priorities and Needs for First Nations Establishing Indigenous Protected Areas in British Columbia

PHASE 1: SCOPING STUDY

May 31, 2016



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for the Wilburforce Foundation



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1 Project Summary

1.1 Purpose

THE PURPOSE OF THIS PROJECT is to identify and address key questions and needs of First Nations and Indigenous communities interested in establishing Indigenous Protected Areas (IPAs) or similar stewardship initiatives in Canada, with a focus on British Columbia. We reviewed literature and consulted with key expert practitioners to conduct a preliminary analysis highlighting the most prominent challenges, priorities, and needs that Indigenous communities face regarding IPA establishment.

This report (which we are calling IPA Phase 1: Scoping Study) serves as preliminary scoping and foundational research for a second phase, which we anticipate will include the development of a handbook for establishing Indigenous Protected Areas in Canada.

The proposed handbook (IPA Phase 2) will synthesize and evaluate options, pathways, and strategies for communities wanting to establish IPAs, and facilitate the sharing of information and capacity among Indigenous communities working toward achieving stewardship and protected area goals.

More information on the rationale and potential content for the proposed handbook is included in Section 5 of this report. The Firelight Group is in the process of seeking partners and funding for Phase 2 of this work.

This Phase 1 report serves as preliminary scoping and foundational research for a second phase, which we anticipate will include the development of a handbook for establishing Indigenous Protected Areas in Canada.

1.2 Scope

This report represents a preliminary identification of issues, questions, challenges, and needs based on the priorities of Indigenous communities that have expressed interest in IPAs to The Firelight Group and collaborating agencies that are working with BC First Nations (i.e., David Suzuki Foundation, Tides Canada, TNC Canada). It includes a brief description of what could be done in Phase 2 of this project. While follow up work in Phase 2 will be more broadly scoped to serve the interests of First Nations and Indigenous communities throughout Canada, our focus for Phase 1 is on Indigenous Protected Area strategies and models relevant to First Nations in British Columbia.

1.3 Objectives for Phase I

This project had the following objectives for Phase 1:

- Identify Indigenous communities in BC that are engaged, or interested, in establishing IPAs;
- Synthesize community priorities, challenges, and questions, and analyse community needs;
- Identify gaps in available resources, and recommend next steps to address gaps/needs; and
- Recommend actions and funding strategies to support future work.

1.4 Report Overview

This report is structured as follows:

- Section 1 provides an introduction and defines the scope of the project;
- Section 2 describes the methods used to collect data from First Nations colleagues and other knowledge holders;
- Section 3 provides a brief literature review of IPAs and describes the context for IPAs in British Columbia;
- Section 4 summarizes issues and challenges with respect to establishing IPAs in BC, based on the discussions we had with experts from First Nations and other agencies;
- Section 5 provides recommended actions for follow up work in Phase 2, including developing the handbook, enabling communication between communities that are developing IPAs, and locating sources of funding for completing Phase 2; and
- Section 6 provides a brief conclusion.

1.5 Limitations

This report is based on a series of discussions with experts and knowledge holders from First Nations, non-governmental organizations (NGOs), research agencies, and consulting companies. Information was collected within the constraints of the scope, budget, and time for a preliminary assessment. Research and interviews focused on issues of relevance to establishing IPAs in British Columbia, Canada, and on representative examples of Indigenous communities with varied circumstances and motivations to establish IPAs.

This report is not a comprehensive assessment of issues, IPA models, or First Nations wishing to establish IPAs in BC. It also does not purport to explore the issues identified in depth. Rather, this report focuses on a preliminary assessment of commonly shared challenges and questions, in order to determine the most strategic next steps that could be taken to address the needs of various First Nations who wish to establish IPAs.

The First Nations and individual key informants whose experiences informed this report are not a complete representation of the various circumstances of BC First Nations interested in IPAs. While our results are integrally based in the insights offered by key informants, the views expressed in this report are entirely the responsibility of the authors.

This is a preliminary assessment of commonly shared challenges and questions, in order to determine the most strategic next steps to address the needs of First Nations that wish to establish IPAs.

2 Methods

This project was undertaken using a collaborative approach, engaging and consulting with colleagues and interested parties including individuals from partnering First Nations, non-governmental organizations (NGOs), academic researchers, and individual professionals whose work relates to Indigenous Protected Areas.

Outreach

While it was not within the scope of this project to visit case study communities, primary research for this project employed four means of outreach:

- Meeting with community leaders during their trips to Victoria;
- Adding on research during visits (for other, related project work) to First Nation communities;
- Interviewing and collaborating with key experts who work with/for First Nation communities; and
- Phone meetings and interviews with community representatives.

Data Collection

Research for this project involved: initial scoping and development of a work plan; desktop research and literature review; individual meetings and key informant interviews; and collaborative group meetings. Details on the number of people interviewed are provided below.

Scoping and Work Planning

The scope of this project was outlined through a proposal and contract with Wilburforce Foundation. A work plan was developed to frame out tasks and deliverables of the contract in more detail, and to guide the research process.

Examples for this report were identified through direct expressions of interest in IPAs from First Nations with whom Firelight works (client communities), as well as through colleagues both within Firelight and from collaborating NGOs (David Suzuki Foundation, Tides Canada, TNC Canada,). We explored issues directly

with Xeni Gwet'in, Yunesit'in, Kitasoo/Xai'Xais, and Ktunaxa First Nations' leadership and staff, and indirectly (i.e., through the experience of associated experts) with Heiltsuk, Doig River, and Tla-o-qui-aht First Nations. Some key informants spoke from experience with many Indigenous communities throughout BC and northern Canada.

Desktop Research and Literature Review

While a comprehensive literature review was beyond the scope of this report, we did conduct a preliminary review of available, relevant technical reports and literature on Tribal Parks, IPAs, and case study communities. In particular, we focused attention on technical reports and literature that met one or all of the following criteria:

- Relevant to establishing IPAs or Tribal Parks in BC context;
- Identified as important by case study communities and collaborating partners; and
- Recognized examples or models of IPAs, Tribal Parks, and/or strategic guides from other countries.

Individual Key Informant Interviews and Meetings

Meetings and interviews were conducted with 10 individuals whose work involves IPAs and Indigenous stewardship or protected area initiatives in Canada, and who are uniquely well-positioned to offer insights into the complex issues around IPAs. Interviews were semi-structured (see Appendix A) and lasted one to two hours. They took place in a variety of settings, including the Firelight office, coffee shops, First Nations band halls, NGO office space, and the University of Victoria. Depending on the recommendations of the individuals consulted, some interviews involved follow-up meetings, emails, or phone contact to clarify information shared, obtain documents, or establish contact with other experts.

To protect the confidentiality of key informants, results are discussed in this report in an aggregate form, rather than with individual attributions.

Group Meetings

Research was informed by group meetings and events (including individual speakers in group settings). These meetings took place with First Nations colleagues and communities members in a variety of settings: in Indigenous communities, on the land, as well as with NGO colleagues in offices and by teleconference.

Group meetings varied in length and structure, depending on the circumstances. Small gatherings of colleagues involved three to six people, guided by a focused agenda, and lasted approximately one hour.

Community meetings included indoor and outdoor gatherings led by First Nations, partners, and colleagues in British Columbia (e.g., Tsilhqot'in) at which community members and leaders shared their priorities, concerns, experiences, and questions regarding Tribal Parks and Indigenous protection of lands and waters. Since organizing such events was beyond the scope of this project, attendance was opportunistic and not necessarily representative of a broad cross-section of First Nations.

3 Indigenous Protected Areas: Communities and Approaches

The term Indigenous Protected Areas can be used to refer to a variety of protected area, governance, and stewardship arrangements. Globally and throughout Canada, IPAs are created under a wide range of political circumstances and legal/constitutional contexts. Even within BC, the Indigenous communities and First Nations creating IPAs come from different cultural, environmental, and community circumstances, with different preferences and goals for their territories. As such, there are many different options and models of IPA and stewardship approaches.

3.1 Relevant Examples of Literature on Existing IPA Models

There is a rapidly growing body of academic and technical literature on Indigenous Protected Areas, both within Canada and internationally. We examine selected examples here.

Australia has established a fairly extensive network of IPAs since 1998, and a variety of literature has emerged in response, from technical guidelines and manuals to analytical critiques. The Australian government, in concert with the Commonwealth Scientific and Industrial Research Organization (CSIRO) produced *Our Country, Our Way: Guidelines for Australian Indigenous Protected Area Management Plans* (Hill et al. 2011). The specific circumstances of that and many other Australian reports do not translate directly to the Canadian context, primarily because Australian IPAs are supported legally and financially by the Australian government, whereas there is no corresponding recognition or mechanism for IPAs in Canada. However, some of the processes and recommendations, as well as the accessible format of the report, could be helpful as a model for Canadian Indigenous communities.

Other examples of IPA resources at the international scale include a toolkit for establishing Indigenous and Community Conserved Protected Areas (ICCAs) published by the United Nations Environment Programme World Conservation Monitoring Centre (UNEP–WCMC) (Corrigan and Hay-Edie 2013), and a compilation report by the International Union for the Conservation of Nature (IUCN) titled *Protected Area Governance and Management* (Worboys et al. 2015). Though not exclusively focused on Indigenous Protected Areas, the UNEP and IUCN reports include analysis of tools and examples relevant to IPAs in the Canadian context, written by diverse contributors. Herrmann et al. (2012) provide a conceptual discussion of ICCAs in the Canadian context, including a number of case study examples. This report provides some insight to the issues around

establishing ICCAs in Canada, though it appears to be geared more toward an international audience than local Indigenous communities.

Within Canada, non-governmental organizations are increasingly interested in supporting First Nations to establish IPAs. For example, small-scale reports exploring IPA and stewardship options available to BC Indigenous communities have been completed and commissioned by David Suzuki Foundation (DSF 2015), TNC Canada (Krindle 2014), and Friends of Nemaiah Valley (Paquet 2013) among other groups. In addition, a growing body of peer-reviewed academic research is emerging to discuss overviews (Booth and Muir 2011; Turner and Bitonti 2011), case studies (Murray and King 2012), and critiques (Lee 2016) of IPAs both in Canada and abroad.

Specific studies such as those outlined above have come closest to evaluating realistic options available to Indigenous communities in BC and Canada. However, First Nations continue to express a need for more pragmatic, comprehensive, and applied tools to evaluate available options for effectiveness in local contexts, and address the challenges Indigenous communities face when establishing IPAs or seeking stronger stewardship protection for their lands and waters.

3.2 Goals and Motivations Driving IPA Initiatives

First Nations that express the desire to create IPAs, or to explore stewardship options, share a common goal: to effect stronger ecological and cultural protection in their territories.

These Indigenous communities and First Nations are often motivated and driven by numerous factors that have generally not been associated with conventional protected areas in the past.¹ For example, First Nations may be working to preserve their languages, or to provide space and opportunity for community members to engage in healing and wellness activities on the land. IPAs then, are often more multi-faceted in their purposes, design, and implementation than conventional protected areas. At the same time, IPAs are often being created, planned, and managed by small community-based governments with limited capacity, and serious poverty-related pressures influencing decisions and planning processes. Hence the process of establishing IPAs is inherently complex, and often implemented by communities with extremely limited capacity.

While provincially and federally legislated protected areas have taken steps to be more inclusive of Indigenous cultures, values, and of First Nations control (e.g., co-management agreements), there are a number of motivating factors driving First Nations' interests in IPAs and exploring alternate models. In some cases, First Nations wish to establish IPAs as a declaration of sovereignty, and as a way of shedding the colonial legacy and continued distrust that characterize their relationships with provincial and federal governments. In other cases, First Nations already engaged in co-management agreements are seeking stronger forms of protection for ecological and cultural resources that are threatened by extractive industries, overuse, or the cumulative effects of numerous impacts.

¹ As an overarching principal, it is important to note that IPAs are designed to encompass the rights of Indigenous people as paramount—and often the primary goal—in establishing a protected area. This is notably different from other types of protected areas, which at times have been established without involvement of Indigenous people and historically have been associated with the forced removal of Indigenous people and dissolution of their rights. This legacy still affects some parks and communities in Canada. We note there is important work to be done to achieve reconciliation related to understandings of protected areas and Indigenous rights in Canada.

The emphasis and motivation behind IPAs vary by community, and range from those that are more focused on a governance concept, to those that are more focused on a geographical area. IPAs also vary in the ways they represent government-to-government relations between a First Nation and provincial, territorial, or federal governments. For some First Nations, an IPA is a declaration of sovereignty. Other First Nations are interested in working with state governments to effect stronger ecological protection. While not mutually exclusive, these different categories of motivation hold different implications for First Nations pertaining to funding, recognition, enforcement, and governance of IPAs.

3.3 Examples In British Columbia

Within British Columbia, First Nations are operating with a variety of stewardship arrangements. A brief summary of seven examples is provided in Table 1.

Table 1: Indigenous Communities and Stewardship Circumstances		
First Nation/Community	Stewardship Initiative	Context for Establishing IPA
Xeni Gwet'in and Yunesit'in (Tsilhqot'in)	Nexwagwez'an – Dasiqox Tribal Park	Aboriginal title and rights recognized. Tribal Park established in rights area (not title area) as a declaration of sovereignty.
Doig River First Nation (Treaty 8)	Kih'tsaa'dze	Treaty 8. Tribal Park established across provincial border as assertion to protect ecological/cultural resources from industrial development.
Kitasoo / Xai'Xais (Central Coast)	Conservancy areas (marine and terrestrial)	Co-management (provincial). FN already has co-managed conservancy areas with provincial government. FN exploring IPA models and seeking stronger protection of ecological/cultural resources.
Haida	Duu Guusd Tribal Park	Established by FN; provincial recognition. FN declared Tribal Park in the 1980s. Provincial ecological reserves later established.
Ktunaxa	Qatmuk (Darkwoods, and Jumbo)	Freedom of religion. Ktunaxa stewards have collaborated with land trust organizations; FN seek to protect lands and sacred places from development; FN basing court challenge on spiritual significance.
Tla-o-qui-aht	Tla-o-qui-aht Tribal Park	Tribal Park (Clayoquot Agreement). Mixed use tribal parks integrate economic development with FN values.
Heiltsuk (Central Coast)	Heiltsuk LUP; Guardian Watchmen	Indigenous stewardship without formal IPA. FN actively stewards lands and waters on the basis of cultural values and customary law.

4 Issues Identified as Key to Establishment of IPAs

4.1 Overarching Issues and Questions

The overarching common issue related to First Nations establishing IPAs is the legal and political question: How to establish new forms of protected area that are not yet recognized by provincial or federal governments, while making them viable and enforceable on the ground? A key point here is that seeking recognition of IPAs by other governments and industry does not represent a compromise to Indigenous declarations of sovereignty. It is not about asking permission. Rather, it is vital that First Nations develop the strategy required to achieve desired outcomes on the ground, particularly in areas where an IPA is being established in response to industrial development pressures.

If the goal is to protect lands and waters from damage, then declarations of sovereignty and new management imperatives must be recognized by, or enforceable against, the agencies responsible for the damaging activities.

Broadly, key questions are:

1. For each specific IPA or territory, what is the desired governance relationship between the First Nation, provincial/territorial and federal governments?

- Is the IPA primarily a declaration of sovereignty?
- Is the IPA to be established as a co-management agreement?
- Is the IPA being established to enforce a stronger form of protection for lands and waters than co-management agreements and provincial designations (e.g., conservancies or parks)?

Seeking recognition of IPAs by other governments and industry does not compromise Indigenous declarations of sovereignty. It is not about asking permission. Rather, it is vital that First Nations develop the strategy required to achieve desired outcomes on the ground.

2. How to get provincial/federal governments to respect, recognize, and support IPAs and First Nations' responsibilities for monitoring and managing them?

Considering the diverse situations and goals among Indigenous groups, the First Nations we engaged for this project tend to fall somewhere along a spectrum.

At one end of the spectrum are First Nations that already have joint decision frameworks, conservancies, or some form of government-to-government agreement in place, and who wish to strengthen protection of those lands and waters. These First Nations tend to question:

- Would some sort of IPA be a better option? What models are out there?
- How to create a legislated protected area with provincial recognition? Stronger than conservancies or other options?

At the other end of the spectrum are First Nations seeking sovereignty through unilateral declarations, and who are not interested in forming joint agreements with other governments. In these cases, protection of lands and waters is an important goal, but linked with the dual goal of achieving some form of title or autonomy. These nations tend to question:

- How to proceed strategically? How to be effective on the ground?
- How to achieve sovereignty?
- What is an IPA? How to create, fund, and manage one in reality?

4.2 Specific Issues

Research for this report focused on identifying some of the key questions (barriers, leverage points, decisions, challenges) that Indigenous communities and First Nations have in common regarding the establishment of IPAs. The authors sought to clarify which issues were common to numerous First Nations, even if there are different contexts for how they began, or in their end goals. A full summary of the issues raised during our research is provided in Appendix B.

Key issues are presented in Table 2 (below) by topic, each of which is divided into the priorities, challenges, needs, and questions that emerged from the research. It is worth noting three issues that came up repeatedly in reference to several topics:

- **FUNDING:** Finding sources of long-term, stable funding is repeatedly mentioned as a barrier for establishing and maintaining IPAs. This is particularly a barrier for communities that have established sovereignty.
- **CAPACITY:** First Nation communities we interviewed are challenged by a lack of capacity and time to enable proactive rather than reactive approaches in dealing with government and industry. Communities often do not have staff with the technical training to manage databases, access funding sources, or establish monitoring programs. There is a need for training and capacity building among communities seeking to establish IPAs.

- **INTERIM PROTECTION:** Experts interviewed for this study raised the fact that Indigenous communities struggle to protect lands and waters from industrial development *while* undertaking the necessary community engagement and governance negotiation to establish an IPA. First Nations leadership and staff are inundated with development pressure and bureaucratic processes and struggle to find time to engage in the proactive planning and cultural revitalization necessary to establish conservation that will be successful in the long term. When First Nations do engage in the bureaucratic process, it is not uncommon for industrial permitting and development activities (e.g., logging, mining exploration) to continue on the ground, threatening the very lands and waters First Nations are attempting to protect.

There is an urgent need to clarify the interim measures of protection available to First Nations under current legal, constitutional, economic circumstances. These interim measures must not only be effective with provincial/federal governments and industry, but also affordable for First Nations. What are the leverage mechanisms for pausing ‘business as usual’? What options exist for First Nations wanting to hold an area of land/ocean for protection while they undergo due process to establish and plan an IPA? In most cases, despite the fact that Aboriginal rights and title are federal matters in Canada, the interim measures of protection available for First Nations to leverage will be highly context-dependent within each province or territory, and the treaty or non-treaty status of the First Nation.

To make IPAs a viable alternative for communities seeking to protect their lands and cultural resources, these issues must be addressed in short order.

Table 2: Key Priorities, Needs, Challenges, and Questions for Establishing IPAs, by Topic

Priorities	Needs	Challenges	Questions
Environmental protection			
Protection for lands, waters, ecological areas, cultural sites	Monitoring and enforcement requires capacity and funding.	FNs have higher standard of protection than BC government. Hard to get provincial agreement with FN hunting policies/laws.	Options for stronger models of protection, including internationally. What protections are offered by Tribal Parks? What other options are there and how do they apply to individual situations? How to enforce protection with provincial/territorial governments?
Governance			
Internal and external governance issues. Potential benefits of international associations. Develop consent protocol and dispute resolution process.	Assess and determine trade-offs between different IPA models. Develop sample protocols. Knowledge exchange with other FN.	Getting government to agree to boundaries in a timely fashion and respect them. FNs need time to develop capacity and are often derailed by other demands on their time. Monitoring and enforcement requires capacity and funding.	Best ways to related to provincial/federal government and pros/cons of each? How do IPAs relate to other negotiations by FN leadership? How to enforce protection while governance is being established? How to develop unique, culturally appropriate planning processes and governance structures? Differences (legally and jurisdictionally) between marine and terrestrial IPAs?
Revenue generation			
Financing the IPA (e.g., staffing, monitoring). Identifying activities that are consistent with the IPA. Financing for monitoring and enforcement.	Funding database. Sources of long term, core funding.	FNs declaring sovereignty are challenged with finding sources of core funding. Little capacity for accessing or managing philanthropic funds. FNs continue to be reactive to external pressures, leaving little time to be proactive. Outside funders sometimes have different priorities; conservation allies may not have viable economic plans. Local people are trained for conventional resource industries.	What are viable economic activities and revenue streams for the specific region? How to generate revenue streams to support communities/nations and the management of the IPA? Models of sustainable forestry / fisheries that are economically viable? Strengths / weaknesses of carbon sequestration for particular FN's IPAs?

Priorities	Needs	Challenges	Questions
Indigenous law and planning			
Document, interpret, and translate Indigenous laws as the basis for IPAs.	Models, methods, templates.	Funding. Decisions about what to share (e.g., sacred knowledge). Documenting methods of use that are legally defensible and acceptable to community members. Capacity	How to establish functional governance and negotiations in the meantime?
Monitoring and guardians / rangers			
Establishing programs that get people out on the land.	Long term funding sources. Recognition from government. Collaborative approach to funding / using data.	Securing core funding. Setting achievable goals that suit the people doing the work.	What sort of training do Indigenous monitors need?
Culture, community and wellness			
Healing from trauma. Securing community food resources. Sharing cultural knowledge and practices Revitalizing individual and collective cultural identity	Access to culturally important foods, medicines. Sacred space to practice spiritual relationships. Opportunities to get out on the land, practice/teach/learn traditional ways.	Trauma cycles and setbacks. Poverty. Health and infrastructure problems. Lack of resources at community level to help people. Loss of self-reliance and knowledge of the land among younger generations.	How to get community members out on the land, after the IPA is declared in principle (i.e., turning it from concept to lived reality)?
Research: Indigenous knowledge and science			
Articulate indigenous customary law. Record language and place names. Gain traction for IK with government / industry demanding technical science.	Research protocols. Science to complement IK.	Funding research that addresses indigenous needs / interests. Developing trusting relationships with outside researchers / agencies. Information management and sharing. Research for multiple purposes.	How to set up Indigenous research programs?

Priorities	Needs	Challenges	Questions
Community engagement			
Engaging FN and non-FN members in planning for IPA; ensuring inclusiveness. Demonstrating that IPA means something tangible to community members. Engage youth.	Community events on the land (e.g., culture camps). Language revitalization activities. School curriculum tools for teachers.	Ensuing community members feel heard and engaged. Trauma in the community.	Where do community members fit in the governance structure and use of the IPA?

4.3 Tools

First Nations participating in this research expressed interest in a number of tools that would help with establishing IPAs or strengthening stewardship.

Examples include:

- Tools for Aboriginal and First Nation decision-making:
 - List/description of IPA models viable in BC;
 - International models that may be useful in BC (e.g., UNESCO, ICCA);
 - Interim measures of protection: leverage points, pros/cons, how to invoke them; and
 - Models of environmental monitoring and Indigenous knowledge programs.
- Tools as guides or templates:
 - Policy guidelines/examples for IPAs;
 - Protocol agreement templates (i.e., research; film; industry); and
 - Methods for documenting customary law for management planning (Val Napoleon and John Borrows, University of Victoria, Faculty of Law).
- Tools as support for program funding:
 - Program funding models;
 - Funder database; and
 - Overview assessment of carbon sequestration – conditions needed for revenue.

Phase 2 of the IPA work would involve developing a suite of tools to address the identified needs (see Section 5.1).

5 Strategies and Recommended Next Steps

The purpose of this study was to scope and assess the needs, challenges, and shared questions of Indigenous communities and First Nations (particularly in BC) that are establishing Indigenous Protected Areas, or seeking to strengthen their stewardship options. Preliminary results reported here will serve as the basis for funding proposals, establishing collaborations with other agencies and First Nations, and identifying priority work, actions, and next steps.

The challenge of this work is striking a balance between the inherently distinct needs and circumstances of each First Nation, and the shared desire for answers to questions that pertain to many. The priorities and actions identified below address this challenge by combining synthesis and analysis of information at a provincial scale, with the goal of partnering and verifying the work with willing First Nations and other collaborating agencies.

The challenge of this work is striking a balance between the inherently distinct needs and circumstances of each First Nation, and the shared desire for answers to questions that pertain to many.

5.1 Priority Work and Actions for IPA Phase 2

Priority Action: Develop an Accessible Synthesis of Options and Pathways

Based on our discussions with experts from First Nations, non-governmental organizations, and research agencies, the first priority is to create a clear, accessible synthesis report that can serve as a reference for First Nations wishing to establish IPAs or to strengthen stewardship of their lands and waters. Several subject-specific and targeted studies have been completed by individual agencies or First Nations (see Section 3.1). However, there remains a need for a guide that clearly outlines options, models, and pathways available to Indigenous communities interested in establishing IPAs.

We are calling this guide the *Handbook for Establishing Indigenous Protected Areas in Canada*. Below we describe the rationale for why this handbook is needed. We then

follow with a proposed task list for creating the handbook, to use in discussions with potential partners and funding agencies. We propose a phased approach to the actions and next steps outlined below, to ensure the work proceeds in step with the needs of Indigenous communities, the challenges they face, and the innovative approaches they are developing.

Rationale

Why do we need the *Handbook for Establishing Indigenous Protected Areas in Canada*?

A number of First Nations colleagues and partners expressed needs and wishes concerning their interest in establishing IPAs that have not been met by the resources currently available to them. While the interests, strategies, and needs of individual communities and First Nations vary and often differ, some common needs are present among a number of diverse Indigenous communities and governments.

First Nations colleagues and partners express a desire for the following types of support:

1. An evaluative listing of conservation options that are being, or could be, applied in British Columbia.

This would include a list of the various models available to First Nations in BC for protecting and stewarding their lands and a critical evaluation of the strengths and weaknesses of each option. Some First Nations have also expressed interest in looking beyond what has already been done, to seek creative model solutions and examples of Indigenous protections from other Commonwealth jurisdictions.

2. Strategies and mechanisms for operationalizing IPAs in BC.

This component addresses the need for a clear analysis of what measures of cultural-ecological protection could be taken in BC, and how to implement them. In other words, the crucial next step after identifying IPA options that are legally or conceptually possible is to outline what actually works and how to enact them *in situ*. What has been successful, where, and what does a First Nation need to do to make it happen?

3. Opportunities for mutual learning and coordinated approaches among First Nations.

First Nation colleagues have expressed a desire to share with each other regarding practical strategic options on how to leverage change with government and industry. Examples of what has worked for other communities/First Nations, and how they have achieved successful outcomes, are of particular interest.

4. Guidelines or best practices for establishing IPAs

Depending on internal capacity, some First Nation partners have expressed a wish for practical, applied strategies and approaches that they can use to take the actions necessary to establish IPAs, engage leadership and community members in the process, negotiate with other governments, educate and take a firm position with industry, and achieve other goals related to exercising responsibility and stewardship over lands and waters. These strategies include, but are not limited to, templates for protocols or memoranda of understanding, communications strategies, examples of Indigenous

protocols, response letters to industry or government, educational materials, funding proposal templates and/or support for developing funding proposals, environmental monitoring training, and implementation strategies.

5.2 Proposed Approach for IPA Phase 2 (Handbook Development)

Task 1

- Secure funding and define desired collaborations with other parties.
- Research and write a draft synthesis handbook described above. Such a handbook ought to be characterized as:
 - Accessible to Indigenous decision-makers and practitioners;
 - Synthesizes available information, verified by First Nations and practitioners;
 - Identifies decisions, leverage, and mechanisms for First Nations; and
 - Evaluates the pros/cons or trade-offs of different choices/pathways.

Task 2

- Send the draft handbook out for review and comment by First Nations and practitioners, as well as technical reviewers with legal and negotiating expertise. Joint verification and evaluation should include:
 - The options, questions, needs, and strategies identified (collaborative analysis); and
 - Strengths and successes, and identification of what can be shared with other First Nations as strategies or best practices.
- Assess revisions needed, viability of the handbook, and the demand, in order to plan, fund, and schedule revisions to, and dissemination of the handbook.

Task 3

- Revise and supplement the handbook, based on feedback. This stage may involve strategically engaging technical input/contributions from other professionals and/or community members.

Task 4

- If warranted, facilitate direct networking, exchanges, and information sharing between First Nations with similar interests and experiences.
- Support capacity-building within, between, and among Indigenous communities;
- Convene exchanges and/or a meeting for First Nations establishing IPAs to share best practices and strategic lessons with each other; and
- Facilitate a growing network of shared strategies and resources among First Nations establishing IPAs.

- Develop specific tools to support IPA establishment and goals, in formats useful to First Nation.
- Examples of tools include:
 - Identification interim protection measures for First Nations establishing IPAs in BC;
 - Development of a funding database;
 - Evaluation of revenue-generation for IPAs in BC; and
 - Listing of contacts for IPAs and Indigenous-led stewardship initiatives in BC.
- Pilot test, share, and refine tools.

Community and Collaborative Relationships

Communities

A key part of the work recommended as next steps will be to ground the development of the handbook in the needs and the experiences of Indigenous communities and First Nations. It will be vital to engage with community practitioners throughout the process of research, reporting, and revisions, while also not burdening them with excessive additional work. To this end, we will consult with First Nations colleagues and partner communities who we know to be interested in IPAs, and who express an interest in being involved with this project. Firelight, and the other agencies with whom we collaborate, have the privilege of working closely with many partner First Nations that are advancing stewardship initiatives, and several that are establishing IPAs in their territories. Moving forward, our work will be driven by the needs and interests expressed by Indigenous communities, to Firelight, and to our other partners.

Collaborations

Firelight will work in active collaboration with David Suzuki Foundation, Tides Canada, and TNC Canada to develop joint proposals and undertake the next steps identified above, including:

- Ensuring we identify and partner with Indigenous communities whenever possible;
- Creating a handbook outlining the options and pathways available to First Nation communities wishing to establish IPAs; and
- Developing a more comprehensive set of tools to support First Nations, and facilitating the sharing of best practices and strategies directly among First Nations (capacity-building exchanges).

We continue on an ongoing basis to check for other agencies doing similar work that might be interested in collaborating.

Funding

The authors are currently in discussion with David Suzuki Foundation, Tides Canada, and TNC Canada regarding funding the next steps of this work (Phase 2, task 1 and possibly tasks 2 and 3). Discussions are ongoing to define clear community needs and project components that match funder capacity and priorities. The professional relationships and discussions enabled by the research for this report (through funding from Wilburforce Foundation) have provided a solid starting point for lining up funding toward subsequent work. In addition, by attending the Canadian Environmental Grantmakers' Network (CEGN) meetings in June 2016, we hope to gain insight into which other environmental grant organizations would consider the recommended work relevant to their own goals and mandates.

Where our roles are complementary and goals overlap, Firelight and David Suzuki Foundation may work together, in concert with colleagues at Tides Canada and TNC Canada, to identify potential funding agencies, develop funding relationships, and secure appropriate funding for the next stages of this project work.



6 Conclusion

This preliminary scoping study suggests that while different First Nations' specific needs are highly individualized, there is a broadly shared need for guidance, information-sharing, and a synthesis of existing options in a way that is accessible to many First Nations.

IN THIS PHASE 1, we scoped out some of the questions and needs shared among Indigenous communities and First Nations establishing IPAs, with a view to creating a handbook to assist their efforts. This preliminary scoping study suggests that while different First Nations' specific needs are highly individualized, there is a broadly shared need for guidance, information-sharing, and a synthesis of existing options in a way that is accessible to many First Nations. The synthesis described above (Section 5) needs to happen first, so that First Nations that wish to develop IPAs or strengthen their stewardship can make informed choices in deciding which strategies and tools will be most useful to them.

There are currently many questions, needs, and challenges that FNs face in their efforts to establish IPAs. Since some of these are regulatory and vary among the provinces/territories, we have chosen to focus on BC. We have grouped the emergent issues into categories: environmental protection; governance; revenue generation; Indigenous law and planning; monitoring and guardians; culture, community and wellness; research; and community engagement.

Generally, there are a few common threads that consistently arise in any discussion of IPAs. First, Indigenous governments face the challenge of deciding how they wish to relate to provincial and federal governments, as well as private landowners, when taking the initiative to strengthen stewardship or protected area designations. There is inevitably the challenge of enforcing environmental protection with industrial interests, and finding other sources of revenue to support the community in the long term. There is a strong desire shared by many to base IPAs in Indigenous values and customary laws, and to engage with researchers who work respectfully with both Indigenous knowledge and science. Finally, Indigenous leaders establishing IPAs face the internal challenge of uniting their own community members, while helping them through a long-term process of healing, as they deal with complex issues related to poverty, colonial legacies, and contemporary socio-economic challenges.

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APPENDIX A

Questions for Key Informant and Expert Interviews

1. What are your main goals for Indigenous stewardship/protected area?
 - Which options are most helpful to your nation/community?

2. What are major challenges you face as you work to establish an Indigenous Protected Area?
 - Prompt in terms of:
 - Implementation;
 - Governance;
 - Community members;
 - Economics; and
 - Capacity.

3. What options/arrangements seem best to you for:
 - Funding/revenue;
 - Sovereignty and governance decisions; and
 - Meeting your ecological and cultural protection goals.

4. What are the strengths your nation/community bring to establishing an IPA?
 - What experience and wisdom could you share with other First Nations that wish to create IPAs?

5. What are key needs and questions that you are dealing with?
 - What format/tools/types of support would be most useful to you?

APPENDIX B

Research Results By Topic: Priorities, Needs, Challenges, and Questions

Environmental Protection

Priorities

- Implementation of stewardship responsibility.
- Protect lands and waters in a way that keeps out industrial development and other pressures, while including mutually beneficial interactions between First Nations traditional livelihoods practices, cultures, and ecosystems.
- Assert Indigenous authority over how lands and waters are used in traditional territories.
- Increasing level of protection: cultural sites; ecological areas. For example, this may mean industrial development and/or the number of people in wildlife habitat or sacred areas, such as caps on tourist numbers, vehicle restrictions, or temporal/spatial restrictions on human use.

Needs

- Core funding for monitoring and enforcement.
- Clarity in relationship, jurisdiction and permitting with provincial government.
- Capacity among community members to do monitoring.
- Collective action, collaboration, and strategy by First Nations.

Challenges

- FNs want more protection for lands and waters than provincial government is prepared to agree to, in many of the cases studied.
- Hunting is also part of the management concern for First Nations, yet difficult to get provincial government accord with First Nation hunting policies/laws.

Questions

- What stronger models of protection for lands and waters are available to FNs? (beyond existing joint agreements and provincial/federal parks)?
- What successful options are out there (e.g., in BC, Canada, Commonwealth countries), and how could they be exercised in BC?
- What protections are offered by Tribal Parks?
- What other protective/stewardship/conservation options are there and how to determine whether they fit/apply to individual communities and environments?
- How to protect places and ecology, culture, etc. if provincial/federal governments carry on issuing industry permits – business as usual – after declaration of IPA?

Governance

Priorities

- External: determining the desired relationship with other governments (i.e. Provincial, Federal, other First Nations) in relation to the IPA.
- Internal: determining the processes for decision-making about the IPA, and governance structures of the IPA in relation to the First Nations and communities involved (note this involves First Nation and non-FN peoples),
- International leverage and relationships: determining whether to link the IPA with any international consortiums, initiatives or designations (e.g., ICCA; World Heritage; Biosphere Reserves, etc.).
- Consent regime and dispute process?

Needs

- Assessment of key leverage points, mechanisms, and pathways available to First Nations (relevant to province of interest) establishing IPAs, including assessment of the costs, power, and success rate associated with each.
- Sample protocols.
- Assessment of IPA models available to FNs in province of interest.
- Opportunity to exchange info and experiences with other FNs, to learn best strategies and approaches.

Challenges

- If working with other governments (e.g., provincial) – getting to agreement in a timely fashion (e.g. draft management plans). If making a declaration (i.e., sovereignty) – how to get industry and provincial permits to respect the boundaries of the IPA?
- Enforcement: more of a capacity issue – one of the driving priorities is making sure decisions

have traction on the ground – i.e., are enforceable, understood by others, respected by other governments, industry, etc.

- Timeframes – First Nations need time to develop capacity and work through processes to make key governance decisions, yet are often derailed by constantly being on the defensive, having to react to external requirements, and having insufficient capacity to deal with the demands on their time.

Questions

- What are most advantageous ways to relate to provincial/federal government? Pros/cons of each?
- How to govern IPA in relation to other negotiations by FN leadership over Treaty, Title, or other claims?
- How to enforce protection in the meantime while these questions/processes are being worked out?
- How can individual Indigenous communities develop their own, culturally appropriate planning process and governance structure?
- What is the best strategy for creating FN decision-making autonomy in IPAs?
- Are there legal/jurisdictional differences between marine and terrestrial Indigenous protected areas?

Revenue Generation

Priorities

- Generating a sustainable revenue stream to support the staff and operational needs of the IPA, monitoring, and associated community needs.
- Identifying and developing local economic activities that are consistent with community, cultural priorities, and hence the IPA.
- Finances for monitoring and enforcement.

Needs

- Funding database.
- Sources of long-term, core funding.

Challenges

- For FNs making declarations of sovereignty, finding long-term, steady sources of core funding independent of provincial/federal government, or industry funding.
- Lack of internal capacity to apply for or manage philanthropic funds.
- Diversion of internal capacity (people) towards defensive work (e.g. responding to industry pressure) rather than proactive work.
- Addressing local spending priorities and needs while fulfilling the mandates of available philanthropic funding.
- Local people reliant upon resource extraction jobs; existing employment skills oriented towards conventional resource industries.
- Conservation allies may not have viable alternative economic plans.

Questions

- What are viable economic activities and revenue streams for the specific region?
- How to generate revenue streams to support the communities/nations and the management of the IPA?
- How to implement sustainable community forestry/fisheries in an economically viable way for each region? (Models?)
- What are the strengths/weaknesses of carbon sequestration for each particular First Nation's IPA, in reality? What are the factors influencing evaluation.

Indigenous Law and Planning

Priorities

- Articulate and document Indigenous laws in ways that can be the basis for management, governance of IPAs (this is particularly important in BC, where many IPAs are on unceded territory).
- Interpret and translate customary laws (appropriate knowledge holders to do this) in order for other agencies to understand and abide.

Needs

- Models, methods, templates.
- (Val Napoleon and John Borrows' work; West Coast Env Law)

Challenges

- Funding to do Indigenous law work PLUS management planning.
- Decisions for FNs about what to share (i.e., sacred knowledge).
- Documenting using methods that are legally defensible and acceptable to community members.
- Time it takes to do this work.

Questions

- How to establish functional governance and negotiations in the meantime?

Monitoring and Guardians / Rangers

Priorities

- Establishing programs that get local people out on the land:
 - Asserting a presence;
 - Creating jobs that get people out on the land;
 - Monitoring the state of the land and waters, informing decision-makers, enforcing policies (e.g., among tourism operators), practicing traditional ways of knowing; and
 - Elders training middle-aged adults and youth.

Needs

- Clearly identified, long term funding sources.
- Recognition by provincial government of the importance of these programs, and collaborative approach to funding/using data.

Challenges

- Securing ongoing core funding for this work.
- Ensuring the program sets achievable goals that suit the individuals who are doing the work.

Questions

- What sort of training do Indigenous monitors need?

Culture, Community, and Wellness

Priorities

- Healing from trauma – collectively and individually.
- Securing community food resources (ocean).
- Sharing and teaching cultural knowledge and practices.
- Revitalizing individual and collective cultural identity, motivation, life practices on the land.

Needs

- Access to culturally important foods and medicines.
- Access and opportunity to practice spiritual relationships with the land/water, and the safety of ancestors in culturally important places.
- Opportunities to get out on the land, practice/teach/learn traditional ways.

Challenges

- Trauma cycles and setbacks.
- Poverty.
- Health and infrastructure problems (e.g. mould, house fires, etc.).
- Lack of resources needed at community level to help people.
- Loss of self-reliance and knowledge of the land among younger generations.

Questions

- How to get community members out on the land, after IPA is declared in principle? (i.e. turning it from concept to lived reality?).

Research: Indigenous Knowledge and Science

Priorities

- Articulation of Indigenous customary law, to serve as basis for management plans.
- Language and place names, while elders who remember are available.
- Localized research to support management imperatives – gain traction for Indigenous knowledge with government/industry demanding technical science.

Needs

- Research protocols.
- Science to complement Indigenous knowledge and inform decisions, rather than to undermine or discount.

Challenges

- funding research that addresses Indigenous needs/interests.
- Developing trusting relationships with outside researchers/agencies.
- Information management.
- Internal disagreement about information sharing with outside people/agencies.
- Research for multiple purposes (i.e., may be graduate student research, yet also need to stand up in court if it is to be useful to community).

Questions

- How to set up Indigenous research programs?

Community Engagement

Priorities

- Engage First Nations and non-First Nations community members in the visioning and planning for the IPA; ensure they feel included and sense of ownership.
- Allay fears or resentment among marginalized community members/groups.
- Demonstrate that IPA means something tangible to community members' lives.
- Engage youth, in particular.

Needs

- Community events on the land (e.g., culture camps).
- Language revitalization activities and resources.
- School curriculum tools for teachers.

Challenges

- Ensuring community members feel heard and engaged, despite disagreements over IPA formation, economics, politics.
- Trauma in the community.

Questions

- How to ensure that an IPA expresses the voices and vision of community members, while also providing leadership and information to community members (i.e. leaders responsive and also informative to their communities)?
- Where do community members fit in the governance structure and use of the IPA?



Firelight is a research group providing community-based research and technical support services in Canada and beyond. We work with communities to undertake high-quality, evidence-based research that is respectful and respected by others, to help our clients move forward with their objectives.

