# INDIGENOUS PROTECTED AND CONSERVED AREAS: REVIEW PAPER FOR SASKATCHEWAN

**(January 2021)**

**Norman Henderson**
**Adjunct Professor, Johnson-Shoyama Graduate School of Public Policy, U of R / U of S**

**Sponsoring Partners: Ya'thi Néné Lands and Resources and Saskatchewan Ministry of Environment**

**Project Managing Partner: Ya'thi Néné Lands and Resources**

**DISCLAIMER:** This Paper is for informational purposes only and was developed through collaboration between the Sponsoring Partners. This Paper is not a positional paper and is not a representation of the interests of either of the Sponsoring Partners. Where it includes views or opinions, these are the views and opinions of the author only, not the views or opinions of the Sponsoring Partners. Both Sponsoring Partners believe the information contained within this Paper could be useful for dialogue purposes moving forward and for any rights holders or stakeholders to consider when learning about Indigenous Protected and Conserved Areas.

Saskatchewan

## TABLE OF CONTENTS

# INTRODUCTION

## Purpose of an Indigenous Protected and Conserved Area

The concept of Indigenous Protected and Conserved Areas (IPCAs) – also called Indigenous Protected Areas (IPAs) in many jurisdictions – is gaining ground in several countries. Where such designations exist or are proposed they reflect a dual purpose:

- To restore more control over land and resources to Indigenous Peoples (and, implicitly or explicitly, to acknowledge, protect and strengthen the bonds between a specific landscape and its Indigenous guardians)

- To promote conservation and biodiversity

There are many good reasons to support both of the above purposes – this Paper will take it as a given that they are both worthy objectives. The key characteristic about IPCAs is that they advance both objectives simultaneously. If one wanted to only promote the first objective it could suffice to expand Indigenous resources and land holdings alone; if one wanted to promote only the second objective, one could simply promote an expansion of park lands or some other protected area designation.

There is also a characteristic about IPCAs that is generally not made explicit, but that remains common, at least so far. That is, that whatever the degree of Indigenous control achieved in an IPCA, there typically remains some type of government input or influence, whether as a partner in governance and management, or as a funding supporter, or as landholder.

One of the interesting things to consider is whether continuous government involvement is an end state for a particular IPCA (and there can be advantages to such partnerships), or whether the IPCA can evolve to the point where (non-Indigenous) government falls out of the equation entirely.

Canada's Indigenous Circle of Experts 2018 Report *We Rise Together*[1] endorsed the creation of Canadian IPCAs and the current federal government is an enthusiastic proponent. IPCAs are a practical way to empower a traditional Indigenous view of the land and its conservation.

In Canada conservation designation has followed two very different tracks: sometimes protecting all of a particularly valuable landscape or feature, or sometimes protecting a representative sample of a larger ecosystem (this latter is a driving philosophy in the creation of many national parks in Canada).

For IPCAs developed in Saskatchewan, if one chose to focus on culture rather than ecology to define IPCA boundaries, then an IPCA designation could strive to be a complete and coherent representation of lands and practices critical to Indigenous culture and lifestyles. Conceptually this would move an IPCA closer to representing the traditional territory of Indigenous Peoples, as opposed to representing a particular ecosystem. Something like this thinking may be behind the boundaries of Edéhzhíe IPCA (discussed later), which includes parts of different ecosystems.

This approach, i.e. starting from cultural use principles, can lead to an excellent ecological protection outcome as well.

## IPCA Diversity

IPCAs recognize that an Indigenous presence on the land is not only essential to supporting traditional culture and livelihoods, but can also be a positive, even a necessity, for conservation and biodiversity. But there is no single formula for an IPCA and every jurisdiction has its own unique history and context. Therefore every jurisdiction must find its own path to defining how an IPCA can best work locally. In every case, advocates of a new IPCA must create a vision and solution to meet their particular circumstances. Further, every IPCA will evolve and change over time in terms of governance and objectives.

This might make the idea of creating a new IPCA seem daunting, as it is not strictly an off-the-shelf task. But there are advantages to this situation too. A new IPCA can be customized to its context. And fortunately there are real-world examples and experience to aid decision making and provide ideas and options.

Furthermore, it is not the case that other protected area designations are standardized or immutable. The average person probably has a fairly fixed perception of what a "national park" is, for example, but in reality a national park in Britain is radically different in ownership, governance and objectives than a national park in Canada. The purpose of national parks has changed over time as well – their origin in Canada owed more to an attempt to promote well-healed tourism than to promote nature conservation, and in modern times national parks fluctuate amongst emphasizing conservation interests, or recreation interests, or business interests.

Provincial parks vary in nature and purpose across Canada as well, and even within one province, Saskatchewan, provincial parks have varying objectives – some are focused on recreation provision, others have a focus on conservation, while some allow a degree of industrial development. Flexibility as to the details of an IPCA is therefore not unusual or disadvantageous.

## North American and European Conservation Thought Contrasted

Some advocates of IPCAs note the strong connections that have always existed between Indigenous Peoples and their respective home lands and waters. They note that the Indigenous world view does not see conflict between habitation on these lands and waters and the wise, sustainable, and respectful use of these same lands and waters. People need not be the enemy of conservation.

This understanding is contrasted with what is sometimes said to be the western or colonial view that the ideal of nature conservation is wilderness preservation, and that the ideal wilderness has no permanent residents or users. For example: "European-based conceptualizations of parks do not consider humans to be a fundamental part of a healthy ecosystem."[2]

The above statement is false. It would be accurate, though, if it stated that *North American* colonial conservation thought has underestimated the positive role that human occupation and management can have, and has instead focused on wilderness conservation, where wilderness is understood to exclude people. This North American view is a relatively recent development and almost, in a way, an accident of intellectual history.

In the 19th century some nationalistic American intellectuals developed and propagated the view that what made America great was its natural landscape wonders and its great expanses.[3] Wilderness, they believed, made Americans admirable, rugged, self-reliant – and (which was partly the point) un-European. This new view (which eventually caught on in Canada) has had some good effects, including leading to the world's first national parks systems. But it has also had some notable bad effects. It completely ignored the fact that Indigenous Peoples both lived in these "wilderness" American landscapes and were critical to their creation and management. Settler North Americans effectively forgot, and now need to relearn, the idea that people and land can co-exist in harmony.

Europeans, on the other hand, never bought into the American conception of a depopulated wilderness as an ideal landscape. For example, the much-loved English countryside is described as the successful product of "a centuries-long conversation between man and nature."[4] Rene Dubos describes the "natural" order created in northern France as a "work of art" and extolls the virtues of this "semiartificial" landscape.[3] It is significant that in Britain the "Environment Secretary" is simultaneously responsible for the management of both the natural and the built environments in Britain – in North America the natural world and the built world are sharply separated in the mind, and therefore require separate administration.

Europeans are not alone in believing they have created an ideal landscape by fusing natural and human elements. The Japanese express great pride in their countryside, which is largely a mix of mountainous landscapes, forestry landscapes, and agricultural landscapes. This is not far from the Indigenous Australian understanding of "Country" as being indivisibly composed of both nature and culture.[5] In all these places cultural activity and active use of the land are not thought to be in conflict with nature conservation objectives; on the contrary, human land use is thought to be essential to maintaining conservation values.

The above clarification is important for two reasons. Firstly, it illustrates that the basic nature of an IPCA – land and people together in harmony – is not unusual in the conservation world. It is the American-origin depopulated wilderness model of conservation, well-rooted in Canada, that is relatively unusual. Secondly, the knowledge that combination cultural use / nature conservation models are quite widespread in the world widens the scope of precedents to look for options for IPCAs in Saskatchewan.

## Stakeholder and Athabasca Denesųłiné Objectives and Context

The Government of Saskatchewan wishes to increase its protected areas land base to cover 12% of the province. It also wishes to advance its *Growth Plan 2020-2030*.[6] The *Growth Plan* is

focused on economic expansion. Therefore, from the government's point of view, any new IPCA in Saskatchewan should, at a minimum, not significantly impede or diminish economic growth. Ideally it should aid or promote economic development.

The Athabasca Denesųłiné First Nations and Athabasca Basin Communities desire greater control and management of their traditional territories and the chance to benefit from any future economic opportunities. While the Communities have not yet established their vision of how a Basin IPCA should function, it is fair to say that the greater the degree of local control achieved, the more likely the Communities will be to favour an agreement. The Communities are also in favour of economic development that is sustainable, protects traditional lands and waters, and benefits local people. They are generally opposed to development that damages the environment and principally benefits outsiders. Ya'thi Néné Lands and Resources is working with the Communities to advance their views. The Wyss Foundation, the Shad Foundation, the Canadian Parks and Wilderness Society and the International Boreal Conservation Consortium have all contributed to Ya'thi Néné, as have Athabasca Basin communities, the Saskatchewan government, and the federal government.

The federal government is providing funds to support the development of IPCA agreements nationwide. Both environmental protection and reconciliation are fundamental to its governing platform. It hopes that IPCAs can contribute to both objectives simultaneously. Importantly, it has not set down minimum criteria that must be met to qualify as an IPCA. The report *One with Nature*[7] lays out national conservation objectives, including an accelerated adoption of IPCAs to help meet these objectives.

In Saskatchewan's North the mining industry is an important stakeholder. Mining companies operational in the Basin want stability, community acceptance, and access to existing and potential future mineral holdings. They can be expected to support IPCAs that align with these objectives.

Environment-focused NGOs or environment-supportive foundations may also be interested in IPCAs as a way of advancing conservation objectives. The Wyss Foundation has provided support in the case of Edéhzhíe IPCA, described below.

## Saskatchewan-based IPCAs in the National Context

IPCAs developed in Saskatchewan are only one part of a national process. Indigenous Nations and each territory and province are free to devise the details of their own eventual IPCAs. It is unclear how this will ultimately play out at the national scale. In the immediate term some provinces and territories may be more enthusiastic than others, leading to very different implementation levels.

While the federal government has established some budget for the IPCA creation and initiation process, it is not yet clear how IPCAs will be financially sustained long term. If the federal government hopes to realize a roughly equivalent outcome across the national landscape it will need to put national dollars on the table long term, in much the same way that it does with the

national parks system. If it fails to do this, some provinces will develop IPCAs, some may not, and some IPCAs that get off the ground may struggle over time in the absence of a national framework and national support. The only country that has so far achieved an extensive and sustained network of IPCAs is Australia. It has done so via a national framework and continuous national financial support from the outset.

It is inconceivable that a change in government could lead to the abolition of national or provincial parks – these parks are too longstanding and too cherished by the general population. The principle of government funding for these parks is long established and supported by all parties. This happy condition does not yet apply to IPCAs. On the contrary, IPCA development is very much tied to the explicit current priorities of this particular federal government. A future federal government might have different priorities.

## EXISTING IPCA-INSTRUCTIVE PROTECTED AREA DESIGNATIONS

The structures of the various IPCAs that emerge in Saskatchewan may be unique and differ one from another. However, we can learn from IPCA models already in existence. There are also some useful non-IPCA models in existence that demonstrate particular principles or options that may be of use in Saskatchewan. Selected models and their implications are discussed below.

### British National Parks: All-Inclusive Protected Areas

***Origin, purpose and history of the designation***

Curiously British national parks are neither national nor parks in the North American understanding of the terms. Nor, unlike most Canadian or American national parks, do they meet the national parks definition of the International Union for the Conservation of Nature (IUCN). Instead the IUCN would classify a British national park as merely a "protected landscape," (category 5 in the IUCN six-level categorization of protected areas: see "Appendix A"). North American national parks generally fall into the stricter conservation category 2 of the IUCN classification system. Comparing British national parks with Canadian or American national parks is a misleading exercise; the origin, nature and purpose of the systems are different.

In the 1950s ten British national parks were established in rugged environments, all either uplands or coastal cliff landscapes. This probably reflects both a preference for wild-looking landscape and the practicality that lowland areas in Britain are generally highly developed and difficult to organize as a park in any form. In more recent years there has been a modest expansion of the system to a few lowland sites, including national parks whose main feature is waterways, lowland forest, or gentle rolling hills.

About three-quarters of funding for the parks is provided by the national government, with the balance coming from local communities. Governance is by a board for each park, with about half of appointees coming from local communities and half appointed by the national government. However, even some of the "national" appointees are local people, so local representation in park governance is strong, typically amounting to about two thirds of appointees. Historically some appointees have been politicians (as opposed to professional bureaucrats, managers, or planners).

Pembrokeshire Coast (National Park)
Photo Credit: Andy (https://www.flickr.com/photos/48926370@N04/33619341784)
Creative Commons Legal Code: Attribution-NonCommercial-ShareAlike 2.0

Land tenure is very complex. All parks have a mix of private and public ownership, both of which come in many guises. There is also a third class of semi-public institutional ownership represented by a not-for-profit, the National Trust, a major landholder in some parks. While to North Americans such a complex mix of land tenure might seem impractical, it seems normal, even admirable, to the British. For example, Shoard comments "Potentially a sophisticated mechanism for conserving the beauty of large areas of exceptional countryside, national park designation is superior to the crude tool of state ownership."[8] But Johnson has a different view: "Preservation of an English national park, with its extensive … human elements, is far more difficult than preserving the natural environments in the usual type of park."[9]

That the British system works at all is because planning controls over the development of private land are much more stringent than in Canada or the United States and the government does not hesitate to block undesirable private development. However, national park planning authorities are much more effective at blocking new developments or forcing alterations to development proposals than at instigating positive new development or management. This reliance on negative powers sets limits on what can be achieved. But if Johnson is correct that "the objective

of most of the [national park] Board's work is obvious: to minimize physical change,"[9] negative powers are mostly what you need.

The national parks pursue multiple objectives, including:

- Preservation of natural beauty (particularly that beauty thought especially characteristic or emblematic of a particular park)
- Protection of cultural heritage (i.e. buildings and structures of architectural beauty or historic importance)
- Protection of wildlife (including flora)
- Provision of public access and facilities for recreation

There are more objectives than those made explicit. For example, the maintenance of largely local control seems to be important. Local economic support is also an objective. Traditional farming and forestry practices are supported. The government will pay to maintain traditional built structures.

It is noteworthy that the parks support traditional livelihoods, not just traditional landscapes, recognizing that the two are linked. So funding is provided for longstanding cultural practices such as upland grazing or sustainable harvest from freshwater.

There are dedicated funds to protect valued cultural heritage. These could include, for example, the old stone field walls of upland areas. From a modern farmer's point of view, it could be cheaper to replace a stone wall with a barbed wire fence, but the old stone walls are recognized as having heritage value, so the state is willing to contribute to their preservation. Ancient hedge rows also serve as field fences, and again payment can be made for their upkeep, as the park recognizes these have both biodiversity value and ancient cultural value.

National park designation thus helps preserve traditional ways of life tied to traditional landscapes. It recognizes that some ways of life are integrally tied to the land and that these ways of life benefit the health of the landscape. Where these old livelihoods are threatened, the state is justified in stepping in and offering support. Such ways of life include the old trades of hedgerow maintenance, coppicing in old growth forests (whereby tree branches are harvested every five to ten years and the tree lives on indefinitely), or harvesting of reed in traditional marsh landscapes (with the reed going to repair old-style thatched roofs).

Buttermere, Lake District National Park (note stone wall in foreground)
Photo Credit: Breizh33 (https://www.flickr.com/photos/30913371@N07/3861544402)


National parks have a duty to support local communities, some of which may be embedded within the park. The parks are to support local business development not in conflict with conservation objectives. Local communities are felt to be an integral part of the park.

Perhaps the most contentious management issue is visitation. Some parks, particularly those near heavily populated areas, take the mandate to provide public access to heart, but some other parks, particularly those in more remote areas and those dominated more by rural than urban interests, tend to discourage tourism at times.

A cynic might argue that with such a wide sweep of objectives, it is hard to evaluate whether the national parks are actually successful or not. Management is mostly a constant balancing act between various pressures and objectives. There is explicit guidance on how to balance one significant management conflict. Where park objectives conflict (for example, if over-visitation threatens conservation outcomes), the “Sandford principle” requires that conservation interests be given greater weight.

***Potential learnings for IPCAs in Saskatchewan***

British national parks are instructive in that they are a national system, yet prioritize local control. They emphasize collaborative management, local economic support, and local community support. They value biodiversity and traditional cultural use of the land equally.

They are conflicted in practice about how or whether to encourage tourism. Tourism is encouraged to a point, with reticence particularly for remoter parks.

Other learnings of note:

- There are customized objectives and management criteria for each national park. This will be necessary when each IPCA is on a different landscape and may have different management objectives.

- There is high valuation of cultural structures and traditional livelihoods. The protected natural environment and its biodiversity are understood to be the product of longstanding cultural practices like grazing and forestry. National parks provide payment for ancient and sustainable land management practices, such as tree coppicing or traditional reed harvest. There is also payment to preserve ancient structures such as stone walls. Payment for ecosystem services is expected.

- The parks are explicitly mandated to support local residents and communities socially and economically

- Board management is majority local and local interests are more important to management than national interests

- Funding is largely from the national government, but with local contributions

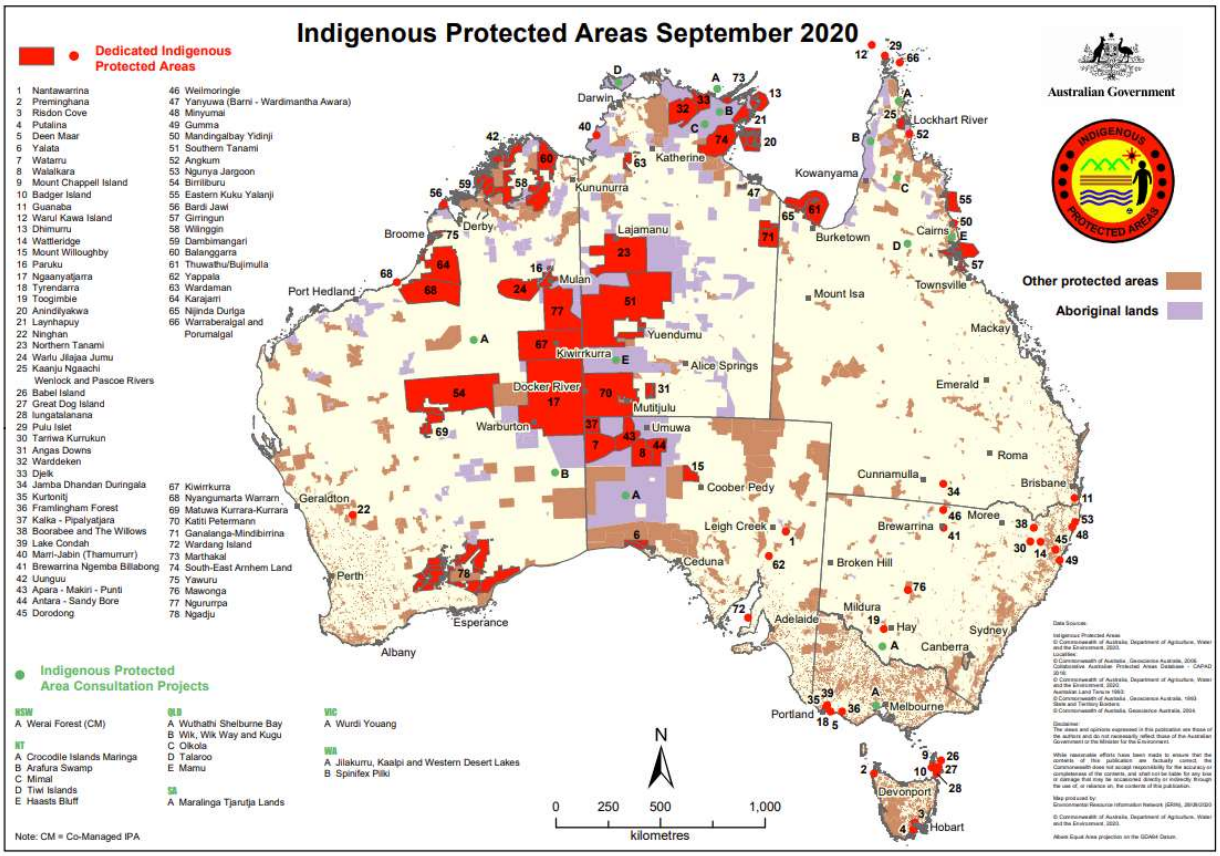
- Where conservation and development or economic objectives are in conflict, conservation is given greater weight

## Australian Indigenous Protected Areas: Autonomy, Conservation and Employment

### *Origin, purpose and history of the designation*

Australia is by far the world leader in terms of both the number of Indigenous Protected Areas and the total area designated – there are at least 76 IPAs in existence, covering about 67 million hectares. "IPA" is the Australian equivalent of "IPCA". More IPAs are proposed. The program dates from 1997 initiated by agreement between Australian Indigenous Peoples, the Commonwealth (federal) government, and Australian state governments.

The early origin of the Australian IPA program may, in one interpretation, derive from the fact that some of Australia's 85 bioregions are entirely owned or controlled by Indigenous communities. Therefore, if the Australian National Reserve System was to meet its goal of having conservation representation from all national bioregions, the Commonwealth government had to make some kind of accommodation to Indigenous interests. This was the starting basis of government-Indigenous negotiations.




National Indigenous Australians Agency, Government of Australia
(https://www.niaa.gov.au/sites/default/files/files/ia/IEB/ipa-national-map.pdf)

Prior to agreeing to any IPAs Indigenous negotiators sought a long-term commitment from the Commonwealth government as a quid pro quo for an in-perpetuity IPA commitment from the Indigenous side.[10] However, government funding commitments that ultimately emerged are typically annual or multi-year agreements whose renewal must be negotiated. Formal partnership agreements are signed between the proposing Indigenous community or corporation and the Commonwealth government. The base funding typically provided by the government can be supplemented by philanthropic donations, private sector support, or via fees-for-service provision.

Federally the IPA program is administered by the National Indigenous Australians Agency in partnership with the Department of Agriculture, Water and Environment. Indigenous IPA partners are often constituted in the form of an Aboriginal corporation specific to an IPA. A typical governance structure might see an IPA Board consisting entirely of Indigenous members and an advisory committee or committees consisting of various invited interested parties – these could include government members, business interests, not-for-profit conservation interests, or research interests.

To merit IPA designation there must be significant biodiversity. Both lands and sea can be designated. Cooperative management between Indigenous managers and government agencies is expected. Conservation organisation partners and commercial business partners are encouraged. Joint research and the integration of Indigenous knowledge with Western knowledge are features of some IPAs.

Collectively IPAs make up about 44% of the National Reserve System. The System's primary objective is biodiversity protection and nature conservation, but IPAs have multiple objectives beyond environmental and biodiversity benefits. There is an explicit objective to generate local health, education, economic and social benefits. There is a focus on cultural protection and on Indigenous employment in IPA management and operations. Many IPAs employ Indigenous rangers who act both as cultural transmitters to future Indigenous generations and as interpreters to site visitors.

Individual IPA proposals are voluntary and driven by Indigenous communities (rather than emerging from a top-down plan). It is the Indigenous proponents that control and drive the consultation process. Nonetheless, the IPA program itself is a national government construct. The Commonwealth government actively promotes IPA designations. It periodically invites new applications to expand the existing system and provides funding and assistance for the consultations and planning necessary for an application to the national program. These blocks of consultation funding tend to get announced every few years. They ultimately lead to an expansion of the system a few years later.

There does not seem to be any public information on the number of applications for IPA consultation funding that are denied by the Commonwealth government. Equally, it is nowhere publicly noted how many Indigenous communities proceed with consultations and ultimately decide not to go forward with an IPA. Nor is there information on the number of times a community decides to go forward with an IPA, but is subsequently unable to agree on terms with the government.

Girringun (Indigenous Protected Area)
Photo Credit: Ian Cochrane (https://www.flickr.com/photos/62177177@N08/34237557313)
Creative Commons Legal Code: Attribution 2.0 Generic (CC BY 2.0)

Typical implementation stages for the creation and operation of an Australian IPA include:

- Community consultation on whether to proceed with an IPA or not
- Development of a management plan that sets out how the IPA will be protected and managed, and what will be the operational objectives and values
- Declaration of the IPA
- Implementation of the management plan
- Monitoring, review and revision of the management plan

Typical IPA management plan activities include:

- Weed and feral animal control
- Revegetation programmes (with native species)
- Interpretive activities for visitors
- Management and maintenance of visitor facilities
- Protection of rock art; cultural history and language projects
- Wildlife protection and research

It is noteworthy that the community consultation process typically takes three to four years.[11] It is equally noteworthy that an IPA is not declared until a management plan is agreed. The management plan process is typically created and driven by the Indigenous proponents themselves, with technical assistance provided by the government as useful.

At the broadest scale IUCN categories are used as reference values for management. Australian IPAs are usually classified as category 5 or 6 protected areas (category 5, "protected landscape," is the same category that British national parks fall under; category 6 is "protected area with sustainable use of natural resources" – see "Appendix A"). But sometimes an Australian IPA can be in an IUCN protected area category other than 5 or 6. This diversity is revealing: IPAs are as much a governance arrangement as they are a specific conservation designation.

In the original Australian model the Indigenous proponent must hold land title to the proposed IPA. Could the model work on non-Indigenous-tenure lands? The following 2005 Australian assessment from Langton et al.[10] is sobering:

> "Effectively, an IPA can only be achieved where there (sic) indigenous people have exclusive title to their land. While there have been a number of projects where indigenous groups have been funded to negotiate with state agencies in existing state owned national parks and reserves these have generally been less successful for a number of reasons:
>
> • The entrenched power of state conservation agencies
> • Lack of commitment by states
> • The lack of a relationship between indigenous groups and state conservation agencies from which to pursue in any practical ways the rhetoric of engagement.
>
> However this situation is improving as the necessary inter-personal conservation agency/community relationships start to gain substance at the ground level. Moreover, if the existing IPAs continue to deliver successful conservation and community development outcomes they will increasingly become attractive land management models for state conservation agencies."

As the Indigenous proponent of a new IPA already has land tenure, they start from a strong position in negotiating a management agreement with the Commonwealth government. The government must pay to achieve outcomes it wants (biodiversity protection and Indigenous employment, for example).

But while straightforward Indigenous land control simplifies IPA designation and management processes, it also limits the potential land base in the Australian system. Therefore, notwithstanding the skeptical Langton et al. quoted above, beginning in 2011 IPA status has been expanded to places where tenure is not exclusively Indigenous, but where Indigenous communities have a custodial or traditional interest – these areas are sometimes termed "Indigenous Country."[12]

In these more recent, complex, multi-tenure IPAs, the governance board typically includes non-Indigenous members, who are often representatives of tenure-holding government agencies.

Nonetheless, despite ultimately involving multi-party governance, the development of a management plan for an Indigenous Country IPA, including IPA boundaries, remains Indigenous-led. An IPA can overlap and co-exist with a previously existing conservation designation, up to and including a national park.[13]

Similar to Langton et al.'s 2005 assessment above, Smyth's 2011 view[12] is that "negotiating [multi-party] support for the implementation of a Country-based plan is a challenging process." Specifically, "it requires relentless Indigenous leadership of the collaborative partnerships, as well as the cooperation of government agencies and others who require ongoing assurance that the investments in collaboration, and the IPA designation itself, are achieving mutually rewarding outcomes."

Rist et al.[13] identify what they view as necessary conditions for a successful IPA outcome:

- good governance within the relevant Indigenous groups
- good relationships with neighbouring Indigenous groups
- willingness of Indigenous Traditional Owners to lead the planning and implementation processes
- willingness to educate and collaborate with government agencies
- willingness of other parties to work under the collaborative leadership of Indigenous organizations
- access to resources for undertaking the strategic planning process
- ongoing resources to enable implementation of an IPA management plan

As it has many objectives it can be difficult to evaluate the overall success of the Australian IPA program. Farr et al.[11] note the wide range of potential benefits of IPAs, from employment, to biodiversity, to spiritual and intangible cultural benefits. There seems no doubt that some IPAs have improved economic and employment outcomes for participating Aboriginal corporations (as documented by a series of analyses on social return on investment at individual IPAs by Social Ventures Australia, a consultancy). Most commentary on the IPA program is very positive.

An alternative, more sceptical view of the IPA program is voiced by Zeng and Gerritsen,[14] who suggest that the IPA program was a way for the Commonwealth government to greatly expand the National (nature conservation) Reserve System on the cheap, by avoiding having to purchase new lands for designation. They state that there is "a lack of evidence that environmental outcomes have been achieved." They note the lack of uniform reporting requirements for IPAs as compared with the rest of the (directly government-controlled) National Reserve System. It is true that IPA impacts on biodiversity and conservation do not seem to have been systematically evaluated.

A summary critical view of the Australian IPA program is as follows:

- the program pursues multiple objectives, which may at times be in conflict with each other

- as the lands entering an IPA are most often already under Indigenous control, an IPA does not significantly increase Indigenous autonomy or further empower Indigenous communities
- as there is no systematic control or reporting on environmental outcomes, an IPA does not necessarily contribute to national environmental conservation outcomes
- the long-term commitment to funding by the Commonwealth government is uncertain

Nonetheless, the IPA system seems popular. It does seem to bring some environmental benefit to the nation as a whole (albeit not rigorously quantified). So far at least, no IPA seems to have been disestablished – the declaration of an IPA includes the intention to remain part of the National Reserve System in perpetuity.

IPAs do increase funding to Indigenous communities and contribute to better employment, social and cultural outcomes. While it can be argued that Indigenous autonomy is not increased by the designation of an IPA on Indigenous territory, it can also be argued that increased funding itself generates more autonomy. An IPA designation never decreases Indigenous control and can be described as an expression of "sole management" on Indigenous-tenure lands.[15] On multi-tenure lands it may increase Indigenous influence.

Importantly, the IPA designation has had bipartisan support in the Australian parliament so far.[13] Everyone has something to like. Left-leaning politicians like the empowerment and advancement of Indigenous Australians. Right-leaning politicians like the economic development aspects of some IPAs.

The Australian system is an example of how extensively and relatively quickly the concept of Indigenous protected areas can take hold nationwide.

***Potential learnings for IPCAs in Saskatchewan***

- Australian IPAs are not declared in the absence of a management plan. It is indeed wise to wait until there is at least basic agreement on governance and a management plan before declaring an IPCA. Without these items in place first there is a risk the new IPCA will be engulfed in conflict and fail to launch. The Laponia example that follows below is an excellent illustration of the dangers of a designation first, details later, approach.

- Australian IPA consultation is thorough and not rushed, taking three or four years for simple cases (the federal government here seems to want to be on a faster track)

- Ongoing federal operations funding is on the table for IPAs

- Employment generation, cultural protection, transmission of traditional values, and leveraging of funding from third parties are objectives, together with conservation and biodiversity protection

- A designation with multiple objectives, like Australian IPAs, is harder to assess

- A designation with multiple objectives, like Australian IPAs, may find them in conflict (the same problem occurs with British national parks)

- Tourism promotion seems to be a relatively minor component or not present at all in some IPAs

- Joint Indigenous-non-Indigenous research projects are a feature of many IPAs

- The original stipulation that the IPA land base had to be Indigenous-owned made establishment relatively straightforward (and bypasses the need for agreement by Australian state governments). However, it has been found to be limiting, and more complicated land tenures have been accepted into the program.

- An IPCA designation can co-exist and overlap with other conservation designations

- Australian "national parks" are generally not constituted on federal Crown land, but rather on state (i.e. provincial) Crown land. British national parks, as noted earlier, are in large part on private land. Following Australian and British logic, it would be conceivable, therefore, to have an IPCA founded on Saskatchewan provincial Crown land designated as a "national" IPCA, without the need for transfer of Crown land ownership from provincial to federal government. Designation as a national IPCA could encourage federal funding, regardless of underlying provincial land tenure. The higher prestige of a "national" designation could also encourage non-governmental third-party funding.

## Te Urewera Protected Area: Moving Towards Reconciliation

### *Origin, purpose and history of the designation*

From 1954 to 2014 Te Urewera was a New Zealand national park, the largest on the North Island. The primary objectives were protecting biodiversity and providing public recreational access. Similar to many North American national parks it was rated as an IUCN class 2 protected area. In 2014 Te Urewera was disestablished as a national park and converted to a protected area by an act of the New Zealand parliament. Increased control over Te Urewera management was given over to the Tūhoe people, for whom Te Urewera is the ancestral home. This was a clear break with previous government policy of not returning conservation-dedicated land to Indigenous control.[16] About 7000 Tūhoe reside in the protected area today, which they subdivide into *rohe*, or tribal zones. It remains an IUCN class 2 designated area.

The status change is in part the result of a claims settlement between the Tūhoe and the national government. From the Tūhoe point of view, Te Urewera National Park had been founded on unceded Tūhoe lands. The claims settlement involved payment of NZ$170 million to the Tūhoe as well as increased governance and management control by the Tūhoe for Te Urewera. It is not clear whether the change would have occurred in the absence of a legal claim initiated by the Tūhoe. Nonetheless, some of the language and intention of the *Te Urewera Act* is beautiful: "The Crown and Tūhoe intend this Act to contribute to resolving the grief of Tūhoe and to strengthening and maintaining the connection between Tūhoe and Te Urewera."[17]

Governance of the protected area is now by the Te Urewera Board, comprised of joint Tūhoe and New Zealand government membership. Notwithstanding the change in designation and governance, Te Urewera management objectives have had considerable continuity. Having a management plan is obligatory, as it was when Te Urewera was a national park. Biodiversity protection remains an overarching objective. And the *Te Urewera Act* specifies that the land must remain accessible to public use and tourism visitation (one common activity is hiking, often to overnight huts). Visitation is monitored to minimize environmental impacts.

However, an important third purpose was added by the Act, which was not present in the previous national park mandate. This new objective is to strengthen and maintain the connections between the Tūhoe and Te Urewera. For example, the traditional Tūhoe practice of sustainable harvest of native plants and animals, which would not be allowed in a New Zealand national park, is now possible (subject to Board regulation). Sustainable Indigenous resource harvest activity is also compatible with continuing IUCN class 2 designation.

Lake Waikaremoana, Te Urewera



As with Australian IPAs, culture is now recognised as equally important as the biophysical environment; indeed, culture is acknowledged as inseparable from the physical landscape. There is a much greater emphasis on presenting a Māori understanding and interpretation of the landscape to visitors, as opposed to having visitors simply visit a physical landscape. There are various ways for visitors to learn about Tūhoe history and culture in relation to Te Urewera. A measure of success is if a visitor leaves Te Urewera with an appreciation that they have experienced a Tūhoe landscape and culture, rather than simply visited a beautiful natural landscape.

The national Department of Conservation, which previously managed the national park, continues to work in the protected area, particularly with infrastructure maintenance. Tūhoe provide operational management in accordance with their customary values and principles – this right is enshrined in the 2014 Act. For example, the protected area is alcohol-free.

The *Te Urewera Act* prescribed a graduated approach to governance change – it was agreed the governance board would shift to majority Tūhoe membership over time. For the first three years

the Board had equal government-Tūhoe representation, but thereafter the ratio changed to six Tūhoe-appointed members to three government-appointed members.

The Act carefully specifies how Board decision-making is to occur. Some decisions, such as approval of the management plan, require that the Board strive for unanimity. Other decisions require consensus. Consensus is defined as "the absence of a formally recorded dissent from a member present at a Board meeting." Where unanimity or consensus is not attainable, mediation is allowed for.

The Act allows for Board members to vote where agreement remains impossible, but even at this stage the consent of at least two of the three government-appointed Board members is required. Thus, even as minority members of the Board, government members retain blocking power. As well, the national government presumably retains some leverage via funding supply. Unless otherwise mutually agreed, operational funding is provided 50% by the national government and 50% by the Tūhoe *iwi*, or nation. There is perhaps less emphasis on economic development than in some Australian IPAs.

A groundbreaking feature of Te Urewera is that the landscape has been awarded personhood status. It now has the same legal rights as a person under New Zealand law. Te Urewera is to be understood as existing in its own right, and not for reasons of utility to humans. The Tūhoe people have guardianship. The governance Board is understood to act "on behalf of" Te Urewera. The current management plan ("Te Kawa o Te Urewera") reflects the shift in thinking: "Te Kawa is about the management of people for the benefit of the land – it is not about land management."[18]

In 2017 legal personhood was extended to two other sites in New Zealand, Whanganui River and Mount Taranaki. The status has also been applied in a few other countries since the example of Te Urewera. Whether the concept will spread widely, and its ultimate implications, are not yet known, and will vary by jurisdiction.

The *Te Urewera Act* contains a striking exemption. Te Urewera can still be mined and new mining activity can be approved by the national government without the consent of the Board. This is a continuation in Te Urewera of a New Zealand policy that allows mining in national parks. In 2010 the government backed down from proposals to expand mining within the national park system only after massive negative public reaction.

One skeptical interpretation of the widely admired declaration of personhood for Te Urewera, that the land "owns itself," is that the declaration was a way of avoiding moving title from the Crown to the Tūhoe.[19] This kept alive the possibility the government could approve a mining operation at some point in the future.[20] But while it might be legal, one must doubt it would be politically possible to open any significant mining operation in Te Urewera against either Tūhoe or broad public opposition.

Te Urewera is an example of greatly increased Indigenous control of a protected area, but with some elements of control discretely retained by government.

***Potential learnings for IPCAs in Saskatchewan***

- Te Urewera is identified by the Tūhoe themselves as central to their history, existence, culture and identity – it is not defined or selected as a protected area based on biophysical or ecological data

- As with Australian IPAs, a key purpose of the designation is to acknowledge, protect and strengthen the bonds between a specific landscape and its Indigenous guardians

- As with Australian IPAs, visitation management can emphasize people are visiting a specific Indigenous cultural/natural environment, rather than visiting a physical landscape alone

- A graduated shift in governance and management control over time can be a practical approach when changing an area's status

- Mining rights can be carved out as an exception to normal conservation management

## Laponia World Heritage Site: A Cautionary Tale

### *Origin, purpose and history of the designation*

Laponia, a little north of the Arctic Circle in northernmost Sweden, is a high biodiversity region within the Swedish homeland of the Saami. It constitutes a part of *Sápmi*, the greater Saami homeland that extends across northern Sweden and on into adjacent modern-day Norway, Finland, and Russia. Saami are the Indigenous inhabitants of the region, with a long history and pre-history of reindeer-herding.

To Saskatchewan eyes some of Laponia's landscape and inhabitants seem familiar: pine, spruce, birch, eagles, grouse, chickadees, martens, wolverine, otter, hare, fox, bear, lynx, moose, and sporadically, wolves. There are the familiar mosquitoes and black flies too. However, in contrast to Saskatchewan, some of the terrain is mountainous and lies above the tree line.

Laponia is a designated world heritage site. At 9400 $km^2$ it is the largest protected natural area in Europe. About 99% of the land base is government owned; the remaining 1% is owned by Saami collectives.[21]

The protected area is complex in that it encompasses national parks, nature reserves, Saami communities and economies, and some large-scale industrial developments such as hydro dams. Hydro developments date from around 1920 in and near Laponia and have had major impacts, flooding some landscapes with reservoir lakes and extinguishing Stuor Muorkke, formerly Europe's greatest waterfall, the "Niagara of Sweden".

Further complexity is added by the fact that Saami practice transhumance and that different Saami communities have traditionally occupied the same landscape (such as Muddus National Park) at different times of the year – what is summer range for one community may be the winter range of another.

Laponia has long been recognized by the Swedish government to be a site of biodiversity and nature conservation value and a place of spectacular scenery (though this did not avert hydro development). The earliest Laponia national parks, Sarek and Stora Sjöfallet, date from 1909. More recently Laponia has been recognised for its cultural values, for the ancient practice of reindeer herding, and for the inextricable reciprocal links between the current landscape and cultural practices such as reindeer herding. This cultural landscape aspect of Laponia was officially acknowledged by the 1996 UNESCO world heritage site designation. The designation recognised the importance of biodiversity and landscape on the one hand and the Saami culture that is both based on this landscape and helps shape it, on the other. The current management plan states clearly: "The management of the Laponian World Heritage [site] is to be practiced so that the Sámi culture is preserved and developed."[22]

While reindeer herding is the best-known traditional Saami activity, other Saami traditional rights such as wood harvest, fishing and hunting are also protected under heritage site designation. Saami cultural sites are protected too. Nine Saami communities use land within Laponia (typically also making use of lands adjacent to Laponia as well). In terms of nature

conservation, the earlier original Swedish national commitment to biodiversity conservation continues, but with much greater Saami input and influence after the 1996 heritage site designation.

Reindeer Grazing



The road to agreement was anything but smooth. In retrospect it seems clear that conflicts arose from the fact that from the outset different Laponia stakeholders had very different hopes and fears about world heritage site designation. They struggled to understand one another's intentions and failed to build mutual trust.

To simplify somewhat, there are four major parties to consider: the Saami communities, the local small towns, the county government (which in Sweden has some of the powers and responsibilities of a Canadian province), and the national government.

The Saami communities hoped world heritage site designation would lead to greater autonomy and Saami control over Laponia. Conversely they feared it might lead to more restrictive conservation regulation, negatively impacting their reindeer herding. The local towns hoped designation would lead to strong public profile and more tourism. Conversely they feared it could lead to restrictions on economic development projects. The county government of Norrbotten hoped designation would strengthen nature conservation protection, and initially

expected to retain Laponia management responsibilities (as is the norm in Sweden for world heritage sites). The national government hoped to look good internationally by advancing both nature conservation interests and Indigenous autonomy, but had no plan as to how to realize this on the ground after heritage site designation. Instead it simply threw this problem to the other three major stakeholders, asking them to solve the governance and management issues locally amongst themselves. Fifteen years of conflict ensued.

In contrast to the practice with an Australian IPA, which demands a governance and management plan up front, the Laponia world heritage site application preceded any agreement on governance or management. This had fateful consequences. UNESCO itself pointed to the need for a management plan acceptable to all Indigenous and non-Indigenous stakeholders.[23]

But when Swedish government agencies first put forward Laponia for UNESCO designation Saami reindeer herding was described as an environmental impact, as opposed to a positive cultural force creating a Saami cultural landscape. Indeed, the original government position took little account of the cultural side of Laponia – the government proposed to call it "Laponia Wilderness Area," which the Saami understandably objected to, as from their perspective Laponia is not wilderness at all, but a lived-in home landscape.

It is not clear whether people thought governance agreement would be straightforward, or whether they thought the issue a minor one at the time of heritage site designation. In any event, following designation, work on a management plan "broke down since the regional and local parties were too far apart from each other."[24] The Saami view was that their majority representation in a future governance body was the first order of business. The county government took the view that under Swedish legislation it could not turn over administrative responsibility for Laponia even if it wanted to. Some thought construction of a visitor's centre was the priority (which in turn led to disputes as to the informational content such a centre would contain – unsurprising given the differing visions for Laponia at play). There was also a lack of funding from the national government to facilitate developing a governance structure.

Competing visions for Laponia were at the core of the conflict, but there was also a technical problem. There was a complete lack of experience in Sweden, a highly centralized country, at allowing management and planning control at a level as local as Laponia. Precedent, and enabling legislation, did not exist.[23+25]

At one point the Saami communities, the local municipalities, and the County of Norrbotten went their three separate ways and each independently developed their own competing visions and programs for how the world heritage site should be managed. To generalize, the County was focused on nature conservation, the municipalities on tourism and development opportunities, and the Saami communities on increasing autonomy and protecting traditional Saami livelihoods. The document titles produced by the three parties reflect the flavour of their interests. From the County: "Laponia: Our World Heritage". From the municipalities: "Strategic Questions for the Development of the World Heritage Site of Laponia". From the Saami communities: "Our Land."[25]

At various times the Saami appealed to the national government or to UNESCO. But for years Stockholm continued to simply refer the problem back to the local quarrelling parties. It took until 2005 when the Governor of Norrbotten became personally involved for real progress to be made. Of the nine years between 1996 and 2005 the current management plan offers the rather philosophical assessment: “From the time of the establishment of Laponia and until 2005, different attempts were made to create a new management for the area. However the time was not ripe until the autumn of 2005."[23]

By 2006 an initial agreement was reached that Laponia would be directed locally and by an association with a Saami majority on the managing committee. Two key original Saami demands had been met.

This initial agreement was sent to the national government, which in 2007 allocated 9,000,000 krona (about $CDN 1,400,000) for further work over three years on a “Laponia Process” involving further consultations, finalization of a governance structure, and the undertaking of a management plan. In 2011 specific national legislation (just as in New Zealand experience) finally created the special purpose management organization, Laponiatjuottjudus (Saami for “management of Laponia”), which took over management control from Norrbotten County in 2012. This extended and painful negotiation is described euphemistically as “a long but successful process.”[24]

Membership of Laponiatjuottjudus is made up of Saami communities, local municipalities, Norrbotten County, and the Swedish environmental protection agency. Saami representatives are in the majority and initially only a Saami representative could be chairperson, as per UNESCO’s recommendation.

Consensus is required in decision-making and, as is the case with Te Urewera, what “consensus” means in practice is carefully spelled out: “Consensus is … a process of joint decision-making where everyone must be in agreement before a decision is made.” In practice, again as in New Zealand, this allows minority partners to retain blocking power.

To quote from the management plan,[22] the most important conclusions from the Laponia agreement negotiation process are:

• Consensus as the form for decision-making is to be used as far as possible
• The view of nature and culture should be based on the landscape as a whole
• The people who live and operate within an area have important competence and experiences that the management cannot be without
• The prevailing view on culture and history is changing because of our work so that knowledge and solutions are sought out more from the perspectives of the local cultures
• We work within a system and develop and renew it so that the creation of norms, etc. are based on local competence and traditional knowledge
• Language is an important part in culture creation

The general principles advanced in the management plan are very similar to those at Te Urewera and in many ways are similar to a British national park. Equal weight is given to protection of

biodiversity and to the cultural history, physical cultural sites, and current livelihood practices of the Saami. There is an emphasis on local decision-making, on the importance of wide consultations, and on consensus in decision-making. There is an openness to economic development when compatible with agreed joint values and vision. There is an openness to (managed) visitation.

While there is explicit favouring of one particular cultural / economic activity in Laponia (reindeer herding), there appears to be little or no explicit favouring of economic development or employment for the Saami per se, and no explicit objective to advance the Saami economically vis-à-vis non-Saami Swedes. There is a preference in the management plan for local hires wherever possible, but again no distinction between Saami and non-Saami. There is, in a management plan appendix, a statement that impacts on Saami businesses of any potential new development must be considered.

Laponia Encampment
Photo Credit: Carl-Johan Utsi (https://laponia.nu/om-oss/press/)

While the management plan has established general principles, Laponiatjuottjudus is currently in the process of developing specific guidelines for individual activities or industries (such as hiking or guided sport fishing, for example).

Some world heritage sites include “buffer zones” outside the boundaries of the designated heritage site proper. Buffer zones are declared where developments outside the heritage site could nonetheless impact it. Generally, where a buffer zone is declared, controls or guidance on

one or two specific activities (such as wind turbines, for example) are enacted. In Laponia's case potential negative boundary developments could include forest harvest, hydro developments, wind turbines (which are in fact currently proposed), or mining. There is discussion as to whether designation of some adjacent lands around Laponia as buffer zone would be practical or useful, but no resolution at this point.

One activity of Laponiatjuottjudus of potential interest is its management of a GIS information system specific to Laponia. From the management plan:[22]

> "Laponia-GIS is to make geographical information easily accessible both for the management and for others who are looking for information about the area. Laponia-GIS is a channel to ensure that information about regulations that specify prohibitions for certain activities and operations in different parts of the area, as well as information on reindeer husbandry areas sensitive to disturbances, are easily accessible and clearly understandable … The information is to be accessible by other authorities as a support for making decisions concerning Laponia. Up-to-date and relevant information is available to visitors in order for them to plan their visit to Laponia."

Sweden has a legally enshrined "*Allemansrätt,*" a right of public access to the outdoors and countryside, which is also acknowledged in Laponia. This can be conflictual at times, since hikers, for example, can disturb reindeer herds, particularly during migrations. Nonetheless, management is committed to public access, the current plan stating: "The measures performed by Laponiatjuottjudus are not to be an obstacle for anyone using or visiting Laponia, regardless of gender, age, ethnicity, function, etc. as long as laws and regulations are respected."[22]

In a manner very reminiscent of Te Urewera, while the right of public access is endorsed, there is also a strong emphasis on the need to manage visitation and to educate visitors about the land and its peoples. As in New Zealand there are dual objectives at work. First there is a desire that visitors engage with the people and landscape with respect and in ways that do not damage Laponia's ecology or culture. Second there is a desire to provide visitors with information and guidance to get the most out of their time in Laponia. It is hoped they develop an appreciation of the land and its culture.

PricewaterhouseCoopers undertook a review of Laponiatjuottjudus[26] in 2017 which revealed a wide range of opinions, from advocates of dissolving the structure entirely, to those who advocated giving it more powers. Critics focused primarily on two areas: Laponiatjuottjudus had done little for tourism or business development and the consensus model was slow to reach and implement decisions, if it ever reached them at all. In addition local communities complained about their lack of influence. Resulting from this last critique it was decided the role of chairperson would alternate between a representative of the Saami communities and a representative of two local communities.

However, most stakeholders were positive about the model, or after years of prior negotiation, were perhaps resigned to the likelihood that the Laponiatjuottjudus model was as good as it gets. The words of Norrbotten County, originally at odds for years with both the Saami communities and local municipalities, are probably close to a typical 2017 view: "We can hardly see any other

organisational form that to the same extent would be able to secure a municipal, local and Sami influence, national relevance and international support". Laponiatjuottjudus's mandate was extended by the national government (although only until the end of 2022).

It is unclear if Laponiatjuottjudus will serve as a model for similar designations elsewhere in Sweden, or in other parts of *Sápmi*, the Saami homeland, beyond Sweden. It remains unique in Sweden, an after-the-fact special purpose structure that slowly and painfully emerged to resolve a specific governance challenge. Other world heritage sites in Sweden remain managed by the relevant county government, not by a local or special purpose organization.

The area immediately adjacent to Laponia in Norway was also submitted to UNESCO for world heritage site consideration back in 2002, but remains on the "tentative" list. If accepted, it would be on similar grounds to Laponia, where the area is recognized both for biodiversity and natural values, and for cultural values as an active part of the Saami homeland.

In one important respect the case of Laponia is very different to previous examples. World heritage site designation is a well-defined designation with detailed qualifying criteria supervised by an influential international organization (UNESCO). And international supervision does not end with designation. Governments must periodically report on their world heritage sites and UNESCO inspects them periodically. UNESCO may declare a world heritage site to be "at risk," and in extreme cases can remove the recognition entirely, which is normally embarrassing to national governments.

This external force on Laponia stakeholders was influential and possibly crucial to the eventual outcome (which continues to evolve). At several points Laponia stakeholders reacted to direction from UNESCO, which in general took a stronger pro cultural landscape, pro local control, pro Indigenous control, and pro locally-driven management plan than the original Swedish governmental position. Meeting UNESCO standards and expectations was and is an external international pressure for Laponia without equivalent for the previously discussed designations, or those designations discussed below.

***Potential learnings for IPCAs in Saskatchewan***

- An Indigenous protected area can contain complex elements, such as national parks, communities, and industrial developments like hydro-dams

- A "buffer zone" designation adjacent to any protected area designation can be useful if the protected area is at risk from potential adjacent developments

- Declaration of a new protected area, without prior agreement on governance and a management plan, is risky. It may lead to years of controversy, rancour, or simple lack of progress. One has the clear impression the Saami, local municipalities, Norrbotten County and the national government regret the sequencing of the Laponia process and would do things differently, given another opportunity.

- Consensus as a governance modus operandi seems both necessary and slow

- Applying an externally defined and monitored protected area designation (such as world heritage site) has a major impact. There are pros and cons to this route.

- It took 15 years of complex multi-party disagreement, but ultimately the Indigenous Saami attained most of their governance and management objectives

## Grasslands National Park: The Crown Land Transfer Option

### *Origin, purpose and history of the designation*

Grasslands National Park originated as a locally driven concept. Beginning in the 1950s interest in protecting grasslands in the future park area slowly increased, with individual conservationists and groups playing an important role in raising awareness. The Regina Natural History Society purchased some land in the area to protect prairie dog habitat. In 1956 the Saskatchewan Natural History Society formally proposed a national park in the area.[27] A park based on grasslands was, at that time, a somewhat radical idea. Even today, while there are many Saskatchewan provincial parks centered on forest or water features, we do not have a provincial park primarily dedicated to the protection of natural grasslands.

A grasslands-focused park later emerged as a federal objective. Beginning in the early 1970s the federal government developed a plan to have every major natural region within Canada represented within the national parks system.[28] The main driver was a bioconservation ambition to protect at least some part of every natural region. Secondary intentions were to provide a greater variety of national park experiences to Canadians and to raise appreciation, awareness and status of ecosystems less spectacular or awe-inspiring than the mountain parks or dramatic coastlines that often feature in older parks.

Grasslands National Park

Parks Canada noted that while some regions (such as the Rocky Mountains or the boreal plains) had several national parks within them, some other regions had none. One such region was the prairie grasslands. Some Prairies national parks did have some grasslands components, but none had a majority focus on grasslands, and there was no national parks representation in the short-grass country.

There was, and is, also little representation of the mid- or tall-grass prairies, but these areas are generally privately owned and farmed. It would be expensive and politically challenging to assemble a significant mid- or tall-grass national park land base. On the other hand, parts of the short-grass landscape of southern Alberta and Saskatchewan were in either federal or provincial Crown hands, were not of high agricultural value, and were also sometimes host to rare or endangered species in Canada (such as the swift fox, prairie dog, or prairie rattlesnake).

There is no record of consultation with Indigenous peoples during park lands assembly, even though the area has been used by Indigenous peoples for at least 10,000 years – there are thousands of tipi rings in the park. Indigenous heritage is now recognized by the park and the area is also now recognized as of significance to the Métis.

After Euro-Canadian colonization most of the future park became federal Crown land, which was then transferred to Saskatchewan by the 1930 *Natural Resources Transfer Act (Saskatchewan)*. To create a national park this transfer needed to be reversed. For the federal government, land transfer for parks purposes was not a new process; between 1930 and 1970 five new national parks were created in Atlantic Canada via transfer of lands from provincial to federal tenure. But from the Saskatchewan perspective it was a new concept.

Initially the province had concerns about losing lands to the park that might contain significant oil or gas production potential. The provincial government therefore assessed the intended park land base for minerals potential. The resulting survey information was taken into account in provisional park boundaries delineation and in 1981 the Saskatchewan and federal governments signed an agreement to create a new Grasslands National Park. Some initial land was acquired by the federal government in 1984.

However, problems arose around how to deal with water resource management and with oil and gas exploration and development within the proposed park boundaries. Negotiations to resolve these issues took five years. A further provincial-federal agreement (*Agreement for the Establishment of the Grasslands National Park 1988*) was signed which resolved these concerns and superseded previous agreements. Some key terms were that Canada could buy out previously assigned third-party mineral exploration rights and that Saskatchewan could use a five-year window to proceed with potential oil and gas exploration and development within certain parts of the proposed park.[29] Saskatchewan was also allowed to uphold existing water use agreements (primarily water supply commitments to ranchers).

Much of the future park was provincial agricultural Crown land leased to ranchers. One challenge was suspicion amongst area ranchers that they would be pushed out or expropriated. Over time this concern was alleviated by extensive consultations and by agreements that no one would lose their deeded or lease lands other than on a willing seller – willing buyer basis.

Assembly of lands has been relatively slow and is still ongoing today, but the vast majority of the intended land base has been acquired (particularly in the West Block). The park has broad support, both locally and provincially. The park hires many local people to run park operations, including paying local ranchers to manage cattle and bison within the park, with the goal of emulating old grazing regimes to attain ecological landscape objectives. Bison re-introductions started in 2005. Local towns like Mankota and Val Marie benefit from tourism to the park. There is also a local sense of pride in being involved in the management, protection and interpretation of what is now seen as a national resource.[30]

The park continues to evolve, but it is fair to judge that it has been an ecological, economic, and social success. There is no sense that the province regrets the land transfer into federal hands.

We tend to think of Crown land as somewhat static, but transfers between governments, and to and from private ownership, do take place. In the last decade, for example, significant land was transferred from the federal government to the province when the federal government divested most of its PFRA pastures program. The province has in turn moved on some of these pasture lands into corporate cooperative management. As recently as 2020 there has been a swap of significant land back from the province to the federal government for conservation purposes, the Govenlock, Battle Creek, and Nashlyn pastures, totalling about 800 $km^2$.

***Potential learnings for IPCAs in Saskatchewan***

- Where the province sees a net benefit to transferring out ownership of Crown lands for development or conservation purposes, it can (and does) do so. For practical purposes, this is easier where the probability of high-value subsurface mineral presence is low and where exploration rights have not been assigned. A Crown land transfer could be one route to a national IPCA, if supported by all parties.

- One way to deal with subsurface minerals is via an agreement that gives mineral rights holders or the province a time limit to complete exploration or development. Another option is for the federal government to buy out mineral rights holders.

- Federal Crown land status does not guarantee federal operations funding, but it probably makes such funding more likely. It also makes the designation status of "National IPCA" a more obvious possibility (though federal tenure is not strictly necessary for this designation).

## Gwaii Haanas Agreement: Progress Despite Fundamental Disagreement

### *Origin, purpose and history of the designation*

Gwaii Haanas protected area is an archipelago of 138 islands consisting of roughly the southern quarter or third of the Haida Gwaii archipelago. The site designation emerged out of conflict.

Commercial logging was a lucrative enterprise in Haida Gwaii, but ecologically and culturally controversial. In the 1970s and 80s both Haida and non-Indigenous individuals and organisations objected to old growth logging proposals in the future Gwaii Haanas area. In 1985 objections escalated into action: the Haida Nation designated Gwaii Haanas to be a Haida Heritage Site and a blockade was set up on Athlii Gwaii / Lyell Island.

Initially commercial logging continued, but the controversy and pressure for a conservation-oriented solution grew. In 1987 Canada and British Columbia signed the *South Moresby Memorandum of Understanding* and in 1988 the *South Moresby Agreement*. The latter opened the way for federal designation of the area as a national park reserve, which would preclude commercial logging. As part of the *South Moresby Agreement* the federal government contributed about 38 million dollars to set up a trust to benefit Haida Gwaii (now managed as the Gwaii Trust Society). The government also bought out the extinguished commercial logging rights to Gwaii Haanas.

In 1993 the Government of Canada and the Council of the Haida Nation signed the *Gwaii Haanas Agreement*[31] to jointly manage the protected area. In part the agreement set up a prosaically named but important institution: the Archipelago Management Board (AMB). The Board has equal representation from the Haida Nation and the federal government. It is funded by the federal government. Just as in previous models examined, the Board aspires to operate "by consensus," but of course the details of what that means in practice are key.

On any issue the Board is enjoined to strive hard for consensus (which is not explicitly defined). The Board may request mediation by an agreed neutral third party, if useful. Where consensus cannot be reached the Board is to put the disputed matter aside and continue with other business so far as possible. The unresolved issue is to be passed up the line to the Council of the Haida Nation and the Government of Canada. Instructions may then pass down from these two higher authorities as to how to proceed. The agreement does not spell out a way to resolve an impasse that still remains after an issue has been moved up and then come back down the authority chain (in contrast to the detailed resolution procedure outlined for Te Urewera).

The *Gwaii Haanas Agreement* also includes a clause that allows either party to completely terminate the agreement on six months' notice. This possibility may reflect less trust in the enduring nature of the arrangement than seen in previous models examined. It might also add uncertainty and drama to any major disagreements that may emerge.

The 1985 Haida Heritage Site designation declaration included a large marine area around the Gwaii Haanas archipelago. In the Haida view, it made no sense to treat the terrestrial and marine worlds as separate entities. (In this the Haida share a similar perspective with some Australian

Indigenous peoples, where the proponent Australian Indigenous nation views the sea and land as a single common entity to be protected by IPA status.) Over time the federal government came to agree with this understanding and steps were taken which led to the 2010 *Gwaii Haanas Marine Agreement*,[32] whereby the Council of the Haida Nation and the federal government expanded the AMB's joint management responsibilities seaward. Curiously though, a clause in the 2010 agreement allows either party to terminate the entire agreement on a mere two months' notice!

In parallel with the 2010 agreement the federal government established the Gwaii Haanas National Marine Conservation Area Reserve. From the federal perspective this 2010 designation was not straightforward. It required that four major oil companies give up petroleum leases within the reserve and that British Columbia transfer its seabed interests to Canada. It also required a new act of parliament, the 2002 *Canada National Marine Conservation Areas Act* to create the national marine conservation area designation possibility. In fact, Gwaii Haanas is the initiating force that instigated Canada's still incipient national marine conservation area program.

The establishment of the Gwaii Haanas National Marine Conservation Area Reserve completed the federal alignment of lands and waters to approximately the same boundaries as the Haida Heritage Site declaration, although the federal boundaries designation remains slightly smaller than the Haida designation. It is noteworthy that Haida actions and designations for both terrestrial and marine protected areas preceded, and doubtless helped drive, ultimately complementary provincial and federal actions.

In 1981 one small segment of what became Gwaii Haanas was proclaimed a world heritage site, the small island of SG̲ang Gwaay, which houses the remains of a Haida village last occupied in the 1880s. This is a cultural heritage site, now managed, as per the broader Gwaii Haanas land and seascape, by the AMB. The Haida Gwaii Watchmen Program provides site guardians and guides.

In 2004 Parks Canada submitted the entirety of Gwaii Haanas to UNESCO's tentative list of future world heritage sites. Like Laponia, the proposed site is classified as "mixed," meaning it is being nominated for both natural and cultural features of high value. Gwaii Haanas certainly has both the natural and cultural features to qualify for designation. However, the site has not been advanced from the tentative list to the nomination stage, which, given that 16 years have passed, suggests there are second thoughts or unresolved issues at play. As noted in the Laponia experience, to achieve and retain world heritage site status you are subject to outside criteria and evaluation. To speculate, this may be playing a role in the delay.

SG̲ang Gwaay, Gwaii Haanas
Photo Credit: Brodie Guy (https://www.flickr.com/photos/71944037@N05/6501167185)


Famously the signatories to the 1993 *Gwaii Haanas Agreement* do not agree on sovereignty over Gwaii Hannas. The federal government views the protected area as Crown lands and waters; the Haida view it as unceded land and waters under Haida jurisdiction. Page 1 of the agreement lays out the two divergent tenure views clearly. Yet it also notes that "The parties maintain viewpoints regarding the Archipelago that converge with respect to objectives concerning the care, protection and enjoyment of the Archipelago."[31] This convergent view allowed the establishment of what is now a longstanding working relationship and enabled shared stewardship based upon shared goals and vision.

One significant shared goal noted in the agreement is similar to previously examined examples, that Haida should be assisted "to take advantage of the full range of economic and employment opportunities associated with the planning, operation and management of the Archipelago."[31] In particular Haida are to be encouraged and aided to become Parks Canada employees for the Archipelago, and it is suggested that any Parks Canada employee in the Archipelago should have knowledge and appreciation of Haida heritage and culture. Currently more than half of Parks Canada staff working in Gwaii Haanas are Haida.

The most recent management plan, *Gwaii Haanas Gina 'Waadluxan KilGuhlGa Land-Sea-People Management Plan*,[33] was completed in 2018, and is significant in that it encompasses both terrestrial and marine components within a single plan, as per Haida thinking. It is the first

national park or park reserve plan to do this and replaces two previous separate management plans, one terrestrial, one marine. The 2018 plan includes a vision, principles, objectives, and zoning for both terrestrial and marine components. Objectives include providing employment and business opportunities for Haida, conservation protection (particularly invasive species control and species harvest regulation), provision of meaningful visitor experiences, protection and interpretation of Haida culture, and scientific research. There is no mention of further pursuit of world heritage site designation.

According to Parks Canada the AMB is "renowned throughout the world as a model for cultural and natural resource governance."[34] And it is true the model has had some success and that good will has grown. In 2013 hundreds celebrated the raising of the 42-foot Gwaii Haanas Legacy Pole in commemoration of 20 years of cooperative management since the signing of the *Gwaii Hannas Agreement.*

It is no criticism of the AMB model that conflicts can still emerge. In 2014 the federal government wanted to re-license a commercial herring fishery, including within Gwaii Haanas and broader Haida Gwaii marine territory, which had been closed for some years to allow stocks to rebuild after overfishing. The Council of the Haida Nation objected and launched a successful federal court challenge, blocking the commercial fishery in 2015.

One could argue that, unlike Laponia, Te Urewera, or Australian IPAs, Gwaii Haanas is not actually an IPCA, given that there is no majority Indigenous governance control. Instead it is an example of co-management. In the exact words of Parks Canada, the AMB is a "cooperative management board". Under the federal definition cooperative or co-management is enough to qualify a protected area as a potential "IPCA."[35]

***Potential learnings for IPCAs in Saskatchewan***

- Gwaii Haanas demonstrates that total resolution of all issues, even one as fundamental as land and water tenure, is not always necessary – if those involved can agree on a common vision

- The federal government considers co-management to be enough Indigenous participation for an area to qualify for IPCA status. But is co-management enough for Indigenous people? The Indigenous Circle of Experts noted in their report *We Rise Together* that: "As a matter of principle and priority, ICE views support for full Indigenous governance as the path forward for IPCAs, including management and operational responsibilities."[1]

## Edéhzhíe Agreement: IPCA Success in Canada

### *Origin, purpose and history of the designation*

Located west of Great Slave Lake in the southern Northwest Territories, Edéhzhíe protected area contains parts of the elevated Horn plateau, Hay River Lowlands, and Great Slave Lake Plain. It is ecologically rich and diverse. There are wetlands, forest, and important habitat for threatened species like boreal caribou and wood bison. The area has always been integral to Tłichô and Dehcho Dene life and culture.[36]

Edéhzhíe was designated a Dehcho protected area under Dehcho law in July 2018. Soon after, in October 2018, 14,218 $km^2$ of Edéhzhíe was designated an IPCA by agreement between the federal government and Dehcho First Nations.[37] The Edéhzhíe Management Board was created to co-manage the designated area. The Board and operations are initially federally funded out of the Canada Nature Fund.

A key objective of the designation is to support and advance Dehcho Dene life and culture as well as protect ecological integrity. There is a strong commitment to maximize Dehcho participation and employment in the management and operations of the protected area. Dehcho First Nations Indigenous Guardians provide on-the-ground monitoring and operational management. In 2018 the Wyss Foundation made a $750,000 three-year commitment to support this Guardians program.[38]

There is an intention to also designate the IPCA as a National Wildlife Area in 2020. This was requested as far back as 2010 by Dehcho First Nations and the Tłichô government. The area remains federal Crown land, administered and controlled by Environment and Climate Change Canada. It is an IUCN class 1 protected area.

At the time of the October 2018 Edéhzhíe Agreement federal minister McKenna indicated that Edéhzhíe was only the first of what would be many more IPCAs that the federal government intended to support.[39] From the federal perspective the IPCA model unites two current government priorities: reconciliation and environmental protection.

Negotiations on the road to the 2018 *Agreement Regarding the Establishment of Edéhzhíe* took many years, including a court case. In 2002, in response to Dene concerns, the federal government agreed to prohibit new development in Edéhzhíe, but in 2010 nonetheless opened the area to subsurface minerals exploration. The Dehcho objected strongly, taking the government to court, and winning a 2012 decision.[40] The judgement stated the government should not have acted unilaterally and was directed to re-enter consultations with the Dehcho.

Edéhzhíe
Photo Credit: Environment and Natural Resources – Government of Northwest Territories
(https://www.enr.gov.nt.ca/en/services/conservation-network-planning/edehzhie)

Eventually agreement was reached on the current protected area boundaries, which exclude some higher mineral potential lands from protected status (an earlier proposal was for a larger protected area). It is unsurprising that potential minerals development is contentious; mining can be a source of scarce employment in the NWT and also a source of territorial government revenue. Not until June 2020 did the NWT Premier and the Dehcho First Nations Grand Chief announce that the NWT government was indefinitely extending the subsurface mineral rights withdrawal for the designated protected area.[41] The IPCA now has protection status both above and below ground.

The Management Board set up by the 2018 founding agreement is majority Indigenous. Five members are appointed by the Dehcho First Nations and one by the federal government. A further member is appointed by mutual agreement to act as an impartial chair. Decisions, as in previous models examined, are to be reached by consensus. The agreement states that the two Parties, Canada and the Dehcho First Nations, are each to have a single "Senior Representative" present at Board meetings and that: "If both Senior Representatives agree with the [Board] consensus, the decision shall be deemed approved by the Parties."[37] This necessity for

agreement, plus the fact that the single federally-appointed Board member can block consensus, means that majority Dehcho members cannot simply outvote the federal member.

The agreement also states that: "The Parties shall implement…the [Board] Decisions if there are no objections by either Party." If a Party does have an objection, it can send a written notice of the same to the Board, with the intention of having the disputed issue re-addressed at Board level. Alternatively the Parties can also decide to make decisions amongst themselves rather than return the issue to the Board.[37] Ultimately, if either Party strongly objects, it seems a Board decision is blocked.

The IPCA and the Board are still young and it is early days to judge how effective this governance structure will be. In terms of the distribution of power, Dehcho First Nations have a strong Board majority and great moral authority, given the mutually agreed intentions behind the Edéhzhíe designation to give greater voice and effect to Dehcho views. For its part the federal government maintains Crown land tenure and provides operational funding, which inevitably carries influence.

There is no agreement termination clause, which suggests a degree of determination on the part of the Parties to make the agreement work (or a desire to make it more difficult for some future, different, federal government to unwind what has been agreed).

Of course, Edéhzhíe management does not occur in isolation, and relations will also be affected by how land tenure and resource management issues are being handled by the Parties in Dehcho lands beyond Edéhzhíe.

The relevant federal webpage has an intriguing statement about visitation: "While federal Crown lands are public property, there is no general public right of access to federal Crown lands. Until a management plan is in place, we discourage visitors to Edéhzhíe."[36] "Visitors" is not defined, but presumably this means non-Dene visitors are discouraged, since the IPCA designation expressly supports Dehcho presence on the land. It will be interesting to see what stance the future management plan takes on visitation, which is often a contentious issue for IPCAs.

An approved management plan is due by no later than 2023.

***Potential learnings for IPCAs in Saskatchewan***

- IPCA establishment on federal Crown lands is a proven possibility
- In principle the federal government is willing to provide IPCA operational funding
- Edéhzhíe is a further example of how overlapping protected area designations can be complementary (in this case a national wildlife area and an IPCA)

## SUMMARY DISCUSSION AND CONCLUSIONS

Conservation protected area designations that acknowledge and celebrate human impacts (cultural conservation landscapes) are widespread in the world and have been standard practice in many countries since the origins of nature conservation and biodiversity concern. The American-origin focus on wilderness conservation in an artificially depopulated landscape is actually something of an outlier in world conservation thought, though it has been influential in many countries, especially Canada. Despite the high profile of the American conservation model, from a nature conservation perspective, protected cultural landscapes are widespread and not in the least radical.

IPCAs are one manifestation of an increasing appreciation for cultural nature conservation landscapes even in countries heavily influenced by American conservation philosophy. Indigenous peoples have lived sustainably for millennia in their home environments and are natural partners and guardians of these homelands. Generally, IPCAs benefit Indigenous autonomy and therefore represent social progress.

IPCAs are (or should be) selected on the basis of the relevant Indigenous peoples' understanding of lands and waters that have value and meaning to them. The alternative approach is for government to propose or advocate land that is "convenient" for IPCA designation, perhaps because it has biodiversity conservation values but is not thought to contain significant subsurface mineral deposits, or because land tenure is not complicated. But to select an IPCA on the basis of convenience is to ignore a prime purpose of IPCA designation – to respect, acknowledge, restore and strengthen an Indigenous connection to homeland territory. It is always better to agree to an IPCA location where the community finds meaning and future in the land. If this land happens to have mineral development prospects, or land tenure is complicated, or pre-existing developments are present, there are extant examples of how to handle such issues within a negotiated IPCA agreement.

Conversely, if an area of land has high biodiversity and conservation value, but is not of core interest to an Indigenous Nation, then there are several other traditional non-IPCA conservation designations that can serve the conservation purpose (e.g. "ecological reserve").

Many existing IPCAs, such as Laponia or Te Urewera or Edéhzhíe, developed from the bottom up. These were "problem" or conflictual situations that slowly evolved towards an individualized resolution that, looked at now in retrospect, can be described as an Indigenous Protected Area.

The current situation in Canada is somewhat different in that "the solution," an IPCA of some nature, is out there, and is being promoted by the federal government. IPCAs could currently be described as a solution in search of opportunities. It is true that that the Indigenous Circle of Experts supports IPCAs in principle, and that an IPCA may indeed be the best way forward for some situations in Saskatchewan. But both the province and Indigenous Nations need to consider carefully whether in each specific case an IPCA is the best solution. It is the newest tool in the (Canadian) tool kit, and therefore somewhat exciting, but it will not always be the most satisfactory solution.

Within any IPCA there can be tension between biodiversity conservation objectives and economic development objectives. Such tension is both manageable and to be expected. On development questions it is common to find some Indigenous and non-Indigenous in favour, and some Indigenous and non-Indigenous against. Resolution of specific development issues, and a general policy towards them, are exactly the type of concern that a good IPCA governance structure and management plan are meant to address. An excellent example is how and whether to encourage tourism to a given IPCA, an issue that is often contentious, but resolvable through a management plan process.

In fact, the apparent contradiction of keeping both development and conservation objectives alive within an IPCA should be embraced. Firstly, IPCAs are cultural landscapes, and cultural landscapes are not static. Some degree of change and development must be accepted over time. Secondly, embracing both conservation and development objectives within an IPCA enables the construction of strong coalitions of support. In Australia it is the underlying source of bipartisan federal support for the program that ensures IPAs' long-term existence and growth. Governments of the left (Labor in Australia) can celebrate the support for conservation and for traditional Indigenous livelihoods on traditional lands. Governments of the right (Liberal in Australia) can celebrate the increase in tourism, employment and economic development. Both sides see something to like and the system grows and endures. In Saskatchewan's situation this is a reason not to discount out of hand an IPCA designation with mineral development potential, but rather to consider an IPCA structure that can manage the tension and the trade-offs.

All IPCAs seem to eventually coalesce around the idea of majority Indigenous control, though it can take years for the parties to come to this conclusion. It is a logical conclusion, since if majority Indigenous control is absent, it can hardly be called an IPCA.

Where agreements are slow to be reached, the arrow of time seems to favour Indigenous viewpoints, and other parties do eventually shift their standpoints to allow for greater Indigenous control (albeit sometimes only after a court decision). But one caveat to this observation: survivor bias, a kind of sampling bias, may be at play. There may be cases where non-Indigenous counterparties do not agree to greater Indigenous control, and where IPCAs or IPCA-like structures are therefore blocked. These blocked potential IPCAs are not as prominent or easy to find or study, since they remain merely incipient.

All governance structures seem to arrive at "consensus" as the operative mode of IPCA decision-making. However, "consensus" can be understood in several ways and a good agreement clarifies the details for each individual IPCA. One basic governance design choice is whether to try to resolve all issues at the IPCA Board level or whether to kick contentious issues upstairs to the agreement signatories.

Where government land constitutes the majority of an IPCA, governments invariably hold back some powers, even when agreeing to majority Indigenous governance and management in principle. Governments may retain rights to approve minerals operations, or the principle of "consensus" can be constructed so as to give minority government stakeholders blocking power, or governments may agree to an IPCA governance structure for a bounded time only with

renewal conditional on evaluation and re-agreement. Of course, whoever funds an IPCA also has influence and governments are normally contributors.

Whether the genesis is smooth or painful, once achieved and implemented, most parties seem to find that IPCA-like entities work quite well, or at a minimum, work as well as can be reasonably expected – and better than the prior arrangements. This is encouraging!

All the examples examined in this Review include national involvement of some kind, including some national-source funding. Indeed, the marriage of national funding support and status with very local governance and management is part of the genius of an IPCA. It would be wise for Indigenous Nations and the Saskatchewan government to jointly consider a strategy to involve the federal government in Saskatchewan-based IPCAs in some enduring supportive role.

It is an option for the provincial government to transfer Crown lands title to the federal government to create an IPCA (as per the creation of Grasslands National Park). Traditionally Indigenous peoples have had a stronger relationship with the federal Crown than with many provincial governments and managing an IPCA on federal land may well seem a more comfortable outcome to some Indigenous than operating on provincial land. Nonetheless, British and Australian practice shows it is perfectly possible to have a national IPCA designation on provincial Crown land, if all parties wish this.

Declaring an IPCA in the absence of an agreed governance structure or management plan is risky and likely to lead to problems, frustrations and mistrust later on. Meaningful consultations are critical and may take some time - three to four years may be the bare minimum time required to reach consensus. And it may take much longer.

While the current federal government is firmly committed to reconciliation and environmental protection, a future different federal government could have quite different priorities. IPCAs are in no way yet locked into the system the way national or provincial parks are and it is unclear whether they will prosper under a different federal government. As part of creating new IPCAs in Saskatchewan we should consider (1) whether the new IPCA is sustainable under different future governments, or independently, and (2) how can our local IPCA creation process contribute to creating a sustainable, larger, national IPCA network.

Other important findings include:

- An IPCA agreement can be constructed that shifts governance membership and control over time

- A given IPCA agreement can be customized to protect both Indigenous and non-Indigenous interests. For example, an agreement might specify that current recreational use of the IPCA area will continue to be accommodated.

- An IPCA designation can successfully overlap with many other conservation designation types

- Buffer zones adjacent to an IPCA can be useful if adjacent developments could significantly impact the IPCA
- Payment for ecosystem services is a commonly accepted principle
- Provision of local employment opportunities is a common feature of IPCAs
- Interpretation of Indigenous culture to visitors is a common feature of IPCAs
- Promotion of research is a common feature of IPCAs

## ACKNOWLEDGEMENTS

Thank you to Dominique Clincke and Lisa Dale-Burnett at Saskatchewan Parks, Culture and Sport for help with early Grasslands National Park documentation and background information.

## APPENDIX A – IUCN PROTECTED AREA CATEGORIES

(abbreviated, from the IUCN website: www.iucn.org/theme/protected-areas/about/protected-area-categories)

**I(a) Strict Nature Reserve:** strictly protected areas set aside to protect biodiversity and also possibly geological/geomorphical features, where human visitation, use and impacts are strictly controlled and limited to ensure protection of the conservation values.

**I(b) Wilderness Area:** usually large unmodified or slightly modified areas, retaining their natural character and influence without permanent or significant human habitation, which are protected and managed so as to preserve their natural condition.

**II National Park:** large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area.

**III Natural Monument or Feature:** set aside to protect a specific natural monument, which can be a landform, sea mount, submarine cavern, geological feature such as a cave, or even a living feature such as an ancient grove.

**IV Habitat/Species Management Area**: protect particular species or habitats and management reflects this priority. Many Category IV protected areas will need regular, active interventions to address the requirements of particular species or to maintain habitats.

**V Protected Landscape/ Seascape:** the interaction of people and nature over time has produced an area of distinct character with significant, ecological, biological, cultural and scenic value.

**VI Protected area with sustainable use of natural resources**: ecosystems and habitats together with associated cultural values and traditional natural resource management systems.

## REFERENCES


(1) Indigenous Circle of Experts. 2018. *We Rise Together* (Report and Recommendations March 2018), Parks Canada Agency on behalf of the Indigenous Circle of Experts, Gatineau.

(2) Mason, Courtney. 2018. "Indigenous Protected Areas are the next generation of conservation" in *The Conversation*, Nov 29, 2018.

(3) Nash, Roderick. 2014. *Wilderness and the American Mind* (5th edition), Yale University Press (1st edition 1967).

(4) Shoard, Marion. 1980. *The Theft of the Countryside*, Temple Smith, London.

(5) Rist, P., W. Rassip, D. Yunupingu, J. Wearne, J. Gould, M. Dulfer-Hyams, E. Bock, D. Smyth. 2018. "Indigenous protected areas in Sea Country: Indigenous-driven collaborative marine protected areas in Australia" in *Aquatic Conservation Marine and Freshwater Ecosystems*, vol. 29, pp. 138-151.

(6) Government of Saskatchewan. no date. *Saskatchewan's Growth Plan: the next decade of growth 2020-2030*.

(7) Canada's Federal, Provincial and Territorial Departments Responsible for Parks, Protected Areas, Conservation, Wildlife and Biodiversity. 2018. *One with Nature: a renewed approach to land and freshwater conservation in Canada*.

(8) Shoard, Marion. 1980. *The Theft of the Countryside*, Temple Smith, London.

(9) Johnson, Warren. 1976. *Public Parks on Private Land in England and Wales*, Johns Hopkins University Press.

(10) Langton, M., Z. Diamond, L. Palmer. 2005. "Community-oriented protected areas for Indigenous Peoples and local communities" in *Journal of Political Ecology*, vol. 12, pp. 23-50.

(11) Farr M., N. Stoeckl, M. Esperon, D. Grainger, S. Larson. 2016. *Economic values and Indigenous Protected Areas across northern Australia final report*, James Cook University.

(12) Smyth, Dermot. 2015. "Indigenous protected areas and ICCAs: commonalities, contrasts and confusions" in *Parks*, vol. 21, pp. 73-84.

(13) Rist, P., W. Rassip, D. Yunupingu, J. Wearne, J. Gould, M. Dulfer-Hyams, E. Bock, D. Smyth. 2018. "Indigenous protected areas in Sea Country: Indigenous-driven collaborative marine protected areas in Australia" in *Aquatic Conservation Marine and Freshwater Ecosystems*, vol. 29, pp. 138-151.

(14) Zeng, B. and R. Gerritsen. 2015. "Key issues in management of Indigenous Protected Areas: a perspective from Northern Australia" in *Global Studies Journal*, vol. 8, pp. 19-31.

(15) Smyth, Dermot. 2007. “Dhimurru Indigenous Protected Area: Sole Management with Partners” in T. Bauman and D. Smyth, *Indigenous Partnerships in Protected Area Management in Australia: Three case studies*, Australian Institute of Aboriginal and Torres Strait Islander Studies, pp. 100-126.

(16) Ruru, Jacinta. 2014. “Tūhoe-Crown settlement – Te Urewera Act 2014” in *Māori Law Review*, October 2014.

(17) Parliamentary Counsel Office, New Zealand Legislation, *Te Urewera Act 2014.*

(18) *Te Kawa o Te Urewera* management plan (no date).

(19) Magallanes, Catherine. 2015. “Nature as an ancestor: two examples of legal personality for nature in New Zealand” in *Vertigo*, September 2015.

(20) Environmental Justice Atlas. 2017. “Māori resistance results in Te Urewera gaining legal personality, New Zealand.”

(21) International Union for Conservation of Nature and UN Environment World Conservation Monitoring Centre. 1996 (updated 2008 and 2011).World Heritage Datasheets: “Laponian Area.”

(22) *Laponia World Heritage in Swedish Lapland Tjuottjudusplána Management plan*. no date.

(23) Stjernström, O., A. Pashkevich, D. Avango. 2020. “Contrasting views on co-management of indigenous natural and cultural heritage – Case of Laponia World Heritage site, Sweden” in *Polar Record*, vol. 56.

(24) “The Laponia Process” at https://laponia.nu/en/about-us/laponiatjuottjudus/the-laponia-process/ last retrieved Dec 15, 2020.

(25) Green, Carina. 2009. *Managing Laponia: A World Heritage Site as Arena for Sami Ethno-Politics in Sweden* (doctoral dissertation)*,* Acta Universitatis Upsaliensis.

(26) PricewaterhouseCoopers. 2017. *Laponia-förvaltningen – en utvärdering* (original source; information taken from reference 23).

(27) Poirier, Thelma. 2017. *The Grasslanders: ranch stories from Grasslands National Park*, Coteau Books, Regina.

(28) Government of Canada (Parks Canada – Canadian Heritage). 1997. *National Park System Plan*, Ottawa.

(29) Government of Canada (Environment) and Government of Saskatchewan (Parks, Recreation and Culture). 1988. *Agreement for the Establishment of the Grasslands National Park 1988*.

(30) Tsougrianis, George (Director). 2019. *The Story of Grasslands National Park* (film), Overtime Studios.

(31) Government of Canada and Council of the Haida Nation. 1993. *Gwaii Haanas Agreement* (At: www.haidanation.ca/wpcontent/uploads/2017/03/GwaiiHaanasAgreement.pdf).

(32) Government of Canada and Council of the Haida Nation. 2010. *Gwaii Haanas Marine Agreement*
(At: www.haidanation.ca/wp-content/uploads/2017/03/GHMarineAgreement.pdf).

(33) Council of the Haida Nation and Government of Canada. 2018. *Gwaii Haanas Gina 'Waadluxan KilGuhlGa Land-Sea-People Management Plan*.
(At: www.pc.gc.ca/en/pn-np/bc/gwaiihaanas/info/consultations/gestion-management-2018).

(34) Parks Canada. "Legacy Pole" last retrieved Dec 22, 2020
(At: www.pc.gc.ca/en/pn-np/bc/gwaiihaanas/culture/mat-heraldique-legacy-pole).

(35) Conservation2020Canada.ca. 2019. *Accounting for Protected and other Conserved Areas: Pathway to Canada Target 1*.

(36) Government of Canada. "Edéhzhíe Protected Area" last retrieved Dec 27, 2020
(At: www.canada.ca/en/environment-climate-change/services/national-wildlife-areas/locations/edehzhie.html).

(37) Government of Canada and Dehcho First Nations. 2018. *Agreement regarding the Establishment of Edéhzhíe*.
(At: https://dehcho.org/docs/Edehzhie-Establishment-Agreement.pdf).

(38) Wyss Campaign for Nature. "Edéhzhíe Dehcho Protected Area and National Wildlife Area (Canada)" last retrieved Dec 27, 2020 (At: www.wysscampaign.org/project-list/edhzhe).

(39) Cabinradio.ca. "Dehcho's Edéhzhíe becomes first Indigenous protected area" last retrieved Dec 27, 2020 (At: https://cabinradio.ca/10172/news/environment/dehchos-edehzhie-becomes-first-indigenous-protected-area).

(40) CBC.ca. "Ottawa, Dehcho First Nations sign deal for 1st Indigenous protected wildlife area" last retrieved Dec 27, 2020 (At: https://www.cbc.ca/news/canada/north/catherine-mckenna-indigenous-wildlife-area-1.4857892).

(41) Government of Northwest Territories. "Agreement on Protection for the Subsurface of Edéhzhié has been achieved" last retrieved Dec 27, 2020
(At: www.cbc.ca/news/canada/north/catherine-mckenna-indigenous-wildlife-area-1.4857892).