

Decolonizing Park Management: A Framework for the Co-management of National Parks and Protected Areas

**by
Miriam Moore**

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Approval

Name: Miriam Moore

Degree: Master of Public Policy

Title: Decolonizing Park Management: A Framework for the Co-management of National Parks and Protected Areas

Examining Committee:

Chair: Dominique Gross
Professor

Nancy Olewiler
Senior Supervisor
Professor

Maureen Maloney
Internal Examiner
Professor

Date Defended: March 16, 2020

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Abstract

National parks in Canada have a colonial history, which in many ways is continued today through discounting traditional ecological knowledge of the land and limiting Indigenous peoples' use and access of their traditional territories. As the Government of Canada moves forward with its commitments to reconciliation and implementing the United Nations Declaration on the Rights of Indigenous Peoples, it is increasingly open to new approaches to working with Indigenous groups. Co-management, a system of power sharing between multiple parties, is commonly recommended as a new approach to park management. Due to the diverse potential co-management structures, a one-size-fits-all approach is not an appropriate co-management policy. Therefore, this project employs an extensive literature review, qualitative interviews, and a case study analysis to identify factors that inform a policy framework to support the Government of Canada – specifically Parks Canada Agency and Crown-Indigenous Relations and Northern Affairs Canada – in a broader implementation of co-management.

Keywords: Indigenous peoples; national parks; co-management; reconciliation

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Situating Myself

I engage with this topic as a non-Indigenous settler living and learning on the traditional, ancestral, and unceded territories of the Coast Salish peoples including the Sk̓wx̓wú7mesh Úxwumixw (Squamish), sə́lilwə́taʔ (Tseil-Waututh), and x̣ẉməθḳẉəỵəm (Musqueam). I grew up on Tr'ondëk Hwëch'in traditional territory in Dawson City, Yukon and I am descended predominately from Irish, Scottish, and Lithuanian immigrants. My research and interest in the co-management of national parks stems from a fortunate childhood spent in parks, and a growing awareness of the negative histories of parks and their value in meaningful reconciliation. This project is influenced by my personal background and experience and I recognize the limitations of this perspective. This project is also influenced by the current environment and my present view of these issues, and I know and hope that this will evolve and shift over the coming years.

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List of Acronyms

AMB	Archipelago Management Board
CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada
DFO	Department of Fisheries and Oceans
IUCN	International Union for Conservation of Nature
JBNQA	James Bay and Northern Quebec Agreement
PCA	Parks Canada Agency
RCAP	Royal Commission on Aboriginal Peoples
TEK	Traditional Ecological Knowledge
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

Chapter 1. Introduction

Parks and protected areas¹ are fundamental symbols of Canadian identity that evoke feelings of awe and pride for many Canadians. However, their role as a tool of dispossession means that parks also represent oppression for many Indigenous peoples. Over the past several decades, countries around the world have shifted away from conventional, state-centric protected area management and explored alternative methods. This shift has been spurred by a growing understanding of the colonial nature of traditional methods of parks management and its poor track-record in preserving ecological integrity (Stevens 2014). In many instances, the new approach involves some form of co-management. While understandings of park co-management remain contested, it can be broadly understood as “government-designated protected areas where decision making power, responsibility and accountability are shared between governmental agencies and other stakeholders, in particular Indigenous peoples” (Borrini-Feyerabend, Kothari, and Oviedo 2004a, xv).

In Canada, shifts towards new methods of protected area management are linked to an increasing interest in pursuing reconciliation with Indigenous peoples as well as the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The concept of reconciliation itself is multifaceted and defined in many different ways. For example, the Truth and Reconciliation Commission of Canada (2015, 6) defines reconciliation as “establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country.” Reconciliation Canada, an Indigenous led non-profit organization, emphasizes three aspects of reconciliation: “a) creating greater equality between both populations; b) working together to create opportunities and reduce barriers; and c) moving beyond the past and away from a dependency on government” (Reconciliation Canada 2017, 2). This paper focuses on the land and relationship aspects of reconciliation, with an emphasis on an ongoing process of learning, redress, and decolonization within parks management systems. In this context, decolonization means recognizing and including Indigenous histories and relationships with what is now park lands.

¹ Protected areas are spaces set aside in order to conserve nature. Parks are one form of protected area and the two terms will be used interchangeably throughout this paper.

Parks and protected areas are powerful spaces for reconciliation because they highlight fundamental issues such as title, connection to the land, and how we interact on the land. As a result, Parks Canada is uniquely placed within the federal government to be a leader in reconciliation. This is further reinforced by the fact that Parks Canada administers over ninety percent of all federally owned lands (Parks Canada 2019b). However, the establishment and management of parks has historically played a key role in dispossessing lands and is still used to limit Indigenous peoples' access and use of their lands (Stevens 2014). In acknowledgement of its vital role in this area, Parks Canada has prioritized improving its relationships with Indigenous peoples and moving forward in the process of reconciliation. Over the past several years there have been many positive shifts and new agreements signed,² but there is more work to do to ensure policies are consistent with government commitments to reconciliation.

Before considering park co-management policies it is important to recognize differing Indigenous and Western conceptions of land ownership. Although this will not be explored in-depth in this paper, it contributes to ongoing misunderstandings due to fundamentally different understandings of the issues. Like Western cultures, Indigenous cultures are diverse, but it is possible to categorize some key features. In its simplest terms, it can be understood as stewardship versus ownership of the land. Coulthard and Simpson (2016) outline the fundamental role that land plays in the cultural survival of Indigenous peoples by explaining how Indigenous governance, language, tradition, and knowledge are all connected to the land. Thomlinson and Crouch (2012) further explain that this relationship to the land is spiritual, intimately linked with culture, and creates obligations to the land. In addition, Indigenous cultures tend to be collectivist and emphasize the good of the community over the individual. This relates to land management because the intent is the responsible stewardship of the lands for the whole community. In contrast, Western cultures tend to focus on "individuality and private ownership" (Thomlinson and Crouch 2012, 71; McMillan 1988). These different perspectives are illustrated by the fact that areas that settlers or parks managers call 'wilderness' are those same traditional territories that Indigenous peoples have occupied and stewarded for thousands of years (McMillan 1988). This challenges the narrative of parks as 'pristine wilderness' as a rationale for excluding Indigenous peoples.

² Key agreements include Thaidene Nëné National Park Reserve, Fort Témiscamingue National Historic Site, and Edézhíé Protected Area.

There are essentially three options for managing Canada's national parks: sole management by the federal government, sole management by Indigenous group(s), or co-management between the federal government and Indigenous group(s). This paper starts from the assumption that sole management by the federal government is generally undesirable because it continues colonial practices and is not in line with the federal government's commitments to reconciliation. Sole management by an Indigenous group may be desirable in some instances,³ and is actively being pursued through the creation of Indigenous Protected and Conserved Areas. Nevertheless, this report focuses on co-management because it is a more immediately applicable policy option for existing national parks that can help transition parks as Canada moves forward in the process of reconciliation. Effective co-management arrangements are well positioned to facilitate the meaningful inclusion of Indigenous peoples while also achieving conservation goals and allowing for public use and access to protected areas. This aligns with popular understandings of environmental ethics generally adopted by Canadian society, which places value on the long-term protection of the environment (Williston 2012).

Despite the trend towards more co-management of parks in Canada, there remains a "disjuncture between theory and implementation" in that the government has often remained reluctant to cede meaningful power to Indigenous groups⁴ (Hauser 2016, 2). As a result, some co-managed parks do not meaningfully involve Indigenous groups in the decision-making process. In addition, the negotiations often lack due consideration and recognition of the history and ongoing implications of colonialism. This creates a policy problem in that the Government of Canada has been increasingly integrating co-management elements into the management of national parks but there is a lack of consistency and substantiveness in how co-management is being applied. Although a core characteristic of co-management is its adaptability, there are common factors that require a similar policy approach. Through a literature review, case studies, and key informant interviews, this study outlines a policy framework to support the Government of Canada – specifically Parks Canada Agency and Crown-Indigenous Relations and Northern Affairs Canada – in a broader implementation of co-management.

³ See Wanachus/Hilthuis Tribal Park, K'ih tsaa?dze Tribal Park, and Wehexlaxodiale for examples of effective Indigenous owned and managed parks or protected areas.

⁴ The Indigenous bodies involved in co-management arrangements may be governments, communities, organizations, or some combination. For ease of use, the term 'Indigenous group' will be used throughout this paper to refer to any body entering into an arrangement.

Chapter 2. Situating Co-management

2.1. Brief Definition & History of Co-management

Co-management⁵ is loosely understood as a system of power sharing between multiple parties. Understandings of the concept vary widely and are not clearly defined in the Canadian policy realm. The lack of a clear definition can be tied to the fact that the concept grapples with the fundamental issues of power and land ownership, which have many possible interpretations. The Dictionary of Environment and Conservation provides a starting point for understanding the concept through their definition of co-management as “an approach to the management of natural resources which is based on the sharing of authority, responsibility, and benefits on a cooperative basis, either informally or legally, between different stakeholders, such as local government and local communities” (Park and Allaby 2017). Within this general definition, the implementation bodies and the power dynamics between parties can vary broadly.

The term co-management can be traced to the late 1970s (Pinkerton 2003), but the concept dates back much further. Norway’s Lofoten Islands cod fishery is generally agreed to be the earliest documented legal arrangement that reflects the tenets of what we now call co-management. This arrangement was enacted through the 1890s *Lofoten Act* and was used as a conflict resolution tool for allocating the fishery (Jentoft 1989). Similarly, in Japan’s 1901 *Fisheries Act* the management of sea territories was devolved to cooperative associations based in each village (Lim, Matsuda, and Shigemi 1995). Other early examples of co-management are linked to forestry, such as India’s 1920s and 1930s management of the Kumaon Himalayas which had a government framework for management with specific rules for everyday use set by the villagers (Agrawal 2005). In Canada, the earliest arrangement that embodies co-management is the 1975 James Bay and Northern Quebec Agreement (JBNQA). This agreement established a joint committee responsible for coordinating the management of fish and wildlife. Since JBNQA, other co-management arrangements have been instituted through land claim agreements, stand-alone agreements, or government programs.

⁵ Also known as cooperative management, shared decision-making, joint stewardship, collaborative governance, joint management, co-governance, or joint decision-making.

2.2. Co-management Rationale

A foundational rationale for co-management is that it is a tangible form of reconciliation. There is considerable diversity amongst Indigenous peoples in Canada, but a constant is the importance of land because “Indigenous Knowledge comes from the land through the relationships Indigenous Peoples develop and foster with the essential forces of nature” (Simpson 2004, 378). Co-management has been directly linked to strengthening Indigenous groups’ confidence and leadership through a return to and recognition of their community’s competence and traditional knowledge (Berkes, George, and Preston 1991). In addition, co-management is connected to UNDRIP articles 26 and 32, which outline Indigenous peoples’ rights to own and develop strategies for their traditional lands and resources. Therefore, pursuing co-management regimes that directly support and strengthen Indigenous communities’ reassertion of land and resource stewardship is a vital piece of reconciliation.

Co-management has many other important benefits associated with its ability to create more appropriate, efficient, and equitable processes. First, co-management supports greater democratization of decision-making, stakeholder participation, and conflict resolution (Armitage, Berkes, and Doubleday 2007). In addition, most of the resources that lend themselves to co-management are common access goods,⁶ which means they are challenging to manage and each additional user lessens the utility of the resource for other users. As a result, co-management is a useful tool for ensuring the utility of all users is maintained (Berkes, George, and Preston 1991). Co-management also supports greater inclusion of traditional ecological knowledge (TEK), which has been shown to result in more effective land and resource management (Thomlinson and Crouch 2012). Recent studies have found that lands that are managed or co-managed by Indigenous groups have significantly higher biodiversity (Schuster et al. 2019). This is particularly important because the Panel on the Ecological Integrity of Canada's National Parks (2000) deemed parks to be under threat. Finally, co-management is a useful tool for supporting the socio-economic development of Indigenous communities. For example, at Pacific Rim National Park Reserve, local First Nations established a Guardians program and are contracted by Parks Canada to do trail building and protect

⁶ Common access goods are an economic concept that refers to a good that is rivalrous and non-excludable. This means everyone can access the good but the use by one person reduces the potential use for another person. A common example is fish stocks.

the lands, waters, and visiting hikers (Parks Canada 2017a). Similarly, a recent study of the Ni Hat'ni Dene Rangers program that operates within Thaidene Nënë National Park Reserve found that the \$4.5 million investment in the program returned \$11.1 million in environmental, economic, social, and cultural benefits (Thomson 2019).

The impetus for co-management arrangements is often specific disputes over lands and resources. In 1996, the Royal Commission on Aboriginal Peoples (RCAP)⁷ noted that “virtually all the co-management regimes established to date... were created because of Aboriginal protest over resource development” (Royal Commission on Aboriginal Peoples 1996, 517). Although many co-management arrangements have been established since 1996, the general impetus has remained the same. This has resulted in a patchwork of co-management arrangements across Canada, which raises problems of equity, cost, and the harmonization of environmental planning and management. Since the agreements are created on an *ad hoc* basis without relying on a broader policy regime, there are significant differences both between the individual arrangements and between the management of adjacent lands (Needham et al. 2016). Moreover, there is a growing consensus amongst politicians, bureaucrats, and many Canadians that the way the federal government administers, manages, and develops land must change. As a result, rather than waiting for disputes to arise or intensify, the federal government has an interest in proactively seeking co-management arrangements.

2.3. Co-management in Canada

In the Canadian context, co-management typically applies to agreements with Indigenous peoples on lands or resource management. The 1996 RCAP report states:

Co-management has come to mean institutional arrangements whereby governments and Aboriginal entities (and sometimes other parties) enter into formal agreements specifying their respective rights, powers and obligations with reference to the management and allocation of resources in a particular area of Crown lands and waters. (Royal Commission on Aboriginal Peoples 1996, 640)

⁷ The Royal Commission on Aboriginal Peoples was established in 1991 in order to investigate the relationship between Indigenous peoples, the Government of Canada, and Canadian society.

The concept has continued to evolve and broaden in its application. Co-management is now a commonly proposed tool to reconcile Indigenous rights and federal interests. A successful co-management relationship is expected to support Indigenous groups in rebuilding capacity and regaining governance over their traditional lands while providing federal and provincial governments with a solution to conflicts over lands and natural resources.

Despite the benefits and growing popularity of co-management, the adoption of co-management regimes has been limited. This is typically linked to two key issues. First, there is no agreed upon definition of co-management, which leads to considerable confusion about what co-management is and how it should be structured. Second, many of the existing agreements characterized as co-management do not fulfill Indigenous peoples' expectations of power sharing. In fact, power imbalances may be further entrenched by existing co-management arrangements insofar as they enable Indigenous peoples to participate in the management of resources, but under legislative and policy regimes developed without their participation. For example, the co-management boards in northern Canada were established pursuant to the comprehensive land claims policy, and key responsibilities such as harvest limits and permit requirements are set by park superintendents or the federal Minister (Sandlos 2014). In addition, Indigenous groups often struggle with having sufficient financial or human resource capacity, which limit the group's ability to act as an equal partner. This is often coupled with distrust of institutions due to the historic and ongoing impacts of colonialism. There is also often pushback on increased Indigenous involvement from non-Indigenous hunting and recreation groups as well as scientists that have been managing the lands and resources (Berkes, George, and Preston 1991). These challenges point to a need for a consistent approach to co-management based on a shared understanding of its goals and benefits.

As noted above, co-management arrangements were first contemplated in Canada in the 1970s. As the concept and application of co-management has evolved, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Department of Fisheries and Oceans (DFO), and Parks Canada Agency (PCA) have been the federal leaders on co-management. Some of the key examples of co-management in Canada include the JBNQA's fish and wildlife management regime, DFO's Aboriginal Aquatic Resource and Oceans Management program, Gwaii Hanaas National Park Reserve, and the Wendaban Stewardship Authority. In the parks realm, eighteen of the forty-eight

Parks Canada Protected Areas

Legend:

- National Park, Park Reserve, Urban Park & Canada Landmark
- National Marine Conservation Area & Historic Canal
- National Historic Site (administered by Parks Canada)
- Co-managed

Map Labels:

Gwaii Haanas, Pacific Rim, Yoho, Mount Revelstoke, Glacier, Banff, Jasper, Elk Island, Prince Albert, Wood Buffalo, Nahanni, Naáts'ihch'oh, Kluane, Vuntut, Ivvavik, Aulavik, Qausuittuq, Quttinirpaaq, Sirmilik, Ukkusiksalik, Auyuittuq, Wapusk, Torngat Mountains, Mealy Mountains, Terra Nova, Cape Breton Highlands, Sable Island, Kejimikujik, Fundy, Saguenay-St. Lawrence, Forillon, Kouchibouguac, Mingan Archipelago, Gros Morne, PEI, Thousand Islands, Rouge, Point Pelee, Bruce Peninsula, Fathom Five, Georgian Bay Islands, La Mauricie, Pukaskwa, Riding Mountain, Grasslands, Waterton Lakes, Kootenay, Gulf Islands, Pacific Rim.

Source: Data: UNB, NOAA, APN

Source: Parks Canada 2015; modified to add indication of co-managed parks

⁹ Thaidene Nëné National Park Reserve is not shown on this map. The park reserve was established in the Northwest Territories in 2019 and is co-managed.

Chapter 3. History of Parks & Protected Areas

3.1. Development of Parks in Canada

Although communities around the world have long identified and protected important areas (Oviedo, Jeanrenaud, and Otegui 2005), parks and protected areas as they are understood today began with the 1872 establishment of Yellowstone National Park in the United States. With the 1887 creation of Banff National Park (originally called Rocky Mountains Park), Canada became the third country to establish a national park. By 1911 Canada had five national parks, all in the Rocky Mountains. At this time, Canada became the first country to establish a national parks service with the creation of the Dominion Parks Branch. The parks service originally had no stand-alone legislative mandate so throughout its history it operated as a branch within various government departments (McNamee 1996). In 1998 the *Parks Canada Agency Act* was passed, thereby reconstituting Parks Canada as a government agency and changing its governance structure. The most recent park, Thaidene Nënë National Park Reserve was established in August 2019, bringing the total to forty-eight national parks in Canada.¹⁰

The development of parks in Canada has generally followed the typical “fortress conservation” approach, which has four core principles: states should take full responsibility for the creation and governance of protected areas; the goal should be strict nature preservation; the lands should be uninhabited; and coercive force is legally and morally justified to remove people and protect biodiversity (Stevens 2014). This approach was used to justify the removal of Indigenous peoples from the lands in order to establish parks. However, the original impetus for parks in Canada was focused more on the economic development aspects of parks than preservation (Needham et al. 2016). For example, the decision to establish Banff National Park was grounded in a desire to benefit economically from the hot springs in the region. Additionally, unlike Yellowstone, Banff still allowed resource development such as logging, grazing, and mineral claims in the park. All resource development was stopped in Banff by the 1930s, but the tension between conservation and use has continued as an area of contention within the Canadian parks system (Needham et al. 2016; Mortimer-Sandilands 2009).

¹⁰ See Appendix B for information about all national parks in Canada.

3.2. Parks & Indigenous Peoples

The history of parks in Canada is inextricably intertwined with the history of colonialism in Canada. The fortress conservation approach to park development results in “wilderness by dispossession” (Stevens 2014), wherein Indigenous peoples are removed in order to manufacture so-called ‘pristine wilderness.’ Starting with Banff National Park, the establishment of parks resulted in Indigenous peoples being systematically dispossessed of their lands and excluded from accessing their traditional territories; decisions to establish parks did not involve consultation or consideration of Indigenous peoples. In addition, the federal government prohibited Indigenous peoples from accessing park lands for traditional activities such as hunting and gathering, often breaking treaty obligations (Thomlinson and Crouch 2012). This attitude was best articulated by the first Banff park superintendent, George Stewart, who in 1887 wrote that “the Indians” must be excluded from the park because “their destruction of the game and depredations among the ornamental trees make their too frequent visits to the Park a matter of great concern” (Binnema and Neimi 2006, 729).

In many instances, Indigenous peoples were forcibly moved off the land so that it could be designated as a park. One particularly striking example occurred with the 1933 establishment of Riding Mountain National Park, wherein the Keeseekoowenen Nation was forced to move from the lands and their homes were burned (Dearden and Bennett 2016). In another instance, the 1922 establishment of Point Pelee Park resulted in members of Caldwell First Nation being forcibly removed from the lands and expelled from their homes (Parks Canada 2018b). These policies of removal and exclusion had significant ramifications for Indigenous peoples as they were suddenly no longer able to access the lands and waters that had sustained them for generations. Moreover, many of the parks include burial grounds and areas of spiritual significance for the Indigenous peoples of the region (Tammemagi 2012). With the creation of the parks and their exclusion from those areas, Indigenous peoples were no longer able to appropriately practice some of their beliefs or access sacred sites.

Starting in the 1970s, Parks Canada began to change its policies related to Indigenous peoples. In 1979 Parks Canada committed to consider joint management arrangements, although only related to land claims (Langdon, Prosper, and Gagnon 2010). In 1994 two key policy changes occurred. First, Parks Canada acknowledged that

Indigenous peoples have the right to practice traditional activities within parks (Heritage Canada 1994). Second, Parks Canada formalized the concept of park reserves, which are established “where an area or a portion of an area proposed for a park is subject to a claim in respect of aboriginal rights that has been accepted for negotiation by the Government of Canada” (*Canada National Parks Act* 2000). As a park reserve the land can be protected but the park’s continued existence is subject to a treaty. The *National Parks Act* was also amended in 1988 and 2000 to permit Indigenous hunters to harvest wildlife in specific national parks (Sandlos 2014).

The policy changes are a result of Indigenous peoples’ ongoing resilience and activism, and have largely been attributed to court cases and socio-political shifts (Thomlinson and Crouch 2012; Dearden and Bennett 2016). Key legal rulings that impacted Parks Canada’s operating policies were *Calder v Attorney-General of British Columbia* (1997) and *R v Sparrow* (1990). The *Calder* ruling found that Nisga’a Nation had title to the land but was split on whether or not title had been extinguished. This was the impetus for the federal government’s creation of the comprehensive land claims policy which initiated modern treaty negotiations across Canada. The *Sparrow* ruling found that the government must justify any infringements on Aboriginal rights recognized and affirmed by section 35 of the Canadian Constitution. The ruling also supported the argument that Indigenous peoples should have greater involvement in the management of their traditional territories. These rulings pushed Parks Canada to change its policies to enable greater involvement with Indigenous peoples’ and recognize their ongoing title to the land. Cases have continued to define Indigenous rights and the government’s responsibility to consult and accommodate Indigenous peoples.¹¹ In tandem with the legal cases, socio-political shifts changed the government’s views on the relationship between Indigenous peoples and parks. One aspect of this shift was public hearings into ‘megaprojects,’ which brought Indigenous and non-Indigenous groups together around shared values (Dearden and Bennett 2016). For example, the 1977 Mackenzie Valley Pipeline Inquiry¹² led to a recommendation that parks could protect ecological values while also fostering Indigenous land use (Timko and Satterfield 2008).

¹¹ See the writings of authors such as John Borrows, Val Napoleon, or Michael Asch for more discussion about the jurisprudence related to Indigenous peoples in Canada.

¹² The Mackenzie Valley Pipeline Inquiry was an investigation of the social, environmental, and economic impacts of a pipeline with a proposed route through Yukon and Northwest Territories. The inquiry was the first of its kind to elevate the voices of Indigenous peoples along the route.

Parks Canada's policies and commitment to reconciliation has continued to evolve, and they are now considered a leader within the federal government. In 2019, Parks Canada published *Mapping Change: Fostering a Culture of Reconciliation within Parks Canada*. This document reiterates the federal government's commitment to reconciliation and "renewed relationships with Indigenous peoples based on the recognition of rights, respect, cooperation, and partnership" (Parks Canada 2019b, 3). In order to fulfill these commitments, *Mapping Change* sets out a series of actions organized around four themes: On the Land and Water, Indigenous Voices, Culture of Reconciliation, and Governance (Parks Canada 2019b, 4). On the Land and Water speaks to supporting and facilitating Indigenous peoples' relationships with their traditional territories. Similarly, Indigenous Voices involves bringing Indigenous stories told by Indigenous peoples to the fore. Culture of Reconciliation focuses on Parks Canada's own internal and external actions. Finally, Governance addresses the role of Indigenous peoples' in Parks Canada's decision-making processes and operational practices. Within these themes, the workplan strives to restore and support Indigenous peoples' connections to the land, share Indigenous stories of the lands, improve internal practices and knowledge, and shift internal decision-making practices. Co-management is an important tool to achieve these aims. The workplan reflects Parks Canada's evolving understanding of its historical and ongoing role in colonialism and the need to work with Indigenous peoples as it moves forward as an organization.

Chapter 4. Academic Perspectives

4.1. Conceptualizations of Co-management

There is a robust body of literature on the theories of co-management and how it can be applied in various contexts. As discussed above, there is no agreed upon term or definition for co-management. Nevertheless, many authors have proposed their own understandings of the concept. The two themes in every definition are power-sharing and the existence of different levels of government or stakeholders. Each definition adds different elements and highlights different features. For example, McConney, Pomeroy, and Mahon (2003, 7) emphasize co-management's "combination of negotiation and action," while Singleton (1998) underscores the importance of co-management in resolving the collective action problem. Pinkerton (2003, 61) argues that in order for the concept to retain meaning, the definition should become "more specific and complex instead of more general and generic." In doing so, Pinkerton (2003, 64) outlines the concept of "complete co-management," which emphasizes the need for all parties to be involved at the data collection and analysis, policy and planning, and operational levels.

Borinni-Feyerabend et al. (2004b) argue it is appropriate not to have a single definition due to the diverse potential co-management structures and purposes. Instead, they set out six different understandings of the role of collaboration through co-management, as shown in Table 1. These roles are not exclusive and present a broad theory of the roles that co-management can play in society.

Table 1: Roles of Co-management

Co-management...	Description
As a form of self-defense	Local communities and Indigenous peoples need to cooperate both internally and externally in order to withstand ongoing harms.
As a response to complexity	Address intertwined issues across political, social, and cultural boundaries.
For effectiveness & efficiency	Allows different comparative advantages to be utilized.
For respect & equity	Able to achieve a fair allocation of the costs and benefits of the lands and resources in order to facilitate conservation and equity.
Through negotiation	The process itself is important because of the value of the negotiated relationship and the ability to adjust in a learning-by-doing mode.
As a social institution	Able to embody the underlying principles of societal norms.

Berkes (2007) expands on Borinni-Feyerabend et al.'s roles to identify seven different 'faces' of co-management discussed in the literature. Table 2 illustrates the seven faces identified by Berkes as well as an eighth face added by Kofinas, Herman, and Meek. Similar to Borinni-Feyerabend et al.'s roles, these faces are not exclusive and co-management arrangements may flow through different faces as they evolve.

Table 2: Faces of Co-management

Co-management as...	Description	Author
Institution building	Develops institutions at the local level and builds capacity within government for collaborative relationships.	Pomeroy and Berkes 1997
Trust building	Builds trust and can support increased understanding and respect of different worldviews and knowledge systems.	Kendrick 2003 Singleton 1998
Power sharing	Shares responsibility and authority between different bodies.	Borrini-Feyerabend et al. 2004b
Process	Focuses on the ongoing process of co-management, not an endpoint.	Carlsson and Berkes 2005
Social learning	Provides iterative feedback to support ongoing learning and flexibility.	Pahl-Wostl and Hare 2004
Problem solving	Facilitates learning and the transfer of knowledge between different situations and contexts.	Olsson, Folke, and Berkes 2004
Governance	Consistent with good governance, including legitimacy, transparency, and accountability.	Folke et al 2005 McCay and Jentoft 1996
Experiment & innovation	Provides a forum for exploring new ways of approaching issues.	Kofinas, Herman, and Meek 2007

In addition to theories around the roles and faces of co-management, the literature also provides a number of continuums to understand the breadth of potential co-management experiences. The most commonly cited examples are from Berkes, George, and Preston (1991), who developed two continuums of co-management. One of Berkes et al.'s spectrums discusses the nature of co-management arrangements from weak to strong. Weak co-management is defined by state authority and one-way communication, while strong co-management is characterized by "joint decision making between equal partners" (Hauser 2016, 2). To supplement the weak to strong scale, Berkes et al. also developed a spectrum of co-management by modifying Sherry Arnstein's (1969) classic ladder for citizen participation, which is a typology often used to

illustrate the degree to which government decision-making shares power with citizens. In Berkes et al.'s (1991) version (Figure 2), the ladder starts at informing and builds to community control or partnership. This ladder provides a useful tool for understanding the different ways co-management can be put into practice.

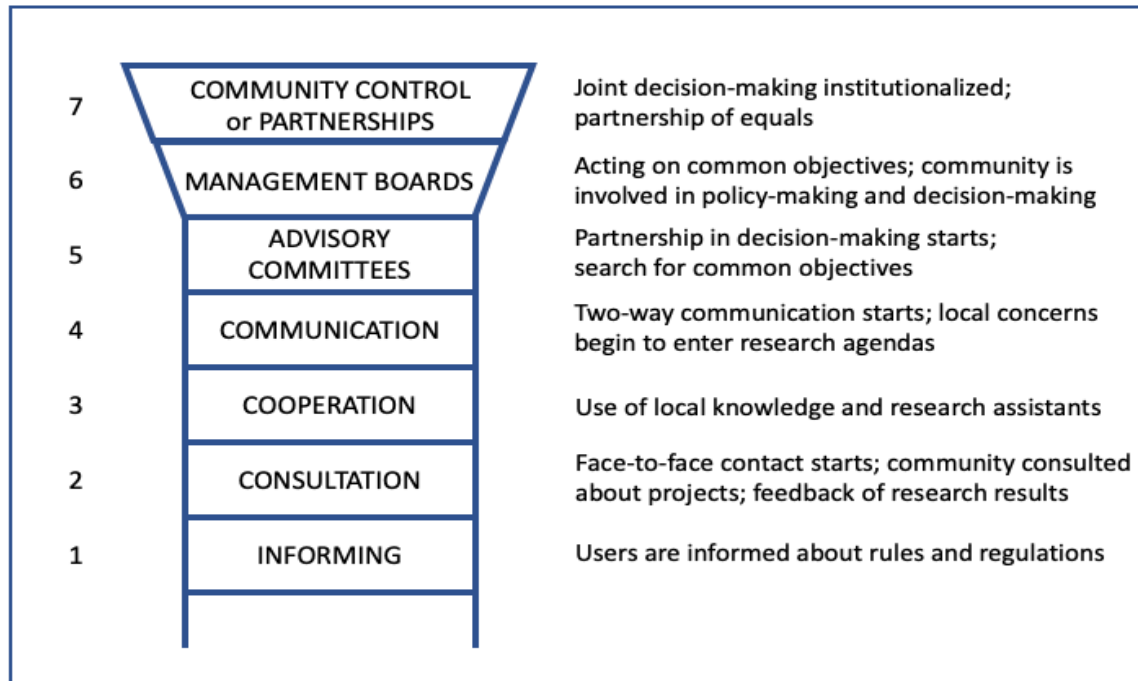


Figure 2: Ladder of Co-management

Source: Berkes, Preston, and George 1991, 36

Related to the conceptualizations of co-management, the literature also provides insights into why co-management is pursued. Armitage, Berkes, and Doubleday (2007) suggest that the general trend towards the various forms of collaborative management can be linked to pushback against the “privileging of formal science” (Allen et al. 2001, 475-476), and the limitations of a “command-and-control” bureaucracy (Holling and Meffe 1996, 330). Allen et al. (2001) outline how the concept of science providing one single, pure truth has become sacrosanct within the science community. This suggests there is some form of true objectivity and does not allow for alternative ways of knowing. Similarly, Holling and Meffe (1996) argue that as natural resources have declined over the past several decades, there has been growing pressure for top-down management. The emphasis on formal science and reliance on top-down management have caused further harm to ecosystems in many instances. Armitage, Berkes, and Doubleday (2007) attest that co-management has emerged as the preferred method for formalizing arrangements to link state-based and local community management strategies because

one of its key features is that both scientific, 'expert' knowledge and local, 'traditional' knowledge are considered to have equal status. Moreover, co-management moves away from top-down approaches to allow more flexibility and openness to variation (Armitage, Berkes, and Doubleday 2007). As a result, co-management provides an outlet for the growing recognition of the value of different ways of knowing and more nature-based resource management techniques.

4.2. Co-management with Indigenous Peoples

The most common usage of co-management is in the context of lands and resource management with Indigenous peoples. There are a multitude of case studies of different co-management arrangements with Indigenous peoples in Canada and the United States. Most of the studies focus on fisheries with a few examining other types of wildlife or land. Pinkerton's (1989) seminal book explores thirteen fisheries-related case studies throughout Canada and the United States, including salmon in Washington State, lobster in Nova Scotia, and salmon in the Skeena River. Similarly, Drolet et al. (1987) discuss co-management of eiders, beluga whales, and caribou in Northern Quebec. In addition, Osherenko (1988) looks at five co-management regimes in northern Canada and two in Alaska. These case studies provide useful insights into how co-management has been contemplated across Canada.

Building on the resource management literature, there is also a small body of literature that focuses specifically on the co-management of parks in Canada. Spielmann and Unger (2000) provide an overview of co-management in Ontario provincial parks. The authors note that the underlying ideas behind co-management are not new but are instead a return to ways of sharing the land. Thomlinson and Crouch (2012) share a detailed case study of co-management at Gwaii Haanas National Park Reserve. Gwaii Haanas is often considered the most effective co-managed park in Canada, so the article investigates this relationship and its adherence to the International Union for Conservation of Nature (IUCN) principles for collaboration. Stronghill, Rutherford, and Haider (2015) explore British Columbia's conservancies, which were introduced as a new designation that enables more collaborative management for the protected area. While this is not exactly the same as a park, the authors note that this approach has similar challenges and opportunities. Although some of these papers are now outdated, they provide valuable context for understanding the co-management of parks in Canada.

Chapter 5. Methodology

In order to develop a co-management framework, efforts are taken to understand best practices and existing approaches. A variety of qualitative research methods are employed that include a literature review, case studies, and qualitative interviews. This research is foundational to the development of the co-management framework as well as the relevant assessment criteria.

5.1. Case Studies

Case studies are useful tools for investigating factors that lead to certain outcomes. This study primarily relies on case study analysis to build the framework. Four parks that are currently co-managed are explored in order to understand how co-management is currently being implemented and to start to identify factors that inform successful or unsuccessful co-management experiences. The parks are purposively selected to capture the diverse experiences from different regions, governance structures, and length of time in co-management. The case studies include Gwaii Haanas National Park Reserve, Kluane National Park and Reserve, Pacific Rim National Park Reserve, and Tongait KakKasuangita SilkKijapvinga (Torngat Mountains National Park). Analysis focuses on the level of co-management, board structure, board decision-making power, land ownership, geography, Indigenous territory overlaps, population in region, Indigenous government structure, nature of park use, and the park philosophy. The following chapter outlines the case study analysis undertaken for this project.

5.2. Key Informant Interviews

Key informant interviews are used to supplement and complement the case studies. Six participants are interviewed to allow for significant insights into the issue and a breadth of perspectives. The interviews are semi-structured, to allow participants to provide their unique perspectives on the interview questions. The participants are purposively selected in order to try to capture a diversity of opinions and backgrounds. Participants consist of negotiators and policy makers from Parks Canada, Crown-Indigenous Relations and Northern Affairs Canada, and Indigenous governments or organizations involved in co-management. Participants are asked to share their views

based upon their job experience with co-management. The key inclusion criterion is minimum six months experience either negotiating or implementing a co-management agreement. Although I interview individuals from Indigenous governments and organizations, I do not characterize my findings as any community's conception of co-management as that would require significantly more engagement. Interview findings do not have a stand-alone chapter but are integrated into the following chapters.

5.3. Limitations

Efforts are made to conduct this project with a high level of rigour and objectivity. Nevertheless, there are several important limitations to acknowledge for this project. The key limitation is the small number of interviews and therefore the limited perspectives heard. Due to the short timelines for the project and ethical considerations, only six participants are interviewed. While each participant provided valuable insights, the project would have benefited from a broader number of perspectives. In particular, Indigenous voices and individuals involved at the operational level of parks is limited. In addition, it would have been valuable to interview Indigenous and non-Indigenous individuals who spend time in co-managed parks, but due to time limitations this was not feasible. Similarly, due to time constraints as well as limited publicly available information, only four case studies are included. While this was enough to gain a general understanding of some of the general trends and iterations of co-management in Canada, the project would have benefited from the inclusion of more case studies.

Chapter 6. Case Studies

This study reviews the co-management approaches of Gwaii Haanas National Park Reserve, Kluane National Park and Reserve, Pacific Rim National Park Reserve, and Tongait KakKasuangita SilkKijapvinga (Torngat Mountains National Park). The selection of the parks aims to strike a balance between parks in northern and southern Canada, degrees of remoteness, level of co-management, and length of time in co-management. For each case, brief context is provided about the establishment of the park and the Indigenous Nations with territory overlapping the park. The following analysis variables are then discussed: level of co-management, board structure, board decision-making power, land ownership, geography, Indigenous territory overlaps, population in region, Indigenous government structure, nature of park use, and the park philosophy. The level of co-management is measured on a scale of low to high based on the principles set out by Beltrán (2000), as adopted by the IUCN World Commission on Protected Areas and the World Wildlife Fund to evaluate co-managed protected areas (Stronghill, Rutherford, and Haider 2015).

Table 3: Summary of Case Study Findings

	Gwaii Haanas	Kluane	Pacific Rim	Torngat Mtns
Level of co-management	High	Moderate	Low	High
Board structure	Three reps each from Canada and Haida Nation	Two reps each from Canada and two First Nations	Based on internal terms of reference	Two reps each from Canada and two Inuit groups
Board decision-making power	Makes decisions	Makes recommendations to Minister	Makes recommendations to Minister	Makes recommendations to Minister
Land ownership	Crown	Crown	Crown	Crown
Region	Remote, southern	Moderately remote, northern	Minimally remote, southern	Remote, northern
Overlaps	None	Minor	Minor	Minor
Population in region	~ half Indigenous	~ half Indigenous	Mainly non-Indigenous	Mainly Indigenous
Indigenous government structure	Tribal council	Self-governing	Mix of self-governing and <i>Indian Act</i> bands	Self-governance aspects
Nature of park use	Mix of local and destination	Mainly destination	Mainly destination	Mainly local
Park philosophy	Focus on conservation	Mix of conservation and tourism	Tension between tourism and conservation	Focus on conservation

6.1. Gwaii Haanas National Park Reserve

Gwaii Haanas was established through a unique process due to the ongoing land stewardship of the Haida Nation. In 1985 the Council of the Haida Nation designated the area as a Haida Heritage Site as part of their ongoing resistance to logging in the region. In 1988 Canada and British Columbia signed the South Moresby Agreement, enabling Canada to designate the area as a national park reserve. Five years later, the federal government and the Council of the Haida Nation signed the Gwaii Haanas Agreement, which set out the process for co-managing the park lands and waters. The Agreement established the Archipelago Management Board (AMB) as the co-management body responsible for the planning, management, and operations of the park (Parks Canada 2019a). Gwaii Haanas is also unique in the fact that there are no Indigenous territory overlaps in the region; the park is the exclusive territory of the Haida Nation.

Due to the structure and power of the AMB, Gwaii Haanas has a high level of co-management. The board is made up of six representatives: three from the Haida Nation, two from PCA, and one from DFO. The AMB is responsible for “any step, activity or development that affects the planning, operation, and management of the Archipelago” (Gwaii Haanas Agreement 1993, 3). A particularly interesting aspect of the AMB is that the Agreement stipulates that parties shall strive to make decisions on a consensus basis. If the AMB cannot reach agreement the matters are held in abeyance and referred to Canada and the Council of the Haida Nation to resolve any dispute (Gwaii Haanas Agreement 1993). This gives the AMB a high degree of power, thereby strengthening the overall level of co-management. Although the park lands remain Crown land, its designation as a park reserve acknowledges the continued existence of Haida title to the area. Gwaii Haanas has been highly effective at incorporating TEK in its management, as illustrated by the 2018 Gwaii Haanas Gina 'Waadluxan KilGulGa Land-Sea-People Management Plan. This jointly developed plan relies heavily on both scientific and TEK to inform the management of the park (Archipelago Management Board 2018). The region is quite remote as it is only accessible by plane or ferry. Based on the 2016 census, approximately half of the population in the region is Indigenous. The Council of the Haida Nation is a tribal council that operates as a national government representing two *Indian Act* bands, Old Massett Village Council and Skidegate Band Council. The nature of the park use is a mix of local and destination, with 2,653 visitors in 2018-2019

(Parks Canada 2019c). Although tourism is important to the park, the philosophy of the park emphasizes conservation and strives to manage Gwaii Haanas “from mountaintop to seafloor as a single, interconnected ecosystem” (Archipelago Management Board 2018, 2).

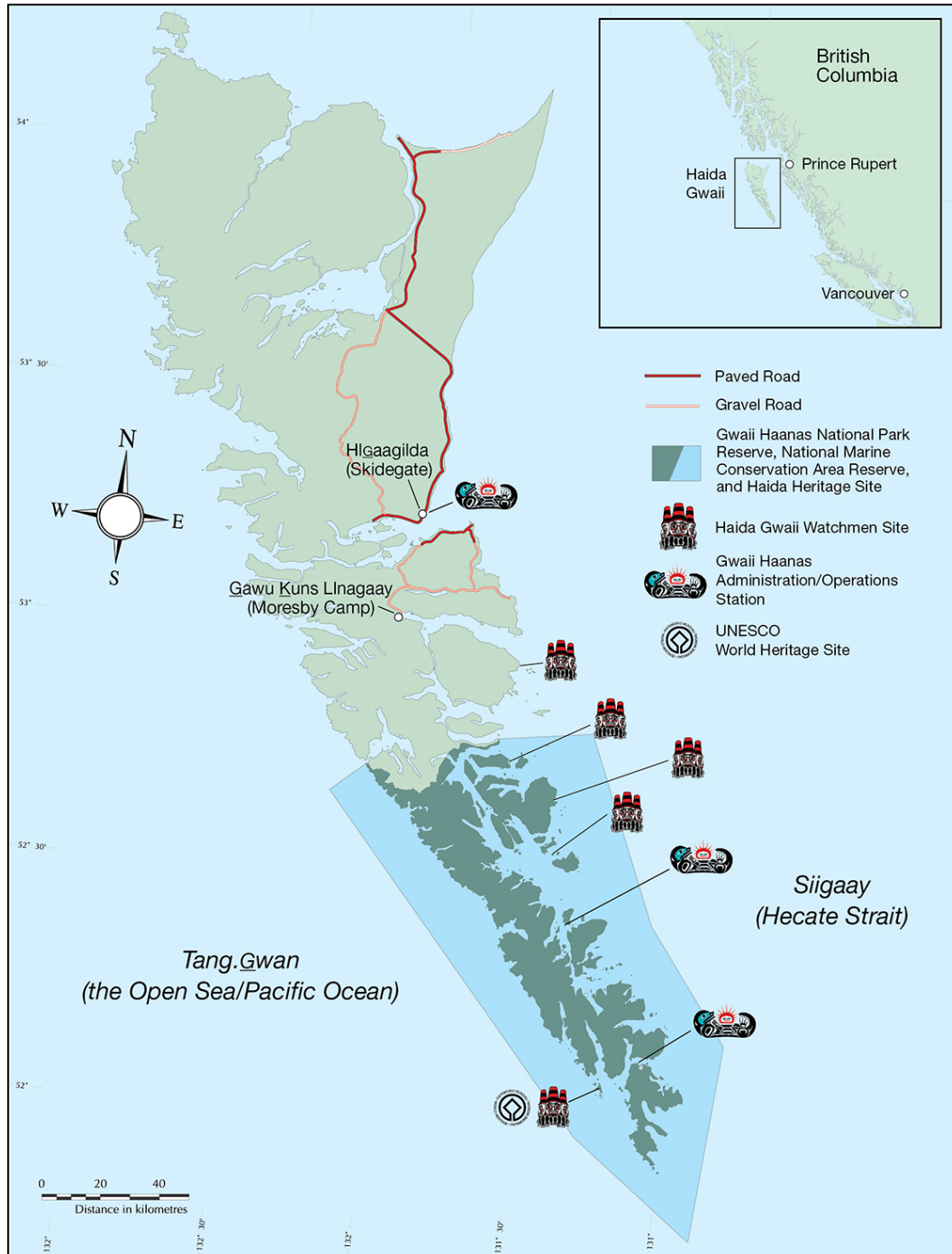


Figure 3: Map of Gwaii Haanas National Park Reserve

Source: Parks Canada 2018a

6.2. Kluane National Park and Reserve

Kluane was established in 1976, but discussions of having a protected area in this region date back to the 1920s and reflect decades of concerns by Indigenous communities in the area. When finally established, Parks Canada designated the area as a park reserve, acknowledging that there could be no full park until agreements were settled with the Indigenous peoples in the region (Neufeld 2011). Almost two decades later Kluane transitioned to a form of co-management. With the 1995 signing of the Champagne and Aishihik First Nation Final Agreement, the portion of the park covering their traditional territory transitioned to full park status and the Kluane National Park Management Board was established as a co-management body. This co-management relationship was only between Parks Canada and Champagne Aishihik First Nation until the 2003 ratification of the Kluane First Nation Final Agreement which saw Kluane First Nation join the board. White River First Nation's traditional territory also crosses the park and the First Nation is not currently in active treaty negotiations (Parks Canada 2010a).

Kluane has a moderate level of co-management as the Kluane National Park Management Board is considered an advisory body that makes recommendations to the Minister. The board consists of six representatives: two from Champagne and Aishihik, two from Kluane, and two from Parks Canada. The board may make recommendations to the Minister on all matters related to the development and management of the park, and the Minister may choose to accept, reject, or modify the recommendations (Kluane First Nation Final Agreement 2003). This approach provides a structured relationship between Parks Canada and the Indigenous groups, but moderate influence on decision-making for the park. All of the park remains as Crown ownership and a portion of it is designated as a full park. The rest of the park remains a reserve, acknowledging the unresolved existence of White River title in the area (Neufeld 2011). The Kluane First Nation Final Agreement explicitly notes the goal of integrating TEK into the management of the park. This appears to have been successful as the park incorporates traditional knowledge into key management decisions such as fishing limits within the park (Parks Canada 2010a). The park is moderately remote and has small populations living in the communities of Haines Junction and Burwash Landing adjacent to the park boundaries. According to the 2016 census, approximately forty percent of the population of Haines Junction is Indigenous and approximately seventy percent of the Burwash Landing

population is Indigenous. Two of the three First Nations with territories in the area are self-governing and the third is an *Indian Act* band. The nature of the park use is mainly destination, with 32,066 visitors in 2018-2019 (Parks Canada 2019c) – almost the same as the population of the Yukon! The philosophy of the park focuses on conservation with a strong emphasis on the Southern Tutchone way of life as stewards of the land (Kluane National Park Management Board 2013). However, as the number of visitors to the park is moderate there is not a significant tension between conservation and tourism.



Figure 4: Map of Kluane National Park and Reserve
Source: Parks Canada 2017b

6.3. Pacific Rim National Park Reserve

Pacific Rim was established in 1970 and consists of three geographically distinct units: Long Beach, Broken Group Islands, and West Coast Trail. The park originally did not include the West Coast Trail, which was added in 1973 (Parks Canada 2010b). The Indigenous groups with territories overlapping the park include the Nuu-chah-nulth Nations of Ditidaht, Hupacasath, Huu-ay-aht, Pacheedaht, Tla-o-qui-aht, Toquaht, Tseshaht, Uchucklesaht, and Yuułuʔiłʔath. Parks Canada and the First Nations work together through a variety of cooperative management boards and working groups, and Parks Canada has a stated goal of reaching agreements with all First Nations in the area (Parks Canada 2010b). Currently Parks Canada has a co-management agreement with Huu-ay-aht through the Maa-nulth Treaty, and is in active negotiations with Ditidaht and Pacheedaht through their treaty process (British Columbia Government 2019).

The level of co-management is currently low as only Huu-ay-aht has an existing co-management arrangement and their input is considered to be advisory. The composition of the Cooperative Management Board is based on an internal terms of reference. The board is mandated to enable Huu-ay-aht's representatives to provide advice or recommendations to Canada on issues that affect its treaty rights. Similar to Gwaii Haanas, the agreement stipulates that parties shall strive to use a consensus-based approach. However, if consensus cannot be reached within ninety days regarding advice or recommendations made by the Nation, the Minister may make a final decision on the issue (*Agreement Between Canada and Maa-nulth First Nations* 2006). Although Ditidaht and Pacheedaht are still in the progress of negotiations, indications suggest that their new arrangement will be a stronger form of co-management which may spur Parks Canada to renegotiate their arrangement with Huu-ay-aht. TEK plays an important role in the park; Pacific Rim's management plan emphasizes the role of Nuu-chah-nulth TEK in maintaining ecological integrity, as well as the importance of protecting cultural resources in the park (Parks Canada 2010b). The park is in a minimally remote area with relatively easy access for visitors, and the population of the region is mainly non-Indigenous. All of the park remains as Crown ownership, but since it has been designated as a reserve it acknowledges the continued existence of Indigenous title. The Indigenous groups whose territories overlap the park are a mix of self-governing and *Indian Act* bands. Huu-ay-aht, Toquaht, Uchucklesaht, and Yuułuʔiłʔath are self-governing

through the *Maa-nulth Final Agreement*. Ditidaht and Pacheedaht are currently *Indian Act* bands, but are in advanced treaty negotiations. Hupacasath, Tla-o-qui-aht, and Tseshaht are *Indian Act* bands. The number of First Nations involved and the range of their governance structures poses challenges for developing consistent co-management approaches. The nature of the park use is mainly destination, with 1,149,889 visitors in 2018-2019, the fourth highest in Canada (Parks Canada 2019c). As the visitor levels are so high at Pacific Rim the park philosophy is particularly contentious. The economic benefits of tourism are highly important for Indigenous and non-Indigenous communities in the region, but both First Nations and Parks Canada are also interested in ensuring effective conservation of the region. This is an ongoing area of tension in the park.

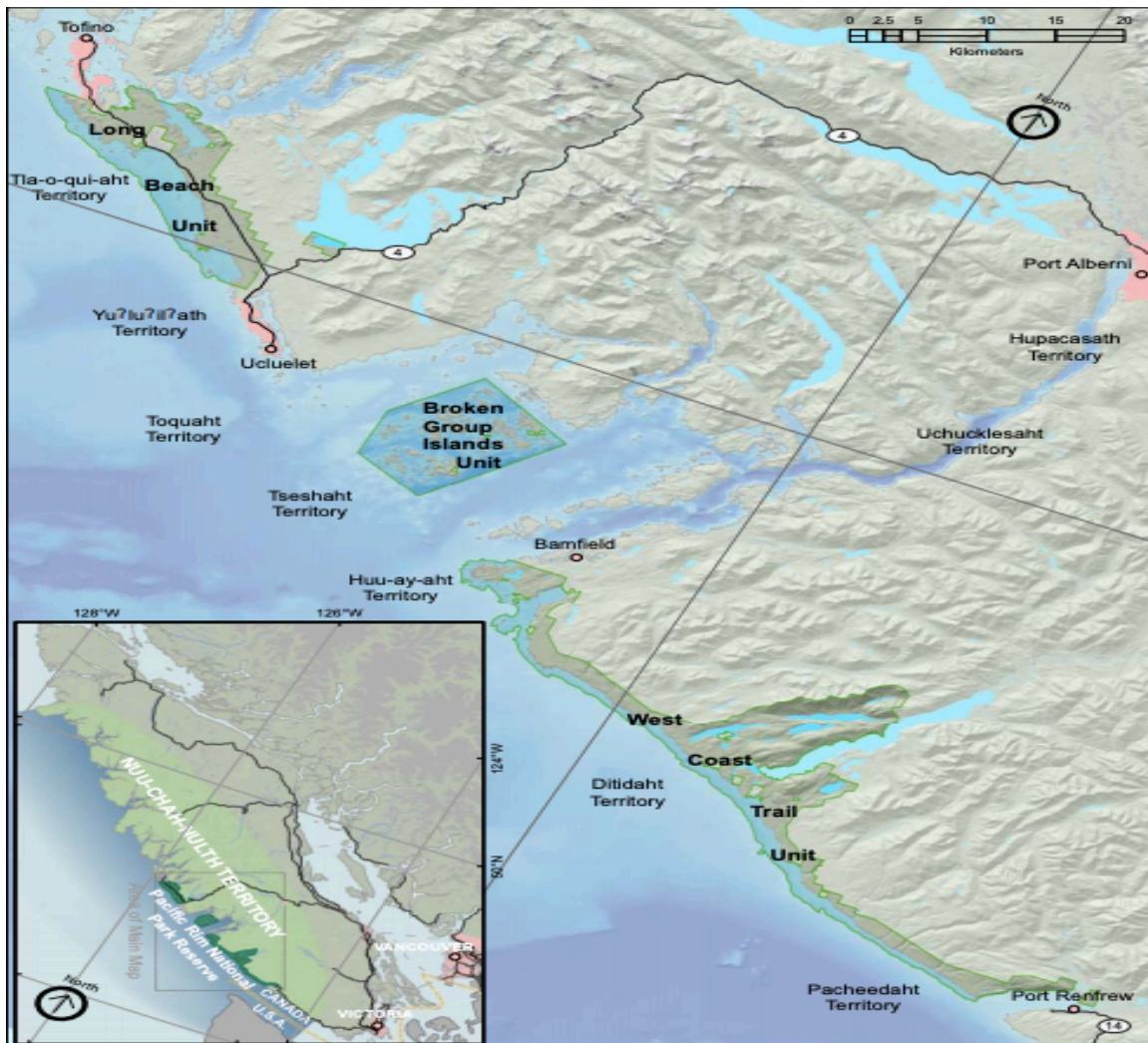


Figure 5: Map of Pacific Rim National Park Reserve
Source: Parks Canada 2010b

6.4. Tongait KakKasuangita SilkKijapvinga (Torngat Mountains National Park)

Torngat Mountains was established as a park reserve in 2005 in conjunction with the signing of the Labrador Inuit Land Claims Agreement. With the enactment of the Nunavik Inuit Land Claims Agreement in 2008, Torngat Mountains transitioned to a full park (Whitaker and Rowell 2014). The federal government's interest in developing a park in this area began in 1969 due to its significance in the Northern Labrador Mountains natural region (Parks Canada 2018c). The Inuit in the area were initially opposed to the park but came to support it after policy shifts and years of negotiations. The Indigenous groups with territories overlapping the park are the Labrador and Nunavik Inuit. Unlike the other parks discussed above, Torngat Mountains has been co-managed since its establishment. The processes for managing and operating the park and accommodating Inuit rights and interests are set out in the Foundation Agreements, which include the Nunavik Inuit Park Impacts and Benefits Agreement, the Labrador Inuit Park Impacts and Benefits Agreement, the Nunavik Inuit and Labrador Inuit Shared Territory Agreement, and the Memorandum of Agreement for a National Park Reserve of Canada and National Park of Canada in the Torngat Mountains between the Government of Canada and the Government of Newfoundland and Labrador. The Cooperative Management Board is consulted on the implementation of the Foundation Agreements to ensure the spirit and intent of the agreements is maintained (Parks Canada 2018c).

Due to the structure and power of the co-management board, the level of co-management is high. The Cooperative Management Board consists of two representatives each from the Nunatsiavut Government (representing the Labrador Inuit), Makivik Corporation (representing the Nunavik Inuit), and Parks Canada, plus a chair appointed by the three parties. All of the representatives, including those from Parks Canada, are Inuit (Whitaker and Rowell 2014). The board has a mandate to provide advice to the associated governments as well as the Torngat Wildlife and Plant Co-Management board and the Torngat Joint Fisheries Board. The Ministers technically may approve, reject, or vary the recommendations, but interviewees stated that power is highly decentralized in this park. This park is somewhat unique as there are no territory overlaps other than the Labrador Inuit and Nunavik Inuit. Both of these Inuit groups have signed treaties with varying degrees of self-governance responsibilities. All of the land included in the park is owned by the Crown, and nearby sections of land that were

designated as Inuit Owned Lands in the treaty are specifically excluded from the park (Parks Canada 2018c). The park management is explicitly based on combining both Inuit knowledge and scientific approaches. In particular, efforts to maintain ecological integrity rely heavily on Inuit knowledge and the park has emphasized the sharing of Inuit stories and histories of the land (Lemelin et al. 2016). The park is extremely remote, at the northern tip of Labrador. There is no permanent settlement in the park, with the closest community of Nain more than 150km to the south. The population in the region is almost entirely Inuit, with the 2016 census indicating that non-Indigenous residents make up approximately seven percent of Nain's population. Due to its remoteness, the park is mainly accessible only by boat or plane (some Inuit also access the park by snowmobile in the winter) and is highly rugged with no services available. Moreover, Parks Canada recommends that all visitors hire a trained Inuit polar bear guard while visiting the park (Parks Canada 2019d). Although the park is open year-round, the base camp, which is the main access point to the park, is only open from mid-July to the end of August. As a result of all of these factors, visitation numbers to this park are low. Parks Canada does not include Torngat Mountains in the annual visitation numbers it publishes, but the most recent information available indicates that there were almost 700 visitors in 2016, many from cruise ships that stop at the park (CBC News 2016). The nature of the park use is more local, with the emphasis on maintaining Inuit connections to the land. Similarly, the park philosophy emphasizes conservation and cultural connection. However, as visitation levels are quite low, there is interest in increasing tourists to the area (Parks Canada 2018c; Maher and Lemelin 2011).



Figure 6: Map of Torngat Mountains National Park

Source: Parks Canada 2018c

6.5. Summary

The case studies illustrate that there is no set path or characteristics of co-management; even parks with similar circumstances followed different routes and have different iterations of co-management. A one-size-fits-all approach would not be a useful policy option. However, the findings suggest a number of important factors that are vital to any co-management arrangement and can help set the co-management relationship up for success. These findings inform the development of a co-management framework, which will be discussed in the following chapters.

Chapter 7. Analysis & Evaluation Guidelines

7.1. Tools & Principles

The development of the co-management framework relies on two key tools to inform the analysis: Two-Eyed Seeing and IUCN co-management principles. Two-Eyed Seeing is applied in recognition of the researcher's Euro-Western worldview. In addition, Two-Eyed Seeing is recommended as an overall approach to understanding and implementing the proposed framework. Similarly, the IUCN principles of co-management are relied on to ensure the proposed framework is in line with internationally accepted guidelines.

Two-Eyed Seeing is an increasingly common tool for reconciling Western and Indigenous perspectives. The approach was introduced by Mi'kmaw Elder Albert Marshall, who explains the concept as "learning to see from one eye with the strengths of Indigenous knowledges and ways of knowing, and from the other eye with the strengths of Western knowledges and ways of knowing, and to using both these eyes together, for the benefit of all" (Bartlett, Marshall, and Marshall 2012, 335). This approach is especially effective for facilitating the inclusion of TEK and the establishment of respectful relationships. Two-Eyed Seeing is a useful perspective because Indigenous groups have their own belief systems and own ways of connecting to the land and being stewards, but this approach provides an overarching way of moving forward together.

The IUCN set out five principles and twenty-two associated guidelines for co-management, which provide a tool for evaluating the strength and quality of a co-management arrangement. The first principle is that there should be "no inherent conflict between the objectives of protected areas" and the existence of Indigenous peoples in the area (Beltrán 2000, 7). A key guideline associated with this principle is to establish common goals and commitments to the conservation and stewardship of the area. The second principle is that co-management should be grounded in the recognition and respect of Indigenous peoples' rights and their responsibility to steward the land (Beltrán 2000). Related guidelines include full legal recognition of Indigenous peoples' inherent rights. The third principle is that co-management should uphold the tenets of "decentralization, participation, transparency, and accountability" (Beltrán 2000, 9). Associated guidelines include establishing formal mechanisms that respect Indigenous

practices and legal systems. The fourth principle is that Indigenous peoples should fully share in the benefits associated with the park (Beltrán 2000). A key guideline for this principle is supporting Indigenous peoples in pursuing economic and employment opportunities associated with the park. The final principle is that the rights of Indigenous peoples and ecosystems of parks do not stop at national boundaries. Related guidelines include developing instruments to support the inclusion of all Indigenous groups whose traditional territories are impacted, regardless of colonial boundaries (Beltrán 2000).

7.2. Objectives & Criteria

In order to robustly assess the proposed framework a series of objectives and criteria were developed (Figure 7). Reconciliation is the primary objective with efficiency, sustainability, and legal risk as secondary objectives. This project takes a different approach than a typical policy assessment as each application of the framework will be park specific and dependent upon the parties involved. Instead, these objectives and criteria aim to provide some potential indicators of success in applying the framework. These measures are intended to ensure that the interests of the Government of Canada and Indigenous peoples are met while also effectively managing parks.



Figure 7: Framework Objectives

7.2.1. Reconciliation

The main objective of this framework is to foster reconciliation within the park system and decolonize park management. As discussed earlier, this paper focuses on the land and relationship aspects of reconciliation. Historically the parks system has operated based on approaches that are grounded in Western society assumptions and values, as illustrated by the ‘fortress conservation’ model noted previously. Therefore, the reconciliation criteria shown in Figure 8 evaluate the development of positive relationships, access and management of land, and the inclusion of Indigenous knowledges and worldviews.

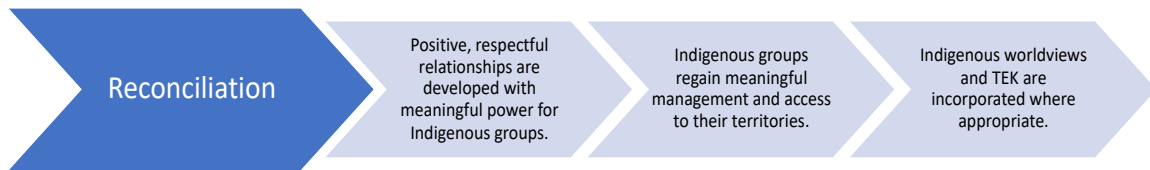


Figure 8: Reconciliation Criteria

7.2.2. Efficiency

This framework also seeks to ensure that Parks Canada remains able to uphold its mandate without creating unreasonable operating inefficiencies. Co-management is inherently more expensive and administratively complex. However, the expectation is that it will result in benefits such as better managed parks and improved relationships that outweigh the increased costs. Therefore, the efficiency criteria shown in Figure 9 seek to ensure that parks are effectively managed without unnecessarily increasing the financial or administrative burden.

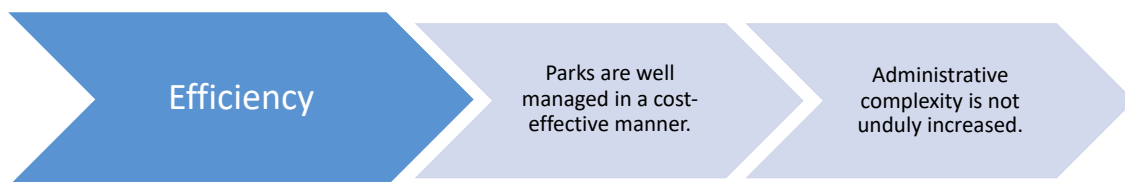


Figure 9: Efficiency Criteria

7.2.3. Sustainability

The sustainability criteria shown in Figure 10 assess the framework's ability to protect the parks' natural environments without limiting Indigenous peoples' ability to benefit from the land. Parks have long had a tension between conservation and economic development. While Indigenous groups are typically strongly in support of increasing conservation, many Indigenous groups are also interested in benefiting from the tourism or other economic opportunities that may be associated with parks.

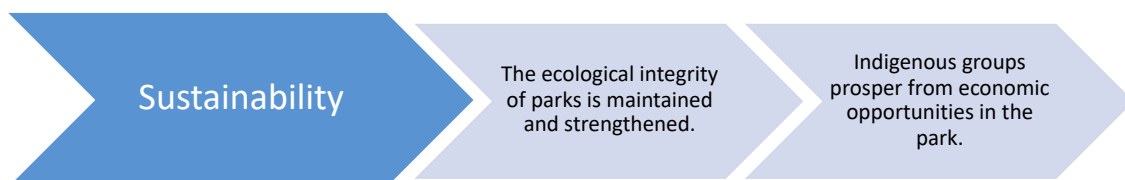


Figure 10: Sustainability Criteria

7.2.4. Legal Risk

An important consideration for both the federal government and Indigenous groups is to ensure their legal risk is not unduly increased. In this context, legal risk can be understood as the potential for the park management to not fulfill its legal obligations. Legal risk is an important consideration for co-management because park management boards make decisions about the land use and management that may be challenged in the courts. The federal government's legal risk may increase when it cedes any of its decision-making power through arrangements such as co-management. The government has a duty to ensure that it is not unjustifiably putting itself at greater legal risk. Conversely, as Indigenous groups take on more decision-making power their legal risk may increase. As Indigenous groups typically have lower financial capacity to address legal challenges than the federal government this can pose challenges for the community. Therefore, the legal risk criteria shown in Figure 11 seek to ensure both parties do not face unreasonable increases in their liability concerns.



Figure 11: Legal Risk Criteria

Chapter 8. Co-management Framework

As has been established throughout this paper, co-management is a broad concept that has different meanings to different parties. This has resulted in confusion about what co-management is and how it should be structured, and different opinions on what co-management can and should achieve. One policy approach to resolving these challenges could be a policy document that sets out how co-management should be implemented. However, as Borinni-Feyerabend et al. (2004b) suggest, it is more appropriate to not have a single definition due to the diverse potential co-management structures and purposes. This was supported by interviewees who agreed that a 'one-size-fits-all' approach is insufficient in the context of co-management, and that a top-down policy approach is inappropriate in this context. In order to address the federal government's interest in having an equitable policy approach without limiting the adaptability of co-management, this project instead proposes a policy framework.

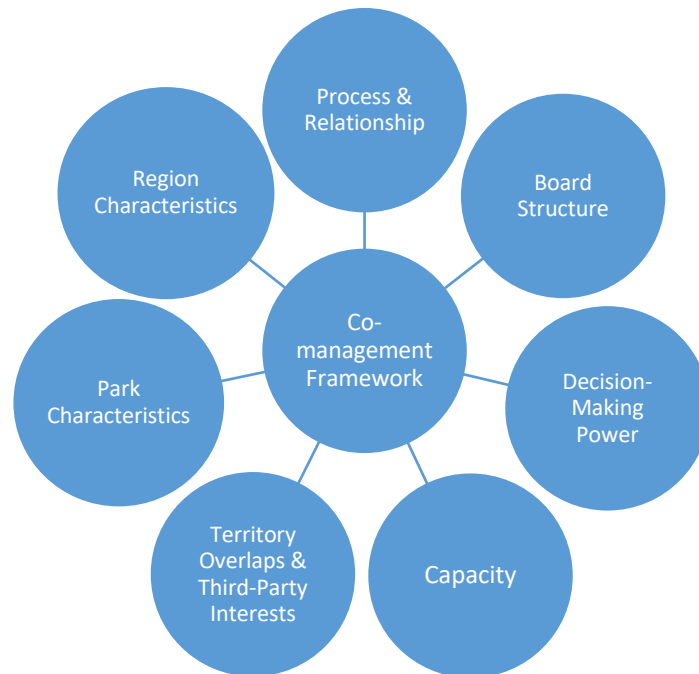


Figure 12: Co-management Framework

This framework outlines some of the key factors that comprise a successful co-management relationship (Figure 12). The factors are categorized into seven themes that reflect the core policy choices and considerations. In addition, the framework

identifies some qualitative measures and examples for how the objectives discussed in the previous chapter can be met. This framework is not intended to determine the structure of a co-management arrangement. Rather it is intended to be a guidance tool for government as it seeks to collaborate with Indigenous peoples in order to improve its parks management and meet its commitments to reconciliation and recognizing the rights of Indigenous peoples. The factors identified in this framework are a starting point and, in many ways, may reflect a Western approach to park management. Parties are encouraged to work together to identify how to adapt this framework to meet their circumstances and adopt Indigenous perspectives. Ultimately, the framework aims to support the federal government in developing more successful co-management relationships. This goal was best articulated by an interviewee who stated:

“When things are working really well people can point to specific ways that the co-management agreement has done more than just create a basis for people working together. This means it has generated tangible outcomes and benefits for all of the parties that are involved. For most [Indigenous groups] there is no shortage of processes being made available to them; there’s lots of opportunity to talk, but to have talk that then translates into meaningful action – that is success.”

8.1. Process & Relationship

Effectively setting up the negotiation process and building relationships is foundational to ultimately having a successful co-management arrangement. There are generally three stages in the process: formation, negotiation, and implementation. In the formation stage, parties establish negotiation procedures. In the negotiation stage, parties discuss and seek to resolve all relevant issues. In the implementation stage, parties enact the agreement and embody the co-management relationship. This is not necessarily a linear process; parties may return to the formation stage if issues arise and implementation often involves significant negotiation. Although the negotiation and implementation stages are essential, they are relatively straightforward and typically occur in a similar manner. In contrast, the formation stage has many potential choices that impact the final outcome. Some processes skip the formation stage altogether while others spend significant time and energy on these discussions. Both interviewees and the literature stress the importance of this stage to the overall success of the process. As a result, this theme focuses on key choices and considerations for the formation stage.

In the formation stage, parties agree to the structure of the negotiations and may set out negotiation parameters such as timelines or a vision. The structure generally occurs either in conjunction with treaty negotiations or as a stand-alone negotiation. Sometimes the starting point is a specific conflict while other times it is a joint interest in moving forward through co-management. Interviewees stressed that regardless of the negotiation structure or catalyst, it is important to take time at the beginning of the process to build a shared vision for the outcome of the negotiations. They argued that this is an important investment in building the relationship to enable negotiations to start from a good place and tends to minimize wasted time during negotiations. One interviewee noted, “I find that there seems to be a lot of time wasted when we spend too much time trying to come up with the model that is the best fit before we even really know what we are trying to do.” Moreover, if this step is not properly addressed upfront, negotiations often stall and may have to return to this stage later on in the process.

A visioning exercise is typically most successful when it includes Indigenous and federal government leadership as well as community input. The vision document may set out values, shared goals, and milestone timelines. Interviewees pointed to the Saoyú-?ehdacho National Historic Site’s cooperative management arrangement as an example of a successful visioning exercise and document. In this instance parties developed the document through a workshop, which then served as a foundation for what that relationship was meant to achieve, and the document was referenced in the agreement itself. In addition to a visioning exercise, interviewees noted that parties are increasingly using this initial phase to “rediscover each other as partners,” which may involve taking actions that are necessary to be able to build constructive relationships. In some instances, this has taken the form of apologies, acknowledgements, or specific ceremonies, which become the enabling pieces to negotiate an agreement.

The formation stage is vital to ensuring the reconciliation objective is met as it facilitates the integration of Two-Eyed Seeing from the outset, starting negotiations from a point of respect. Interviewees stressed that a key metric of reconciliation success is the existence of a shared vision that all parties are looking for and working towards. For example, although Gwaii Haanas started from a place of competing claims to lands and waters, one interviewee argued that “what transcended those claims or at least enabled us to work together in the face of those claims are the common values that we hold and agree to work together on.” Similarly, at other negotiations parties use the language of

“dove-tailing” to reflect the fact that while there may be different objectives and interests that the parties are trying to achieve, those can work together.

8.2. Board Structure & Decision-Making Power

Two key areas of discussion during co-management negotiations are the board structure and its decision-making power. The board structure speaks to the board composition, board members’ appointment process, and chair appointment process. Decision-making power refers to which topics the board has a mandate to consider, how the board makes its decisions, and the relationship between the board’s decisions and the relevant federal Minister’s decisions.

The board structure will be determined in each negotiation based upon the interests of each party and the circumstances in that park. The key factor that determines the board composition is how many Indigenous communities and federal departments are involved in the co-management relationship. Based on the case studies, the main choices are the number of representatives from each party and whether there should be equal representation from Indigenous groups and the federal government. This is illustrated by Gwaii Haanas National Park Reserve which has three representatives from Haida Nation and three from the federal government, while both Kluane National Park and Reserve and Torngat Mountains National Park have two representatives each from the two Indigenous communities involved and the federal government. Some board structures also reference the inclusion of non-voting board members or observers, such as the park manager. The appointment to the board will also be dependent on the parties’ interests and traditions. Board members may be appointed by the relevant party or selected through another method that reflects an Indigenous community’s traditional approach. Similarly, the chair may be selected from among the board members or an external person agreed to by the parties and may rotate or have a set term length. Although there is no perfect board structure design, these factors reflect important decisions and considerations for the negotiations.

Decision-making power is typically the most challenging co-management aspect to negotiate. A negotiator for Thaidene Nëné National Park Reserve summarized the core question as: “How do you preserve a Minister’s discretion while also recognizing the inherent authorities and jurisdictions of the First Nation?” (Thomson 2019). Parties

must agree on the topics the board may consider and how binding the board's decisions are on the relevant federal Minister. The chosen approach must maintain consistency with what is allowed by the Parks Canada legislation and may set precedents for other co-management negotiations. Every existing co-management arrangement in Canada approaches this aspect slightly differently; based on the research and interviews it is clear that there is a broad spectrum of possible decision-making power and the most appropriate place on that spectrum can only be jointly determined by the government and Indigenous group(s). The potential areas of decision-making responsibility can be largely categorized as strategic or operational (also described as high-level versus on-the-ground). Within these categories there are many different possible decisions, and there are merits and challenges to involvement in both areas. However, in order to truly meet the parties' interests and implement UNDRIP both the literature and interviewees stress the importance of high-level involvement. When deciding on areas of decision-making, one interviewee noted that it is "based on desire and practicality." Another interviewee suggested that a strategy may be to identify "points of intervention" that are cost effective and meet the Indigenous groups' interests and capacity.

The final aspects of decision-making are how decisions are made, how much authority the Minister has to respond to the board's decisions, and the timeframe for the Minister to respond to the board. Typically, boards choose to apply a consensus model or a majority vote model, with some merging the two through a preference for consensus with votes as required. All interviewees acknowledged the federal government's concern with fettering the Minister's autonomy as there are certain legislative mandates that the Minister must uphold. A common approach in co-management arrangements to-date is that boards make recommendations to the Minister who may then accept, vary, or reject the recommendation, as seen with Kluane National Park and Reserve. Many argue that this is not true co-management because the Minister retains final authority. However, interviewees noted that in practice the Minister rarely rejects a recommendation from the board. Nevertheless, Indigenous groups are typically looking for a stronger model with the co-management board imbued with significant decision-making authority.

Gwaii Hanaas is often pointed to as the preferred decision-making model. In this model, the Archipelago Management Board makes decisions by consensus and its recommendations are sent to both the Haida Nation and Government of Canada. If the parties cannot agree the decision is put in abeyance pending a formal dispute resolution

process. This model is positive in that the board is given meaningful authority but could stall important decisions if agreement cannot be reached. Ukkusiksalik National Park is another interesting model because it limits the Minister's ability to reject or vary a recommendation unless certain criteria are met such as an onerous financial burden on Canada, interference with the ecological integrity of the park, or inconsistency with the Minister's legal responsibilities. This approach has merits in that it clarifies the role of the Minister, but the criteria are quite broad so it could be argued that this is not a substantive change over the traditional approach. A new approach could build on the Ukkusiksalik model by increasing the specificity or stringency of the criteria.

This theme is core to the efficiency objective as the decisions around board structure and decision-making have the largest impact on both the effectiveness and the administrative complexity of the park management. Success in this area will likely involve creativity and openness to find ways to maintain consistency and meet the interests of all parties. Interviewees suggested that true success occurs when the agreement is viewed as the foundation, not the ceiling. When this occurs, parties move beyond a focus on "meeting targets or obligations to using the tool to achieve things that are important and sometimes require us to do more than we committed to do." For example, the Torngat Mountains co-management board representatives and park staff are all Inuit (CBC News 2016), despite this not being specified in the agreement.

The legal risk objective is also implicated by this theme. Certain decision-making areas may pose greater potential legal risks and require significant consideration of how best to manage. Nevertheless, as one interviewee noted, "as we move more towards deeper forms of power sharing, the duties and responsibilities and legal obligations that come with that will be likewise shared." Legal risk is a reality of land management and is not something that can fully avoided, but parties can carefully consider how best to allocate decision-making powers and responsibilities to appropriately share the legal burden. Success in this objective is difficult to measure up front but can be assessed based on perceived legal risk for the parties and through the parties' ability to withstand any legal challenges that arise.

8.3. Capacity

The literature, case studies, and interviewees point to capacity as a challenge and opportunity in co-management. A co-management arrangement requires personnel, knowledge, money, and time to set up, operationalize, and maintain. This must be addressed at both the individual and organizational level. Getting capacity right involves deliberate priority setting and investments to fill identified gaps. Although capacity is typically discussed in terms of Indigenous groups, the federal government also grapples with capacity challenges, so these capacity considerations apply for both parties.

Indigenous groups' capacity to engage in co-management is highly varied. Some groups have been actively involved in other land management activities so are well placed to co-manage. For those with limited recent land management experience it may be more appropriate to enter into an incremental agreement that provides room for increased involvement as parties are ready. As one interviewee stated, "in some cases there may be a desire to be deeply engaged with decision-making or operation and [the federal government] may likewise agree with that as something to work towards, but then there's the question of what that looks like in years one to five versus years five to thirty." Interviewees agreed that building a relationship of transparency, honesty, and trust, is vital so that parties can have candid conversations about the current state, the end goal, and the tangible steps to get to that goal.

Indigenous groups also require ongoing financial capacity to engage as a full co-management partner. As Indigenous groups often have financial deficits due to legacies of underfunding, they may require additional support in order to meaningfully engage. Financial capacity may come from government funding, own source revenue, or other sources. For example, Thaidene Nënë National Park Reserve developed a creative approach with support from external partners. A \$30 million trust fund was established for Łutsel K'e Dene First Nation through contributions from both the federal government and the non-profit organization, Nature United. This trust fund will generate dividends that are anticipated to provide at least \$1 million per year to fund "guardians, training, planning, research partnerships and youth engagement" (Thomson 2019). This is an excellent option for Indigenous groups with minimal own source revenue but is reliant on third-party donors, which may not be feasible on a broad scale.

Capacity issues on the government side are particularly related to leadership, staffing, and knowledge. A key aspect of government capacity is ensuring the organization and leadership is set up to support the individuals engaging in co-management at the field level. One interviewee noted that it “takes a lot of different people to be deliberately working to empower those people to be the partner that they need to be.” The *deliberate* aspect of government capacity is crucial because it requires clear priority setting from leadership that trickles down to all levels. Parks Canada has been a trailblazer on reconciliation and government leadership has improved on this aspect in recent years, but bureaucracy takes time to adapt. In addition, the nature of co-management requires government staff to be engaging at the table, which means the department needs adequate staffing levels. This is a constant struggle as departments are making decisions about allocating scarce resources. The final important aspect of federal government capacity is increasing knowledge of Indigenous ways of doing business and recognizing the validity of these approaches. In other words, this requires shifting away from educating Indigenous groups on how government does business and instead understanding how they do business. One interviewee said that this manifests as understanding “how Indigenous groups govern themselves, how they make decisions, and how they mandate the individuals the federal government meets with in the co-management forums.” This is consistent with a Two-Eyed Seeing approach that recognizes the validity of Indigenous and Western worldviews.

This theme is linked to both the reconciliation and efficiency objectives. Indigenous groups will struggle to regain meaningful management of their territories and facilitate efficient park management if they do not have full capacity to engage. Similarly, the federal government will struggle to achieve positive, respectful relationships if they do not recognize and value Indigenous worldviews. In this context success can be measured by Indigenous groups effectively engaging in co-management at their desired level and feeling like the federal government is approaching the relationship respectfully.

8.4. Territory Overlaps & Third-Party Interests

Indigenous shared territories and overlaps are not a new issue; Indigenous groups have long had protocols and boundaries, although the *Indian Act* exacerbated many of these issues (BC Treaty Commission 2014). The existence of overlapping territories can complicate negotiations because of the simple fact that it requires the

involvement of more parties and their interests. In addition, disagreements over territory boundaries may be linked to broader disputes between communities. It is important to acknowledge that all of the parks used as case studies in this project have either no or minor overlaps. This is consistent across most co-managed parks in Canada. Nevertheless, there are some lessons to be learned from the literature as well as the case studies analyzed in this project.

First and foremost, overlaps and shared territory disputes are best resolved by the involved Indigenous groups. For example, at Torngat Mountains National Park the Labrador Inuit and Nunavik Inuit negotiated a shared territory agreement to facilitate the creation of the park. The Government of Canada may have a role in providing funding for facilitating discussions or addressing concerns within its jurisdiction that stymie an agreement, but it should take its lead from the Indigenous groups. Second, while all affected Indigenous groups should be involved in negotiations, government should be open to differing outcomes based on Indigenous interests in the area. For example, with Thaidene Nëné National Park Reserve Łutsel K'e Dene First Nation is a full partner in the co-management relationship with Parks Canada while the North Slave Métis Alliance, Northwest Territory Métis Nation, and Yellowknives Dene First Nation signed agreements that focused mainly on their rights to continue to hunt, trap, and fish in the park area (Blake 2019). Ultimately in order to successfully move forward with a co-management agreement and fulfill the objective of reconciliation it is best to have consent from all affected Indigenous groups in the area, while recognizing that this may be challenging at times if there are different viewpoints among the Indigenous groups.

In addition to territorial overlaps, interviewees stressed that third-party interests are a co-management consideration. In this context, third parties may include recreation groups, park users, environmental organizations, local businesses and commercial accommodations, nearby municipalities, cottage or cabin owners, and other local community groups. While it is important that third-party interests do not drive discussions between the Government of Canada and Indigenous groups, the government does have a responsibility to consider these interests. Support for third-party interests typically occurs through consultations and raising those interests at the negotiation table.

This theme is especially important for meeting the objective of not unduly increasing the legal risk for parties. As noted, overlaps and shared territories are best

resolved by the affected Indigenous groups, but success in this area can be measured by the incidence of concerns raised by Indigenous groups with interests in the territory. Similarly, success in the context of third-party interests is best measured through the incidence of concerns raised by third parties both publicly and through government consultation channels.

8.5. Park Characteristics

Park characteristics such as its nature and philosophy can also influence the chosen co-management approach. This includes whether usage is mainly local or destination and whether the philosophy of the park emphasizes conservation or tourism. For a new park the parties can make decisions about the nature of the park, but for an existing park it may take purposeful actions to change park features.

The literature and case studies demonstrate the inherent tension between conservation and tourism in parks. When usage of the park is mainly destination those tensions are often exacerbated. Co-management does not remove this tension but introduces a new aspect. Through the application of TEK and Indigenous worldviews, greater involvement of Indigenous groups in park management tends to increase the effective preservation of ecological integrity (Schuster et al. 2019). However, Indigenous groups have been systematically excluded from benefiting from their territories. As a result, they are often interested in the tourism opportunities parks provide and a crucial aspect of co-management is ensuring Indigenous groups prosper from the economic opportunities available in the park. Torngat Mountains provides an excellent example of how the conservation versus tourism pressures are managed. The park's management approach is "based on a symbiosis between Inuit knowledge and science, and tourism strategies promoting capacity-building, equity generation, and empowerment" (Lemelin et al. 2016, 73). This approach has been proven to increase conservation, stimulate innovation for the region, and support empowerment and ownership amongst the Inuit.

This theme is linked to the reconciliation, efficiency, and sustainability objectives. An important reconciliation criterion is the inclusion of TEK, which is linked to improving conservation. In addition, the efficiency criterion of having a well-managed park is directly related to ensuring the management is appropriate to the nature and philosophy of the park. Both of the sustainability criteria are also implicated by these factors as

economic opportunities and ecological integrity are influenced by choices around the nature and philosophy of the park. In this context, success can be measured by the parties' perceptions of whether the balance between conservation and tourism meets their interests.

8.6. Region Characteristics

The final theme for consideration in the co-management framework is the characteristics of the park region. These characteristics include whether it is a northern or southern park, the remoteness of the park, and the population in the area. Similar to Indigenous territory overlaps, these features cannot be changed but impact how co-management is approached for the specific park.

Across Canada typically stronger iterations of co-management have been developed in northern or remote parks. This is partly due to the negotiation of treaties as well as more territory overlaps and third-party interests in southern parks but is also tied to region characteristics. For example, the remote and northern Torngat Mountains National Park has a fully Inuit co-management board and is the only national park in Canada with an all-Inuit staff (CBC News 2016). As the population in the region is predominately Indigenous this is more feasible. Interviewees also indicated that on a practical level the park remoteness plays a key role in the co-management arrangement because the costs and administrative complexity of a co-management relationship in northern or remote environments are significantly higher than in southern parks. For example, getting board members to meetings and addressing issues on the land are more expensive and logistically difficult in winter weather and when members do not live nearby. This may result in a larger role for the Indigenous group on the land. However, there may be greater operational opportunities in southern parks with higher visitation numbers, such as site-based interpretive sharing of culture. Overall there is significant variation based on the region characteristics, but it is important to consider these practical implementation implications when developing a co-management arrangement.

This theme is important for the efficiency objective as adequately adapting to the region's characteristics is vital to ensuring parks are well managed and cost effective. Success will vary depending on the park characteristics but can be measured by the ability of the park management structure to reflect the site-specific realities.

Chapter 9. Framework Application

The framework as discussed in the previous chapter is highly theoretical due to the nature of co-management; co-management policy should not be developed through a top-down approach and each co-management negotiation will approach the themes in a manner agreed to by the relevant parties. As an illustration of how the framework could be applied, this chapter will explore the themes as they could apply to a co-management arrangement for Yoho National Park. Yoho was chosen for an example because it is the smallest national park in the Rocky Mountain area, so has the fewest complications but can demonstrate how co-management could be approached in the area with the highest number of park visitors in Canada. In addition, during 2019 consultations on developing a new management plan for Yoho, Indigenous peoples conveyed a strong desire to be involved in management planning (Parks Canada 2019e), which suggests that co-management may be pursued in this park in the near future. Yoho was also selected because existing co-management arrangements are concentrated in northern Canada so this example will help test the feasibility of co-management in southern Canada.

Yoho National Park was established in 1886 and is tied with Glacier National Park as the second oldest park in Canada. The 1,313 km² park is in the southeast corner of British Columbia (Figure 13), in the traditional territories of the Ktunaxa Nation and Secwepemc Nation. Yoho is one of the seven contiguous national and provincial parks that make up the Canadian Rocky Mountains UNESCO World Heritage Site (James-Abra 2018). Yoho's most recent management plan was released in 2010 and in 2019 Parks Canada initiated consultations on the development of a new management plan in conjunction with the other national parks in the region.

The following sections will discuss how co-management could be implemented at Yoho National Park based on the framework proposed in the previous chapter. Each theme includes figures to demonstrate some of the areas that would likely be discussed (Figures 14-21). The factors and options indicated within the figures are highly simplified but provide a depiction of a decision tree for the framework to assist with understanding how the framework could be implemented.



Figure 13: Map of Yoho National Park

Source: Parks Canada 2020

9.1. Process & Relationship

Under the process and relationship theme the primary factors are the structure and parameters of the negotiations (Figure 14). As noted, Yoho falls within the traditional territories of the Ktunaxa and Secwepemc Nations. Ktunaxa is currently negotiating a treaty so co-management discussions could occur in conjunction with the treaty process if the parties wish. The Secwepemc Nations in the Yoho area are not currently engaged in treaty negotiations, so any co-management discussions would likely occur as a stand-alone process. Parties would decide whether co-management negotiations are best done together or as separate bilateral negotiations between Parks Canada and Ktunaxa and Parks Canada and Secwepemc.

In Yoho's 2018 State of the Park report, it states that Parks Canada is actively working on developing relationships with the Secwepemc and Ktunaxa Nations, and relationships are currently in a formative stage (Parks Canada 2018d). This indicates that it would be useful for co-management discussions to begin with a visioning exercise to further develop the relationship. This could be done by all three parties or bilaterally, depending on the negotiation structure choice. By initiating negotiations with a visioning exercise, the parties would have an opportunity to discuss their interests for the park and identify shared goals. This could build on consultations that took place in 2019 for the new management plan, wherein Indigenous groups expressed a "strong desire to feel at home in the park and to contribute their knowledge and practices to the stewardship of the park" (Parks Canada 2019e). By starting negotiations in this manner, Parks Canada would be acknowledging the equal weight of Secwepemc and Ktunaxa knowledge and desires for the park, thereby setting the stage for a respectful relationship.

Based on the decisions and considerations discussed in this section, the co-management process at Yoho could be a trilateral, stand-alone negotiation between Parks Canada, Secwepemc, and Ktunaxa grounded in a robust visioning exercise to facilitate the development of a positive, respectful relationship. This approach would support the parties in meeting the reconciliation objective as measured by qualitative assessments of parties' feelings of mutual respect and the meaningful incorporation of Indigenous worldviews.

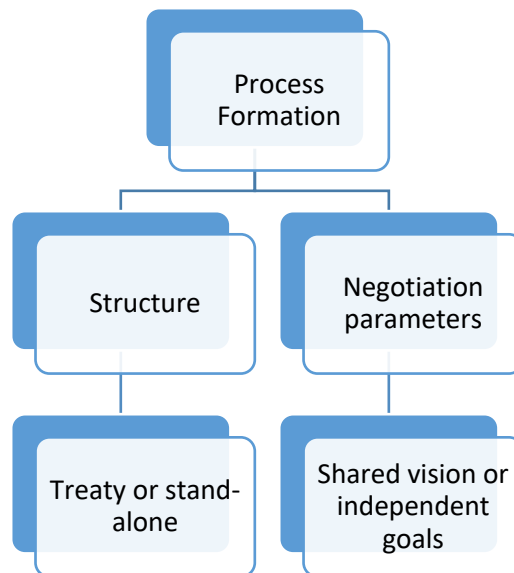


Figure 14: Process Formation Factors

9.2. Board Structure & Decision-Making Power

When considering board structure and decision-making power there are several related but separate factors. For board structure parties would decide on composition, appointment process, and the chair (Figure 15). At Yoho, if parties decide that Parks Canada, Secwepemc, and Ktunaxa will jointly manage the park they may choose to pursue a board structure similar to Kluane or Torngat Mountains which also have two Indigenous parties involved. If this model is pursued there would be a total of six representatives, two each from Ktunaxa, Secwepemc, and Parks Canada. This would provide equal representation for each of the parties instead of equal representation between the federal government and Indigenous groups. Each party may have different methods for determining how board members are appointed. Parks Canada's model follows government procedures wherein they seek applicants for the board and then appoint them based on a selection process. In older co-management agreements Parks Canada would often mandate that Indigenous groups follow similar procedures and then recommend their preferred candidates to the federal Minister to confirm appointments. However, a part of establishing more equal power and acknowledging the validity of Indigenous worldviews is enabling Indigenous groups to utilise traditional processes for mandating representatives. As a result, in this case Secwepemc and Ktunaxa's board member appointment processes could be dependent on their own legal orders. The final aspect of board structure is the chair. The decisions of whether to have the chair be permanent or rotating and be an external individual or selected from within the board members is fully based on the interests of the parties. It is challenging to speculate what parties would prefer, but for illustrative purposes the chair could be an external individual jointly agreed to by all parties with a set term.

Based on all of these decisions and considerations, the co-management board structure for Yoho could be a seven-member board with two representatives each from Ktunaxa, Secwepemc, and Parks Canada appointed pursuant to their preferred processes, and a jointly appointed external chair.

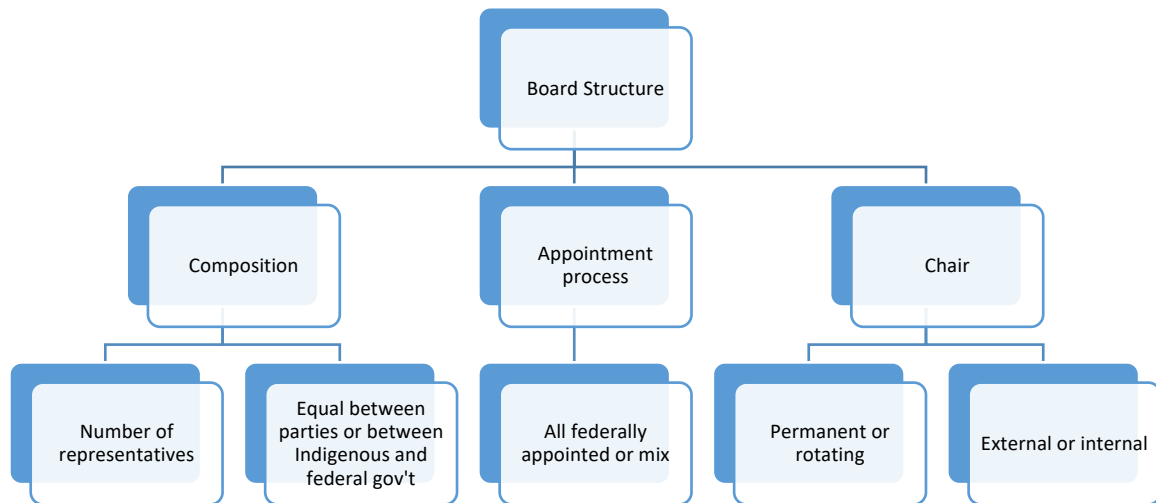


Figure 15: Board Structure Factors

For decision-making power, the primary factors are the board’s decision areas, the decision-making style, and the role of the relevant federal Minister(s) (Figure 16). There are many potential topics for the board, but for simplicity they can be categorized as either strategic or operational decisions. During the 2019 Yoho management plan consultations Ktunaxa and Secwepemc indicated an interest in being involved at both the operations and strategic level (Parks Canada 2019e). As a result, a co-management relationship would likely be structured around a board with a mandate to consider both areas. For decision-making style, the parties would determine their approach, but the preferred approach seems to be a consensus model with a robust dispute resolution process if consensus cannot be reached. Finally, when considering the role of the federal Minister there would be significant negotiation, but a potential route could be to modify the Ukkusiksalik National Park model. This model allocates stronger power to the co-management board and somewhat fetters the Minister’s authority by limiting the Minister’s ability to reject or vary a recommendation unless certain criteria are met.

Based on these decisions and considerations, the co-management board’s decision-making power for Yoho could be consensus-based recommendations on operational and strategic issues with set criteria determining the Minister’s response. This approach would support parties in meeting the efficiency and legal risk objectives, as measured by qualitative assessments of the efficiency of the park management and the sharing of decision-making authority in areas that pose greater legal liability.

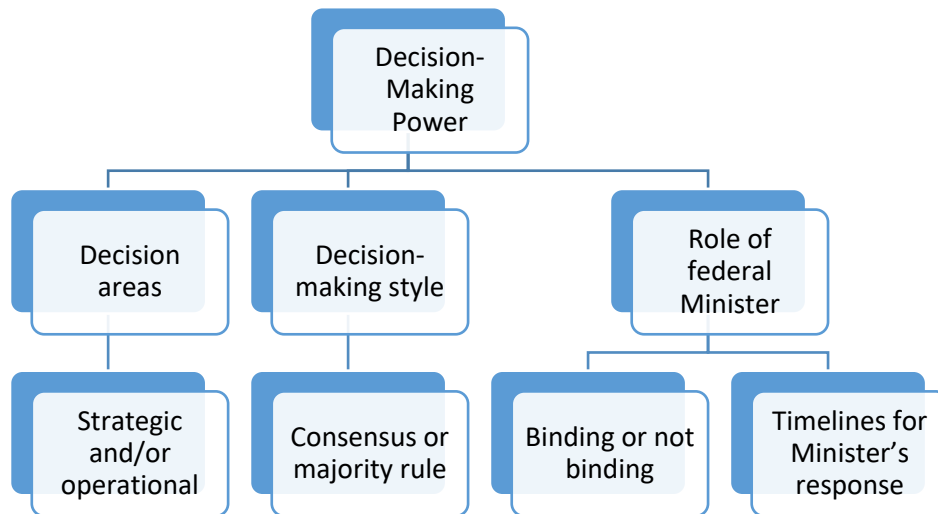


Figure 16: Decision-Making Power Factors

9.3. Capacity

For Indigenous group capacity, two key factors for consideration are the group's recent experience with land management and its financial capacity (Figure 17). Although Indigenous groups have managed and stewarded their territories for thousands of years, due to the disruptions of colonialism some lack recent experience and training in land management practices. Ktunaxa established the ʔaḡam Land Code in 2014, which removed the management of their lands and resources from under the *Indian Act*. Since that time, Ktunaxa has worked to operationalize the land code and regain management of their lands (ʔaḡam n.d.). Similarly, Shuswap Indian Band, the main Secwepemc Nation in the Yoho area, ratified the Shuswap Land Code in 2015, and has since developed a series of land use plans and laws (Shuswap Band 2018). Without having detailed information about the experience of both of these Nations, the existence of land codes suggests that Ktunaxa and Secwepemc have recent land management experience that would transfer well to participating in co-management at Yoho. The financial capacity of both Nations is unknown but based on their needs and interests, parties would negotiate whether Ktunaxa and Secwepemc's involvement would be funded through own-source revenue, government grants, non-profit donations, or some combination of the three.

Based on these considerations, Ktunaxa and Secwepemc have the land management experience to fully engage in co-management at Yoho but may need

financial support to engage as a full partner. Addressing both of these aspects will assist the parties to meet the efficiency objective, which can be qualitatively assessed by Ktunaxa and Secwepemc fulfilling their management responsibilities.

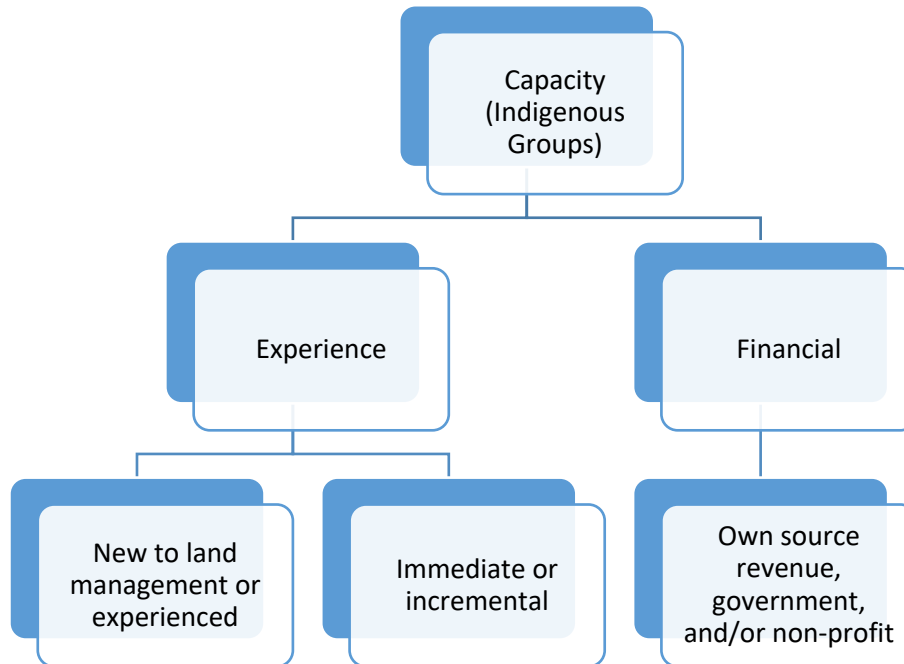


Figure 17: Capacity of Indigenous Groups Factors

For federal government capacity the core factors are leadership, staffing, and knowledge (Figure 18). Parks Canada has prioritized reconciliation at a leadership level, and in the 2018 State of the Park assessment Yoho leadership acknowledged that Indigenous peoples are not significantly involved in the park and committed to work to address this gap (Parks Canada 2018d). This indicates that there is strong leadership capacity for Yoho to move forward with co-management. The practical staffing levels for supporting the negotiation and implementation of a co-management relationship are unknown at Yoho and may require assessment. In addition, during the 2019 management plan consultations, Indigenous groups stated that Parks Canada “needs to better understand and respect proper protocols when seeking to engage Indigenous groups, have cultural awareness training for staff, and show openness to using Indigenous approaches to working together” (Parks Canada 2019e). This indicates that Parks Canada’s knowledge capacity at Yoho requires more investment.

Based on these considerations, the federal government has the appropriate leadership capacity to pursue co-management at Yoho but may need to assess staffing

levels and increase its commitment to acknowledging and respecting Indigenous ways of doing business. These considerations will be key for meeting the reconciliation and efficiency objectives, which can be qualitatively assessed by Ktuanxa and Secwepemc feeling that Parks Canada listened to its feedback and improved its cultural knowledge and through the ability of Parks Canada to effectively participate in co-management negotiations and implementation.

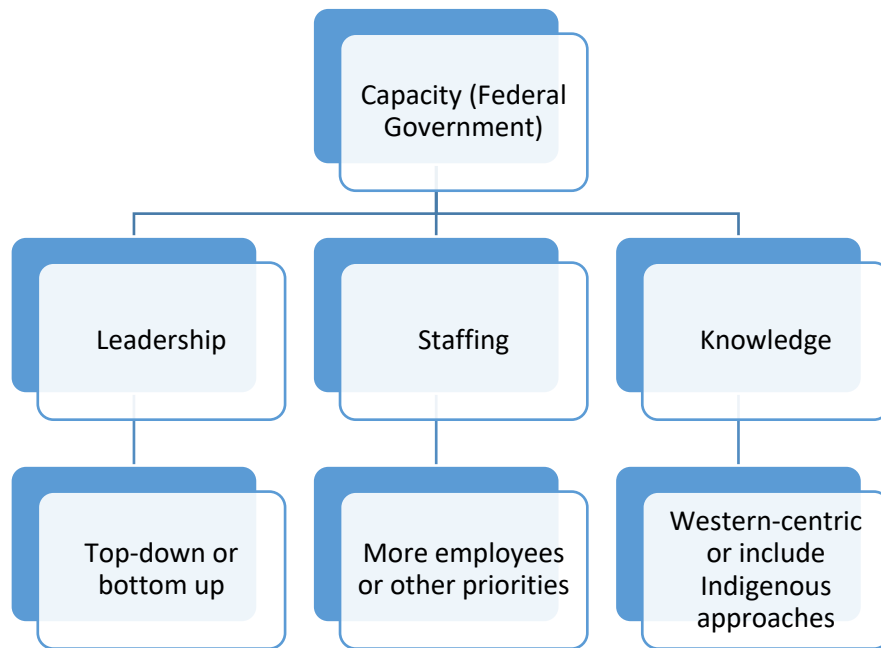


Figure 18: Capacity of Federal Government Factors

9.4. Territory Overlaps & Third-Party Interests

When considering territory overlaps the primary factor is simply the existence of any overlaps and whether those overlaps are major or minor (Figure 19). For Yoho, Ktunaxa Nation and Secwepemc Nation have overlapping territories in the region. As noted previously, territory overlaps are best resolved by the involved Indigenous groups. Therefore, this paper will not suggest what an outcome of these discussions may be. However, some key decisions that Ktunaxa and Secwepemc may make is whether they want to be involved in the same co-management process or separate ones, and whether a shared territory agreement would be useful to facilitate the implementation of a co-management agreement.

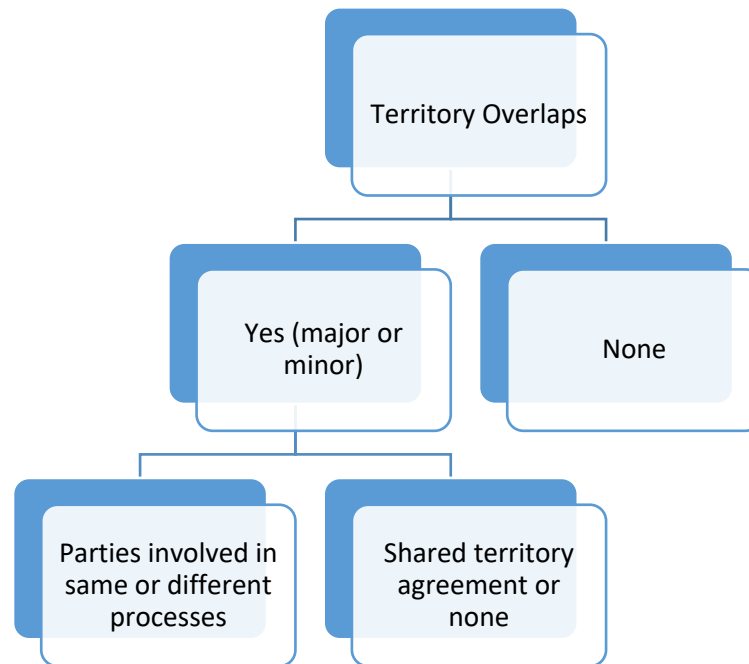


Figure 19: Territory Overlaps Factors

For third-party interests, there is no decision tree provided as this is an important consideration but does not have specific decisions that can be generalized between co-management agreements. As Yoho has high visitation numbers and visibility as part of the Rocky Mountain parks, third-party interests are likely to play a larger role than it would at parks with low visitation. Based on those consulted for the 2019 management plan, relevant third parties for Yoho include municipal governments, local business operators, environmental organizations, outdoor recreation interest groups, and destination marketing organizations. During these consultations, some third parties independently raised their support in seeing more Indigenous involvement in the park and recommended that UNDRIP should be a “foundational element of park management” (Parks Canada 2019e). This indicates existing third-party support for co-management, which is important for meeting the legal risk objective as this is where legal challenges often originate.

9.5. Park Characteristics

For park characteristics two important factors are the nature of the park use and the philosophy of the park (Figure 20). In 2018-2019 Yoho welcomed 694,842 visitors, which was the culmination of a more than thirty percent increase in annual visitors since

2011 (Parks Canada 2018d). As part of the broader Rocky Mountains parks region the nature of the park use is mainly destination. This lends itself to an emphasis more on tourism than conservation, which is reflected by the fact that the 2018 State of the Park assessment found that the aquatic ecosystems were poor, forest ecosystems were fair, and alpine tundra ecosystems were good (Parks Canada 2018d). However, in the 2019 management plan consultations Indigenous peoples and others prioritized increasing the protection of the park and restoring its ecological integrity (Parks Canada 2019e). More involvement by Ktunaxa and Secwepemc would likely support this interest as Indigenous management is positively correlated with increased biodiversity and ecological integrity. In addition to caring for the land, Ktunaxa and Secwepemc have also expressed interest in increased employment and economic development opportunities at the park including Indigenous tourism opportunities.

Based on these considerations, co-management at Yoho could assist in finding a more sustainable balance between conservation and tourism while still encouraging destination visitors. This would support the parties in achieving the reconciliation, efficiency, and sustainability objectives, as measured by qualitatively assessing the level of incorporation of TEK, the ability of the board to balance conservation demands and visitation levels, the improvement of the park's ecological integrity, and greater inclusion of Ktunaxa and Secwepemc peoples in economic opportunities in the park.

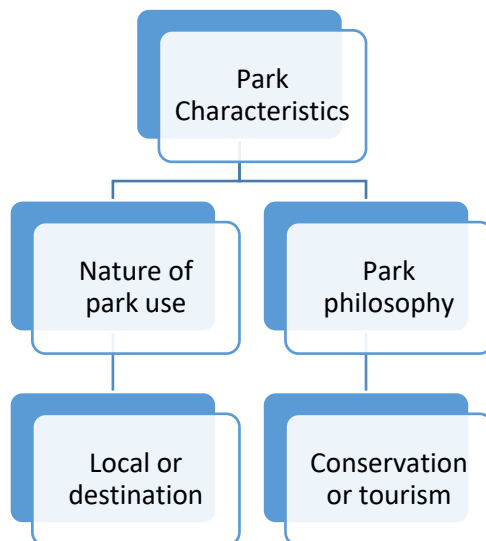


Figure 20: Park Characteristic Factors

9.6. Region Characteristics

There are three core factors for consideration in terms of region characteristics: geographical region, degree of remoteness, and the population in the area (Figure 21). Yoho is a southern park and is minimally remote. This supports greater opportunities for Ktunaxa and Secwepemc involvement in providing Indigenous tourism and interpretation services in the park. As a minimally remote park, there are also fewer logistical issues with getting members to board meetings and addressing issues on the ground. The main community in the region is Field, which the 2016 census found to have approximately ten percent Indigenous population.

Developing an appropriate co-management agreement for Yoho will require the parties to acknowledge these characteristics and craft a model that maximizes the strengths of the region. By ensuring region characteristics are taken into account the parties will be well situated to meet the efficiency objective of maintaining a well-managed and cost-effective park. This can be qualitatively assessed by the ability of the park management structure to reflect the site-specific realities.

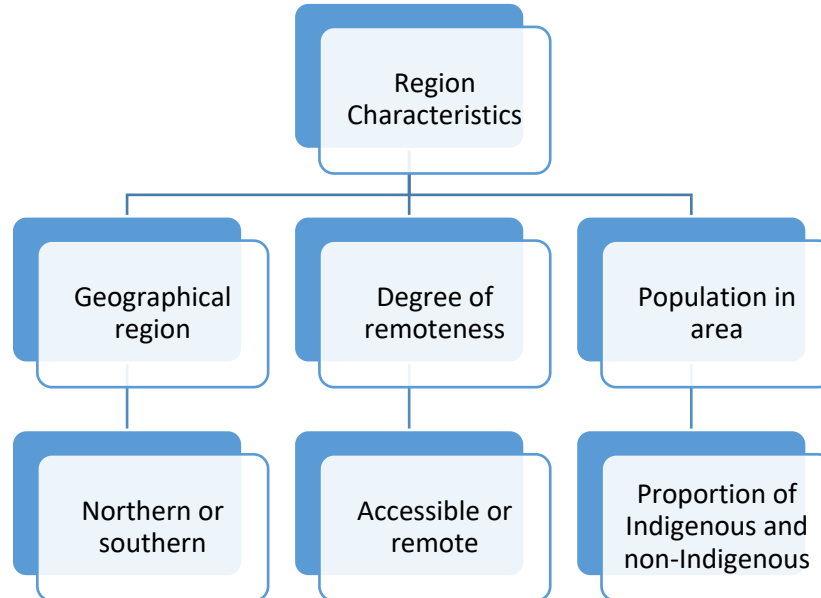


Figure 21: Region Characteristic Factors

9.7. Summary

Due to the low number of Indigenous groups in the area and pre-existing interest and support for increasing their involvement in the park, Yoho is well situated to adopt a co-management approach. Every negotiation of a co-management agreement will be challenging and complicated, but the considerations outlined above may assist the parties in approaching the issues. In particular, beginning with the development of a shared vision, respecting the interests and capacities of all parties, and grounding the negotiations in the specific characteristics of the park and region are important lessons that can be applied to any park. Although this was purely an illustration, it demonstrates how the proposed policy framework can help build consistency between future co-management arrangements and increase the substantiveness of the agreements.

Chapter 10. Conclusion

Crafting a policy for the co-management of parks has proven to be difficult due to the vast diversity of opinions on how co-management can and should be structured. Nevertheless, as the federal government seeks to fulfill its commitments to reconciliation and the implementation of UNDRIP it is likely that the popularity of co-management will continue to rise. A successful co-management relationship is expected to support Indigenous groups to build capacity and regain governance over their traditional lands while providing federal and provincial governments with a solution to conflicts over lands and natural resources. In its best iteration, co-management and Two-Eyed Seeing are synonymous; a successful co-management relationship equally values Western and Indigenous perspectives and employs them together to more effectively manage the park. Due to these benefits and many more discussed throughout this paper, it is time for the federal government to develop a more cohesive policy approach to the co-management of national parks and protected areas.

The co-management agreements established across Canada to date have occurred on an *ad hoc* basis without relying on a broader policy regime. Although it is expected that the manifestations of co-management will differ from park to park, there are general factors and parameters that should be approached similarly to ensure equity and improve cost-effectiveness. It is important to reiterate that this study is limited by a lack of interviews, in particular a lack of Indigenous voices. As a result, this is offered as a starting point in considering how to transition national parks to include Indigenous groups. The proposed framework seeks to provide the federal government with a guidance tool for co-management discussions and outline some of the key considerations in each of the factors identified through the literature, case studies, and qualitative interviews.

While this framework pertains to parks and protected areas, as the government seeks to move forward with co-management in other areas the general principles and considerations are likely to be relevant. Moreover, if a whole-of-government approach to co-management is developed that will put increased pressure on all departments to determine how best to implement co-management on a broad scale. As one interviewee noted, “When co-management is at its best, it’s delivering on a promise and hopefulness

that people have that things can be better than they were.” This speaks to the true value of co-management as a policy tool for bringing Indigenous and non-Indigenous peoples together around the joys and opportunities of wild spaces and protecting our shared natural environment.

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Appendix A. Collaborative Engagement Spectrum

Parks Canada staff developed a spectrum of collaborative engagement to help inform discussions and policy development. This spectrum provides a useful tool for understanding the different ways Indigenous involvement in parks can be structured.

	Government Protected Area	Consultation and Accommodation	Cooperative Management	Partial Co-Management	Co-Management	Supported Administration	Indigenous Conservation Area
Management Policy	Protected area solely managed by government	Management by government; consultation with Indigenous groups and some accommodation	Government & Indigenous peoples make formal/informal agreements	Government delegates some authorities to Indigenous partners	Shared legal jurisdiction and legislated authority; management strategies jointly developed and implemented	Indigenous group leads protected area management; government provides technical or financial support	Protected area solely managed by Indigenous group
Decision-making	Government sole decision-maker	Government sole decision-maker with consideration of stakeholder interests/needs	Advisory boards or consultative committees. Indigenous groups influence on government decision-making	Some joint decision-making. Delegated authority.	Shared decision-making or divided responsibilities with decision-making power	Indigenous group as decision-maker. Government provides input and has some influence	Indigenous group sole decision-maker
Structure	Government mandated conservation agency	Government agency with commitment to consultation	Consultation/partnership office, statutory advisory boards	Management boards, special offices devoted to management	Co-management board or formal decision-making process outlined by an agreement	Indigenous management structure with built-in role for government agency	Indigenous group management body/agency

Source: Bishop 2015, 6

Appendix B. National Parks in Canada

National Park	Year Est.	P/T	Indigenous Group(s) ^{13,14}	Co-managed ¹⁵	Attendance (2018-2019) ¹⁶
Banff National Park	1885	AB	Foothills First Nation Heritage Society, Ktunaxa Nation, Okanagan Nation, Secwepemc Nation, and Stoney-Nakoda Nation (Treaty 6, 7, and 8)	No	4,089,309
Glacier National Park	1886	BC	Ktunaxa Nation, Okanagan Nation, and Secwepemc Nation	No	776,919 ¹⁷
Yoho National Park	1886	BC	Ktunaxa Nation and Secwepemc Nation	No	694,842
Waterton Lakes National Park	1895	AB	Blackfoot Confederacy (Treaty 7)	No	412,860
Jasper National Park	1907	AB	Foothills First Nation Heritage Society, Horse Lake First Nation, Lheidli T'enneh First Nation, Secwepemc Nation, and Stoney-Nakoda First Nation (Treaty 6 and 8)	No	2,445,991
Elk Island National Park	1913	AB	Plains Cree (Treaty 6)	No	371,757
Mount Revelstoke National Park	1914	BC	Ktunaxa Nation, Okanagan Nation, Secwepemc Nation, and Stoney-Nakoda Nation	No	766,919 (see footnote 17)
Thousand Islands National Park	1914	ON	Algonquin and Haudenosaunee	No	87,136
Point Pelee National Park	1918	ON	Caldwell First Nation and Walpole Island First Nation	No	342,305
Kootenay National Park	1920	BC	Ktunaxa Nation and Secwepemc Nation	No	515,787

¹³ Indigenous groups referenced in this table are based on information on Parks Canada's website and within the Government of Canada's Aboriginal and Treaty Rights Information System. The list of Indigenous groups with traditional territories identified for each park may not be fully accurate or complete.

¹⁴ Metis groups are generally not listed in this table, but their claimed territories also overlap with parks in many instances.

¹⁵ Information on co-management is based on my research, and the information in this column may not be entirely accurate or up to date. Among those with a 'yes' to co-management, the level of co-management varies greatly. Similarly, among those with a 'no' to co-management, other types of cooperation may be occurring.

¹⁶ Attendance numbers are based on information reported annually by Parks Canada.

¹⁷ Attendance at the Mount Revelstoke and Glacier National Parks is tracked together.

National Park	Year Est.	P/T	Indigenous Group(s) ^{13,14}	Co-managed ¹⁵	Attendance (2018-2019) ¹⁶
Wood Buffalo National Park	1922	AB/NWT	Mikisew Cree First Nation, Athabasca Chipewyan First Nation, Fort Chipewyan Metis, Little Red River Cree First Nation, Smith Landing First Nation, Salt River First Nation, Fort Smith Metis Council, K'at'l'Odeeché First Nation, Hay River Metis Council, Deninu Kue First Nation, Fort Resolution Metis Council	No	3,904
Prince Albert National Park	1927	SK	Woods Cree (Treaty 6)	No	270,233
Riding Mountain National Park	1929	MB	Ebb and Flow First Nation, Gambler First Nation, Keeseekoowenin Ojibway First Nation, Rolling River First Nation, Sandy Bay Ojibway First Nation, Tootinaowaziibeeng First Nation, and Waywayseecappo First Nation, (Treaty 2)	No	355,972
Georgian Bay Islands National Park	1929	ON	Chippewas of Beausoleil First Nation, Chippewas of Georgina Island First Nation, Chippewas of Rama First Nation, Georgian Bay Métis Council, Potawatomi of Moose Deer Point First Nation, Wahta Mohawks, and Wasauksing First Nation	No	41,521
Cape Breton Highlands National Park	1936	NS	Mi'kmaq (Peace and Friendship Treaties)	No	295,456
Prince Edward Island National Park	1937	PEI	Mi'kmaq (Peace and Friendship Treaties)	No	746,521
Fundy National Park	1948	NB	Mi'kmaq and Maliseet First Nations (Peace and Friendship Treaties)	No	291,658
Terra Nova National Park	1957	NFLD	Miawpukek First Nation and Qalipu First Nation	No	43,851
La Mauricie National Park	1970	QC	Algonquin Anishinabeg Nation, Conseil de la Nation Atikamekw, and Mohawks of Quebec	No	161,576
Pacific Rim National Park Reserve	1990	BC	Ditidaht First Nation, Hupacasath First Nation, Huu-ay-aht First Nations, Pacheedaht First Nation, Tla-o-qui-aht First Nation, Toquaht Nation, Uchucklesaht Tribe, and Yuułu?if?ath	Yes	1,149,889
Gros Morne National Park	1973	NFLD	Miawpukek First Nation and Qalipu First Nation	No	233,198
Kejimikujik National Park	1974	NS	Mi'kmaq (Peace and Friendship Treaties)	No	78,806

National Park	Year Est.	P/T	Indigenous Group(s)^{13,14}	Co-managed¹⁵	Attendance (2018-2019)¹⁶
Forillon National Park	1974	QC	Mi'gmawei Mawiomni Secretariat and Nation Micmac de Gespeg	No	164,945
Kluane National Park Reserve	1976	YT	Champagne Aishihik First Nations, Kluane First Nation, and White River First Nation	Yes	32,066
Nahanni National Park Reserve	1976	NWT	Dehcho First Nations, Kaska Nation (Treaty 11)	Yes	899
Pukaskwa National Park	1978	ON	Begetikong Anishinabe, Lake Superior Chiefs, Matawa First Nations (Robinson-Superior Treaty)	No	9,243
Kouchibouguac National Park	1979	NB	Mi'kmaq and Maliseet First Nations (Peace and Friendship Treaties)	No	243,284
Auyuittuq National Park	1976	NU	Nunavut Inuit	Yes	853
Grasslands National Park	1981	SK	Cree and Metis (Treaty 4)	No	15,784
Mingan Archipelago National Park Reserve	1984	QC	Les Innu de Ekaunitshit and Natashquan First Nation	No	38,743
Ivvavik National Park	1984	YT	Inuvialuit	Yes	124
Quttinirpaaq National Park	1988	NU	Nunavut Inuit	Yes	32
Bruce Peninsula National Park	1987	ON	Saugeen Ojibway Nations	No	362,313
Aulavik National Park	1992	NWT	Inuvialuit	Yes	18
Gwaii Haanas National Park Reserve	1993	BC	Haida Nation	Yes	2,653
Vuntut National Park	1995	YT	Vuntut Gwitchin First Nation	Yes	Not tracked
Wapusk National Park	1996	MB	Fox Lake Cree Nation, York Factory First Nation (Treaty 5)	Yes	405
Tuktut Nogait National Park	1998	NWT	Inuvialuit and Treaty 11	Yes	0
Sirmilik National Park	1999	NU	Nunavut Inuit	Yes	508
Ukkusiksalik National Park	2003	NU	Nunavut Inuit	Yes	Not tracked
Torngat Mountains National Park	2005	NFLD	Labrador Inuit and Nunavik Inuit	Yes	Not tracked

National Park	Year Est.	P/T	Indigenous Group(s)^{13,14}	Co-managed¹⁵	Attendance (2018-2019)¹⁶
Gulf Islands National Park Reserve	2010	BC	Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Malahat First Nation, Pauquichan First Nation, Penelakut First Nation, Stz'uminus First Nation, Tsartlip First Nation, Tsawout First Nation, Tsawwassen First Nation, and Tseycum First Nation	No	Not tracked
Sable Island National Park Reserve	2011	NS	Mi'kmaq (Peace and Friendship Treaties)	No	Not tracked
Nááts'ihch'oh National Park Reserve	2012	NWT	Sahtu Dene and Metis of the Tulita District (Treaty 11)	Yes	Not tracked
Qausuittuq National Park	2015	NU	Nunavut Inuit	Yes	Not tracked
Akami-Uapishkú-KakKasuak-Mealy Mountains National Park Reserve	2015	NFLD	Innu Nation, Nunatsiavut Government, NunatuKavut Community Council, and Innu of Quebec	Yes	Not tracked
Rouge National Urban Park	2015	ON	Alderville First Nation, Beausoleil First Nation, Chippewas of Georgina Island First Nation, Chippewas of Rama First Nation, Curve Lake First Nation, Hiawatha First Nation, Mississaugas of Scugog Island First Nation, Mississaugas of the Credit First Nation, Six Nations of the Grand River, and The Huron-Wendat Nation	No	Not tracked
Thaidene Nëné National Park Reserve	2019	NWT	Lutsel K'e Dene First Nation, North Slave Métis Alliance, Northwest Territory Métis Nation, and Yellowknives Dene First Nation	Yes	N/A