



Aboriginal Experiences in Canada — Parks and Protected Areas

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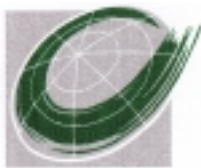


The Boreal Footprint Project (BFP) works to reduce the ecological and social impact of resource use in the boreal forests of Canada and Alaska through action-oriented research and advocacy. BFP is an American participant of the Taiga Rescue Network.



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TAIGA RESCUE NETWORK (TRN) is an international network of non-governmental organisations and indigenous peoples working for the protection and sustainable use of the world's boreal forests. TRN was established in 1992 to give voice to those wanting to see sensitive development in the boreal region. Today more than 200 organisations are participants of the network.



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Photography©: Jean Paul Gladu, Doug Brubacher and Chanda Meek.

Graphic design and production: Miljöinformation Å & N AB

Printed by: Snabba Tryck, Visby, Sweden 2003



The case studies highlighted in this report appear on the map above.

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Summary

This report from the Boreal Footprint Project and the Taiga Rescue Network analyzes how the internationally adopted principles of the World Congress on Protected Areas / iucn regarding Aboriginal rights are reflected in the design, planning and management of protected areas in Canada. We present three case studies, Prince Albert National Park in Saskatchewan, Quetico Provincial Park in Ontario, and Gwaii Haanas National Park Reserve in British Columbia, in order to address the costs and benefits of protected areas to Aboriginal Peoples, as well as highlight best management practices in the incorporation of Aboriginal rights into the management of these areas. Best management practices include the following:

- **Governments** must proactively recognize Aboriginal Peoples' rights. Special consultation, monitoring of employment and increased access are key elements to successful relations.
- **Governments** must build relationships with local Aboriginal Nations.

- **Park planners** must seek and include traditional knowledge in the park planning, design and management and maintain Indigenous cultural practices inside the park.
- **Park planners** must adopt co-management agreements or defer to Indigenous management systems in traditional territories.
- **Governments** must ensure that protected area regimes are not imposed upon significant cultural and/or sacred sites without designation or approval by the affected Aboriginal Nations.

The author and sponsoring organizations hope that this report will help capture key lessons from the range of experience Aboriginal Peoples have had with protected areas management in Canada. We hope these lessons will be useful for Indigenous representatives in Russia who are discussing the future of protected areas planning there. We are grateful to the Richard and Rhoda Goldman Fund and the European Union for generous financial support of this initiative.



Introduction

At the request of the Boreal Footprint Project (of the Taiga Rescue Network), the National Aboriginal Forestry Association (NAFA) in Canada has produced this discussion paper on Canadian Indigenous peoples' experiences with and relationships to parks and protected areas. This document is largely based on research completed by Jean Paul Gladu and Doug Brubacher through the National Aboriginal Forestry Association for a discussion paper being jointly developed by the Wildlands League¹ and NAFA.

In the past, parks and protected areas have not afforded Indigenous peoples the latitude to take part in the establishment or management of protected areas in Canada. Protected areas were—and still are, for many Aboriginal² communities—places where rights, values, aspirations and self-determination are largely ignored, as can be seen in one of the three case studies here. There has, however, been some recent progress towards including Aboriginal people in the process of establishing and managing parks and protected areas, as the other two case studies show. Because more than 95% of the National and Provincial Parks in Canada are located near Aboriginal communities or within their traditional territories, involving the Indigenous communities in the establishment and management of protected areas is crucial to their success.

This paper will address the costs and benefits of protected areas to Indigenous people, as well as lessons learned, through reviewing three case studies and analyzing how well they reflect the five Indigenous rights principles adopted by

the World Commission on Protected Areas (WCPA) and the International Union for the Conservation of Nature and Natural Resources (IUCN). The three cases chosen for review are Prince Albert National Park in Saskatchewan, Quetico Provincial Park in Ontario, and Gwaii Haanas National Park Reserve in British Columbia.

Prince Albert National Park was chosen as a case study because its history illustrates many of the problems that the formation of protected areas has inflicted upon Aboriginal peoples. The Woodland Cree, who are indigenous to a larger territory of

Because more than 95% of the National and Provincial Parks in Canada are located near Aboriginal communities or within their traditional territories, involving the Indigenous communities in the establishment and management of protected areas is crucial to their success.

which part has become the park, have not been allowed to practice their Aboriginal rights within park boundaries. Aboriginal involvement in park processes is nearly non-existent, and economic opportunities do not benefit the Aboriginal population. There is also a widespread perception that the government "dropped the park down" on the Woodland Cree, instead of including them as a significant part of the park establishment process. Many decisions made throughout the history of this park have negatively affected the Aboriginal communities in the area. The current circumstances of the Woodland Cree would not be acceptable to any Aboriginal community forging ahead in discussions about creating protected areas today.

Although the Prince Albert case outlines



many negative aspects of the interaction between Indigenous peoples and protected areas, the relationship between Parks Canada and the Woodland Cree is slowly beginning to change. This is an important step toward reconciliation of past wrongs. In many other cases as well, the government and the wronged Aboriginal group need to revisit their relationship and review the relationship between the Aboriginal people and the protected area.

The Quetico Provincial Park case study demonstrates a middle ground. The park was not established with the welfare of the resident Aboriginal community in mind, but through negotiation, formal agreements, and investments, the park is becoming an area that not only serves to maintain the Ojibway culture, but also supports the economic well-being and development of the community. This is an unusual situation because the provincial government is responsible for the natural resources, while the federal government is charged with protecting the rights of Aboriginal communities. Here, the Ontario government has not turned its back on the community, but is willing to work with the Aboriginal people. The provincial park administration may have a practical goal in mind: by working cooperatively with the community, the administration can retain some control over the park lands and perhaps forestall any court cases over land rights brought by the Aboriginal people.

We will also review the history of Gwaii Haanas National Park Reserve, because the way in which it was created and is currently managed has yielded a number of significant benefits to the Haida Nation, the local Aboriginal

Nation in whose territory the park is located. Several innovations in park establishment and management set Gwaii Haanas apart. Decisions about Gwaii Haanas Park Reserve are made by a management board equally representing Parks Canada staff and the Council of the Haida Nation. The Parks Canada Superintendent is a Haida community member who is also a board member. More than fifty percent of the staff working within the park reserve are Haida members who have been trained through Parks Canada staff development programs. Another factor that has contributed to the success of this particular protected area is the separation of ongoing title discussions³ from the management of the park reserve; both sides have agreed to disagree on the ownership of the territory. Gwaii Haanas is one of the few bright spots in the spectrum of relationships between the government of Canada and Aboriginal people, and it could serve as one possible model for Aboriginal communities when new parks and protected areas are under consideration within their traditional territories.

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I. The Five Principles of the IUCN and WCPA

Below we summarize the five principles of the IUCN and WCPA regarding indigenous peoples and protected areas. The next step is to review Canadian law on Indigenous Peoples and protected areas to see how well it measures up to these principles:

Principle 1—Indigenous and other traditional peoples have long associations with nature and a deep understanding of it. They have made significant contributions to the maintenance of many of the earth’s most fragile ecosystems, through their practice of traditional sustainable resource use and their culturally based respect for nature. Therefore, there should be no inherent conflict between the objectives of establishing protected areas and the existence, within and around their borders, of indigenous and other traditional peoples. Moreover, they should be recognized as rightful, equal partners in the development and implementation of conservation strategies that affect their lands, territories, waters, coastal seas, and other resources, and in particular in the establishment and management of protected areas.

Principle 2—Agreements drawn up between conservation institutions, including protected area management agencies, and indigenous and other traditional peoples for the establishment and management of protected areas affecting their lands, territories, waters, coastal seas and other resources should be based on full respect for the rights of indigenous peoples to traditional, sustainable use of those resources. At the same time, such agreements should be based on the recognition by indigenous peoples of their responsibility to conserve biodiversity, ecological integrity and natural resources harbored in those protected areas.

Principle 3—The principles of decentralization, participation, transparency and accountability should be taken into account in all matters pertaining to the mutual interests of protected areas and indigenous and other traditional peoples.

Principle 4—Indigenous and other traditional peoples should be able to share fully and equitably in the benefits associated with protected areas, with due recognition of the rights of other legitimate stakeholders.

Principle 5—The rights of indigenous and other traditional peoples regarding protected areas are often an international responsibility, since many of the lands, territories, waters, coastal seas and other resources which they own or otherwise occupy or use cross national boundaries, as indeed do many of the ecosystems in need of protection.⁴

Canadian Law

Across Canada there exists some confusion about Aboriginal Treaties, Aboriginal Rights and Aboriginal Title. According to the Delgamuukw (pronounced "delgamuk") court decision, "Aboriginal Title" is a particular type of Aboriginal right, a right to the land itself. When proven, Aboriginal title is a proprietary interest, held communally, and it includes the right to choose how the land will be used. Aboriginal title is subject to the ultimate limitation that Aboriginal uses of land cannot destroy the ability of the land to sustain activities that gave rise to the claim of title in the first place.⁵

There is sometimes an assumption that if a treaty has been signed,⁶ then Aboriginal title has been ceded. There are also assumptions that if a treaty has not been signed, then Aboriginal title exists. This is in fact a very broad and unclear area of law. There has been no legal test to establish the extent to which title exists through a treaty or to establish legally the extent to which title exists in the absence of a treaty.

"Aboriginal rights" with respect to land generally refers to the right to use certain areas for the purpose of carrying out communal practices integral to the distinctive culture of the particular Aboriginal community. According to some legal interpretations, a cultural practice qualifies as an Aboriginal right if the practice, tradition, or custom was a central and significant part of the society's distinctive culture prior to contact with European society.⁷ The government reserves for itself the right to decide what qualifies as a right. Different Aboriginal rights may exist in different places, depending upon the traditional use or occupation of the land in question.

Aboriginal people are the only people in Canada who have rights to harvesting fish and wildlife. In contrast, it is considered a privilege for other Canadians. However, the provincial and federal governments have been reluctant to acknowledge Aboriginal rights inside protected areas; most of the older parks in Canada do not allow Aboriginal traditional activities within their borders. In the past, Aboriginal rights have

been ignored. Aboriginal leaders have therefore been challenging governments to live up to their commitments to Aboriginal rights, based on section 35 (1) of the Constitution, which states "*The existing aboriginal treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.*"

It is only recently that Aboriginal rights and title have begun to be recognized within the process of establishing and planning protected areas. Protected area establishment in recent years

Aboriginal rights in Canada are incorporated into the Constitution, which states, "The existing aboriginal treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed."

potentially offers numerous mutual benefits for both the government of Canada and Aboriginal communities.

With regard to title, Aboriginal people may be required, as a result of the Delgamuukw decision, to demonstrate that an Aboriginal right to title exists by showing that land use had continued uninterrupted, prior to contact, by a group of people who used the land for purposes significant to their distinctive culture. This may cause some difficulty if the land in question was left undisturbed for regenerative purposes for any given period of time.

Through interpretations of the Delgamuukw case, Aboriginal title can be described as the right to exclusive use and occupancy of the land. Aboriginal title encompasses the right to choose to what uses land can be put, but those uses must not ruin the land's ability to sustain future generations of Aboriginal peoples, and the lands held pursuant to Aboriginal title must have an inescapable economic component.

According to a summary of the Delgamuukw decision, "*aboriginal title arises from Aboriginal people's occupation of land prior to the assertion of British sovereignty over that land. This distinguishes Aboriginal title from other titles which originated in grants made by the Crown after the assertion of the Crown's sovereignty.*"⁸

In the eyes of the Union of British Columbia Indian Chiefs, "*aboriginal title is a collective interest, which is held in trust by all members of an Indigenous Nation. As a collective interest*

held by each and every member of an Indigenous Nation, aboriginal title cannot be bargained or given away through treaties by anything less than the full consent of all the Indigenous people who collectively hold that title."⁹

Much uncertainty and little clarity still remain about the issues of Aboriginal Rights and Title, even following the Delgamuukw decision. With this ruling, the courts have, in some instances, placed a cumbersome burden on Aboriginal peoples to prove that title exists.

More legal research is required, however, to determine the complex relationship between the existence of treaties and the impact on Aboriginal title. This issue creates much conflict between governments and Aboriginal nations, as well as between nations, on the question of unceded traditional lands.

There are many complex questions about who has occupied or used various traditional lands, and who holds title to those lands now. There is no question that title does exist, as decided by the Supreme Court of Canada; however, title must be scientifically and legally established. The process for determining title is expensive and time-consuming, and it raises many questions and doubts. Establishing title could potentially take longer to complete than the process of establishing a protected area.

Consultation, Benefit-Sharing and Equal Participation

Parks Canada is the National Park Service of Canada and has jurisdiction over all of the national parks. According to its literature, Parks Canada's mission is *"to fulfill national and international responsibilities in mandated areas of heritage recognition and conservation; and to commemorate, protect and present, both directly and indirectly, places which are significant examples of Canada's cultural and natural heritage in ways that encourage public understanding, appreciation and enjoyment of this heritage, while ensuring long-term ecological and*

commemorative integrity."¹⁰ How well this mission is carried out with respect to the Aboriginal people living on or near parkland will be explored in three case studies.

Consultation with Aboriginal people is a constantly evolving concept in Canada because of the federal/provincial split of jurisdictions. The federal government has jurisdiction over the Aboriginal lands (reserves) and people of Canada, and the provincial governments have the responsibility for managing natural resources. Due to these conflicting jurisdictions, Aboriginal people in Canada have been put in a state of limbo, with their role in natural resource management remaining undefined. However, with regard to the Delgamuukw decision, the Supreme Court of Canada has described the extent of the duty to consult as follows:

*There is always a duty of consultation... The nature and scope of the duty of consultation will vary with the circumstances. In occasional cases, where the breach is less serious or relatively minor, it will be no more than a duty to discuss important decisions that will be taken with respect to lands held pursuant to aboriginal title. Of course, even in these rare cases when the minimum acceptable standard is consultation, this consultation must be in good faith, and with the intention of substantially addressing the concerns of the aboriginal peoples whose lands are at issue. In most cases, it will be significantly deeper than mere consultation. Some cases may even require the full consent of an aboriginal nation, particularly when provinces enact hunting and fishing regulations in relation to aboriginal lands.*¹¹

Due to a lack of clear direction from federal and provincial governments, benefit-sharing and equal participation have been sporadic in many types of natural resource management, including parks and protected areas.



II. Range of Indigenous Experiences with Protected Areas in Canada

Canada's colonial history began with early European exploration, fur trapping, and small-scale trade in the 1500s. The recent report of the Royal Commission on Aboriginal Peoples, a body convened to explore the situation of aboriginal peoples in Canada today, describes four stages in the developing relationship between Aboriginal peoples and non-Aboriginal peoples in Canada:

- There was a time when Aboriginal and non-Aboriginal people lived on separate continents and knew nothing of one another.
- Following the years of first contact, fragile relations of peace, friendship, and rough equality were given the force of law in treaties.
- Then the balance of power tilted toward non-Aboriginal people and governments, who moved Aboriginal people off much of their land and took steps to "civilize" them and teach them European ways.
- Finally, we reached the present stage—a time of recovery for Aboriginal people and cultures, a time for critical review of our relationship, and a time for its renegotiation and renewal.¹²

During the stage of early contact, limited treaties were signed between Aboriginal peoples and European visitors and explorers, widely based on the concept of "wampum belts"—belts used to document or record the essential details of treaties or other agreements among Aboriginal nations, including the Ojibway, the Odawa, the Potawatomi, and many others, to establish or maintain peaceful relations and facilitate trade, among other issues. Two of the first treaties involving Europeans and signed in North America were the Friendship Wampum and the Two Row

Wampum involving Dutch explorers and the Haudenosaunee people.¹³

At this point, Aboriginal Nations and Europeans viewed each other as separate, distinct peoples with responsibility for their own affairs. Following the British North American War between Britain and France, the British Crown announced the Royal Proclamation of 1763, in part: *"Whereas it is just and reasonable, and essential to Our Interests and the Security of Our Colonies, that the several Nations or Tribes with whom we are connected and who live under Our Protection, should not be molested or disturbed in the Possession of such parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved for them, or any of them, as their Hunting Grounds."*¹⁴

This policy recognized Aboriginal land rights and set in place Crown policy requiring treaty-making before settlement. However, this policy also marked a paternalistic phase, with the Crown taking responsibility out of the hands of the self-governing Aboriginal Nations. Thus the British Crown moved from the second into the third phase, with increased treaty-making geared towards "opening up" lands for settlers and often conducted under military pressure. Much disagreement exists between what

Treaties were signed throughout Canada, but even so they missed many Aboriginal Nations, especially in British Columbia, who retain "ownership" of their lands, though "ownership" is not yet recognized by the government in most cases.

Aboriginal Peoples agreed to share and what the Crown considers was "surrendered" as lands available for settlement and exploitation. Treaties were signed throughout Canada, but even so they missed many Aboriginal Nations, especially in British Columbia, who retain "ownership" of their lands, though "ownership" is not yet recognized by the government in most cases.

Canada became a country in 1867, when the existing colonial territories joined together in a confederation and assumed responsibility from Britain for their relationship with Aboriginal Peoples in the new country. From that time into the early 1900s, coercive treaties were signed with many Aboriginal Nations in the interior of the country, and the modern reservation system came into being. The modern state of Canada and Aboriginal Peoples are hopefully moving into the fourth stage set out above, towards a stage of relationship-building, respect for self-governance, and appreciation of the knowledge and contributions of Aboriginal Peoples in Canada.

Under this history, the range of indigenous experiences with parks and protected areas in Canada varies from exclusion to equal partnerships founded on respect, reciprocity and empowerment. In the following case study section, we examine three protected areas which reflect

opposite ends of the spectrum and a middle point along it. Prince Albert National Park, as it was originally established, does not address Indigenous use or rights, nor does it currently promote substantive Indigenous participation. Quetico Provincial Park allows some traditional resource use by the local Aboriginal Nation and has been developing new economic opportunities for them, but so far the community does not have an equal hand in managing the park. In the last example, Gwaii Haanas National Park Reserve, located in British Columbia, represents a situation where park creation was driven by the Indigenous people and is jointly managed by the Aboriginal group and Parks Canada. As a result, the park has been designed to address Indigenous use and rights.

Based on the findings of the "Parks, Protected Areas and Aboriginal People" paper, five dimensions came to light with regard to assessing Aboriginal experiences. They were compatibility with Aboriginal perspectives, ability of protected areas to meet Aboriginal aspirations, compatibility with Aboriginal rights and title, involvement in establishment and management, and impacts and benefits to Aboriginal communities.¹⁵ These dimensions will be addressed after the case study section.



III. Case Studies

Case 1. Prince Albert National Park—Saskatchewan



For generations, the land where the prairie plain meets the boreal forest in what's now Saskatchewan province was an important crossroads for many western Aboriginal nations. The Sioux and Plains Cree would migrate north into the region to take advantage of its forest environment. Tribes from the north regularly moved down through the area. For the grandparents and great-grandparents of the Woodland Cree who now reside on the reservations of the Montreal Lake, Sturgeon Lake, and La Ronge Aboriginal Nations, this was home.¹⁶ Theirs was an expansive existence, moving through a wide territory to take advantage of

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different ecosystems and unique places, according to the season and personal objectives. Of particular significance was an area on Waskesiu Lake called the Narrows, which was a gathering place since time beyond memory for Cree families, as well as for other Aboriginal nations. The Waskesiu Narrows, along with a large portion of the traditional territories of these Aboriginal peoples, are now located inside Prince Albert National Park.

The idea of establishing a protected area in their traditional territories was not entirely foreign to the thinking of the Woodland Cree, even at the turn of the 19th century. The ancient pat-

tern of land use practiced by the Cree had begun to change in the late 1800s and early 1900s. White settlement in Prince Albert, a town to the south, had led to increased logging. High prices for beaver pelts in Europe encouraged aggressive trapping. The Woodland Cree were growing concerned over the impact of these developments on the wildlife and on their livelihoods. This concern led to some support among the Cree for a protected area that would defend wildlife habitat from logging and keep waterways clear from dams.

However, their view of "protection" clearly did not imply protecting the land and resources from the Aboriginal people who had lived, hunted and fished in the area for generations. It was instead related to the massive and extensive changes that non-native settlement and logging were generating. Protection, from the Cree perspective, would restore the status quo or balance that Aboriginal peoples had maintained over long periods of time.

The park that was eventually established, however, was not based on Cree beliefs about protection. Exclusion of the Cree from the park—they were not allowed to live in the area, or to practice their traditional hunting and fishing—quickly followed upon park establishment. Further, while protected status did relieve the park territory of the logging that continued unabated in the Cree's traditional territories outside the park, management practices inside the park, such as the intensity of fishing and the use of dams to control water levels and allow easier boat access, have raised many concerns among present-day Cree.

Turn-of-the-century treaty-making like that which led to the creation of Prince Albert National Park had deleterious consequences for Aboriginal peoples. In 1876, Treaty No. 6 was signed between the leaders of the Woodland Cree and spokesmen for the Canadian government, covering the southern two-thirds of the current park.¹⁷ By signing this treaty, the Aboriginal inhabitants of the region ceded their "rights, titles and privileges" to the land in exchange for certain considerations from the Crown. Foremost among these was the allocation of land, based on population, and continued rights to carry out hunting and fishing throughout the land, subject to certain restrictions.

A few elders were allowed by the government to live out their days at their camps. At the same time, the non-native residents of the town of Prince Albert—loggers and entrepreneurs—were discovering the beauty and peace of Waskesiu Lake and were building summer cottages there.

"Her Majesty further agrees with Her said Indians that they, the said Indians, shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered as herein before described, subject to such regulations as may from time to time be made by Her Government of Her Dominion of Canada, and saving and excepting such tracts as may from time to time be required or taken up for settlement, mining, lumbering or other purposes by Her said Government of the Dominion of Canada, or by any of the subjects thereof duly authorized therefor by the said Government," according to Treaty No. 6.

Under the treaty, Aboriginal families were to receive one square mile of land per family of five. This obligation on the part of the government was not met in a timely manner following treaty implementation. In fact, appropriate land allocation to the La Ronge Aboriginal Nation was not made until some 80 years later, in the 1960s—and there was no compensation for the loss of that asset for three generations.

By the 1920s, Indian Reserves had been established. Aboriginal people were encouraged to give up their seasonal migrations and settle onto the reserves. A few elders were allowed by the government's Indian Agents (of the federal Department of Indian Affairs) to live out their days at their camps. At the same time, the non-native residents of the town of Prince Albert—loggers and entrepreneurs—were discovering the beauty and peace of Waskesiu Lake and were building summer cottages there.

The Woodland Cree did not participate significantly in the establishment of Prince Albert National Park, which was driven primarily by non-native interests. In the 1920s the Prince Albert Chamber of Commerce recognized the potential commercial opportunities at Waskesiu Lake and began to lobby for a national park in the area. The business community used its political influence, and the Prince Albert National

Park was officially established by Prime Minister Mackenzie King in 1927.

The new park covered a large area that included the Waskesiu Narrows, as well as the home territories and cabins of many of the Cree, who were being re-located onto Montreal Lake and other reserves. From the start, park law prohibited hunting by anyone in the park. Fishing without a permit was also outlawed. These prohibitions extended even to the families whose homes fell inside the boundaries of the newly established park. (So far, no one has tested the validity of the prohibitions in court.)

The Cree did have some influence on how the park boundaries were drawn, however. The boundaries initially extended further east, surrounding the Montreal Lake Reserve. However, the hunting prohibition meant that people from the reserve had to travel long distances to find crown land where they could hunt. In the 1940s, the Cree succeeded in having the park boundary shifted away from the reserve to its present location west of Montreal Lake, while the northern boundary was pushed northward. Aboriginal title to the area outside the Treaty Six boundary has never been ceded, leaving the potential for land claim settlements in the area, including the northern part of Prince Albert National Park.

Woodland Cree attitudes toward Prince Albert National Park are ambivalent, though some Cree resent the government's having "dropped the park down on top of us." It's commonly thought that their Cree parents and grandparents were kicked out of their homes so that a summer resort for wealthy non-natives could be established.

Until recently, the management of the park has been largely incompatible with the aspirations of the Woodland Cree. While the Cree and Parks Canada may share a belief in the value of wildlife stewardship, the limited access to traditional lands has overshadowed any perception of the park as contributing to hopes for Cree development. Exclusion of the Cree from the protected area has meant that family lands were no longer accessible for traditional harvesting activities.¹⁸

There is no formal involvement of the Cree in the on-going management of the park. Rather, their input into management and planning is sought just as it is from other "stakeholders." Recent efforts at developing a community plan for the Waskesiu town, for example, did not specifically seek out Aboriginal views. However, the park is now developing a new park management plan that will emphasize ecological integrity, and for that, Cree perspectives are being sought specifically. As partners in the Prince Albert Model Forest—which encompasses the national park and other traditional territories—the Cree have a voice in any broad landscape issues that may arise.

Today the Woodland Cree are actively seeking to develop an economic base that will provide jobs for their people and income to support community development. At the same time, they want to maintain their cultural identity. While some in the Cree community see developing tourism-related businesses as one means towards a better economic base, it is not yet clear

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whether the local population would want to offer services for tourists. Some efforts have been made to enter the forestry sector, both in logging and firefighting. The park has provided limited employment for the

Cree as firefighters. Some Cree have expressed appreciation for the role of the park in protecting a significant area of forested habitat for wildlife.

Parks Canada has recently amended its policies to provide flexibility for recognizing Aboriginal interests in parklands. For example, regulations can now be made stating when Aboriginal peoples may be allowed entry into a park without paying a fee. There is some interest as well in developing regulations that would oversee the harvest of medicinal plants.

There is no intention, however, to allow for the exercise of Aboriginal hunting or fishing rights in Prince Albert National Park. This obviously has a negative impact on the Aboriginal communities. But there are a number of potential benefits within the current Parks Canada structure of Prince Albert National Park. From the viewpoint of local Aboriginal communities,

those benefits fall into three main areas—protection of ecological systems for the sustenance of traditional activities; generation of new economic opportunities; and maintenance of culturally important sites, along with opportunities to interpret Aboriginal heritage for new generations and visitors. Each is discussed separately below.

Ecological protection

The role that the park has played as a "seed source" for local wildlife is recognized among the Cree. Nonetheless, there are concerns about the environmental management in the park. For example, one elder emphasized the importance of keeping waterways open and clear of dams.

The park was utilized as a site for "relief camps" during the Great Depression. At that time, destitute men from across Canada were provided food and shelter in return for their labor in make-work projects. The harmful effects of those camps on the fish stocks in lakes within the park boundaries were noted by people whose parents had been forced out of the park and prohibited from continuing their fishing and hunting traditions.

Economic opportunities

Besides an information center, a nature center, and a summer interpretive program provided for visitors by Parks Canada, many commercially operated services are offered, including numerous hotels and cabins, a restaurant, conference facilities, a variety of stores, a marina and a golf course. Estimates of total commercial activity at Prince Albert National Park are not available from Parks Canada, although it is clearly considerable.

Nor does Parks Canada have data on the impact of the park on the local Aboriginal economy. While the park plays a significant role in the regional economy, the benefit to Aboriginal groups is limited. For example, there are 451 cabins and 118 cottages located on parkland, all privately owned, primarily by non-natives. The commercial lots, mostly occupied by hotels, are also owned by non-natives. With well over 200,000 visitor nights per year, accommodation is at a premium during the summer. Despite the significant commercial activity and the fact that the surrounding population is predominantly

Aboriginal, there are no Aboriginal-owned businesses in the park.

There have been job opportunities in other areas. An intern recently trained by the park is now employed in the interpretive program. Parks Canada has established targets for hiring Aboriginal people, which Prince Albert National Park has managed to exceed, but the administration recognizes that they have not yet met the objective of hiring Aboriginal people from local communities, not just "aboriginal" people. Further, the quality and level of the job are important. Employment of Aboriginal people at the park does not come close to reflecting Aboriginal representation in the local population. There are also few Aboriginal employees in private sector jobs in the park.

Commercial activity by Aboriginal businesses has been minimal. Opportunities have been limited, since most commercial "niches" are already filled. Nonetheless, Aboriginal individuals have expressed interest in selling craft products "on the street" at the park. However, Parks Canada policy does not permit that kind of informal commerce—vendors must operate from a fixed place of business. The recently completed community plan for the town of Waskesiu allows for the development of only three new commercial lots, and those will be tendered on a competitive basis; the plan also forbids establishment of any new cottage or cabin lots.

Aboriginal entrepreneurial capacity has expanded significantly in the past decade and probably will continue to do so. However, there is currently no provision in the Waskesiu community plan for accommodating the future development of Aboriginal commercial capacity. Parks Canada notes that a "Heritage Tourism" program is in place to promote planning for mutually supportive commercial developments outside the park area itself—future Aboriginal entrepreneurs may have little choice but to establish their businesses outside of the park.

Local Aboriginal families have clearly experienced negative economic consequences because of the park. The prohibition on traditional hunting and fishing in areas intimately familiar to families who had lived there, along with removal from the park to reserves outside of the park, created significant hardship. The effects of the displacement and prohibitions have probably never been assessed. The economic status of

families living on the reserves is significantly lower than the national, provincial (Saskatchewan) and Prince Albert township averages.

Heritage

Presentations on heritage at the park have focused primarily on the European connections. For instance, the visitor center presents the life of Grey Owl—an Englishman who adopted an Indian persona and then became famous by espousing conservation and animal rights¹⁹—in minute detail. Recognition of the deep connections of living members of the surrounding Aboriginal communities to the park, in park literature and at park displays, is either minimal or non-existent. In the communities, however, elders still remember growing up near the park's lakes and rivers, where their parents' homes were located.

Family connections to the park are well-known: "The Nichols lived at Kingsmere Lake; the Nelsons lived where the park office is now located; Bird families lived at Waskesiu Lake and at Tibiska Lake," and so on. But the stories of the elders are silent inside the park, and the living heritage is rapidly passing away, as the members who can recall the park's creation are now in their eighties.

Recently, the park has begun to develop Aboriginal content for its summer interpretive programs. Spiritual healing walks, traditional skills,

...the stories of the elders are silent inside the park, and the living heritage is rapidly passing away, as the members who can recall the park's creation are now in their eighties.

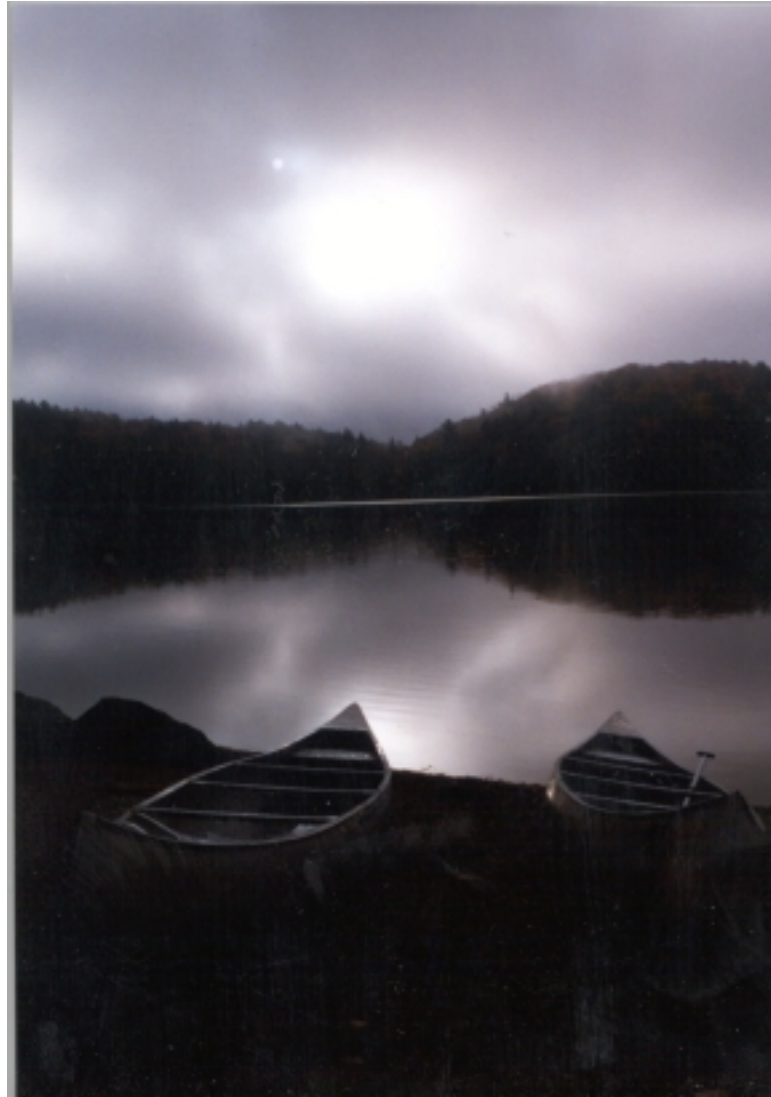
and interpretive stories have been organized with local elders as leaders, and they are some of the most popular programs among park visitors. Aboriginal leaders have expressed interest in developing an Aboriginal Center at the park that might serve as a focal point for presenting Aboriginal heritage.

In addition to being home to many local Aboriginal families, the Narrows at Waskesiu Lake holds special cultural importance for Aboriginal peoples as a gathering place. It is now the site of a Parks Canada camping area. Aboriginal people are informally allowed access to the park without payment, if they say that they are visiting the graves of family members buried at the Narrows. Technically, however, Parks legislation prohibits such fee-free entry, though changes to the entrance fee policy are being discussed.

Summary: The Five Principles

Prince Albert National Park was created prior to the enumeration of the IUCN principles, and this is evident in the current relationship between Parks Canada and the Woodland Cree. "Partnership" is not a term that can be associated with this particular national park, as Parks Canada treats the Aboriginal Nation as just another "stakeholder." Aboriginal aspirations are largely ignored. The practice of Aboriginal rights, such as unencumbered fishing, hunting, trapping and gathering, is prohibited within park boundaries. However, due to Parks Canada policies and Aboriginal culture, there is protection of ecological systems and Aboriginal traditional sites are being maintained.

At the national level, Parks Canada has begun to recognize the importance of including Aboriginal people within park establishment and management. Progress at the regional levels differs, depending on when the National Park was created. In older parks such as Prince Albert, progress towards acknowledgement of basic rights has been slow at best.



Case 2. Quetico Provincial Park—Ontario

Quetico Provincial Park, established in 1913, is located approximately 200 kilometers northwest of Thunder Bay, Ontario. The park was originally designated as a game preserve and important historical area because of its connection to the fur trade. The intent was to create an international protected area, and today the area adjoins the large Boundary Waters Wilderness Area in Minnesota. Quetico has become a popular canoeing destination for both Canadians and Americans and is designated as a wilderness-class provincial park, the highest level of ecological protection in the provincial parks system.

Visitor use in Quetico is roughly 150,000 visitor nights from May to October, or approximately 30,000 visitors per year. About 70% of those visitors utilize the interior, while 30% use

the campgrounds. Approximately 80% of the interior visitors are American; conversely, the majority of campground users are Canadian. Estimated spending by park visitors is \$15 million per year, with \$1.7 million of that spent on park permits. The average trip expenditure is \$740, with visitors staying, on average, 7.7 days in the park.

There are currently about 260 people living in the Lac La Croix community on the western edge of Quetico. The members of the Lac La Croix First Nation (LLCFN) traditionally call Quetico Park their home. Some community members were forcibly removed from their reserve on Kawa Bay on Lake Kawnipi, which is inside the park, by the Ontario government in December 1910.²⁰

"The land is integral to the community," notes Don Skiniway, who works for the LLCFN Natural Resources Department. *"The community members still depend on the forest surrounding the reserve, including Quetico, for much of their subsistence needs. Trapping, fishing and hunting are still common practices with over 90% of the community members."*

Until recently, the Lac La Croix community remained relatively isolated from Western society. As a result, its Ojibway language, culture and traditions have survived nearly intact. An all-season road link to Highway 11 was built in the late 1990s, however, making the community more accessible to outsiders. The road has increased economic opportunities in the community, particularly in the area of tourism.

In the 1970s, Chief Steve Jordain, Sr. began efforts to engage the provincial government in a dialogue about park issues and about increasing the benefits accruing to the Lac La Croix Nation from the park. In 1996, the Ontario Ministry of Natural Resources (OMNR), which oversees the provincial parks in Ontario, and the Lac La Croix First Nation (LLCFN) signed a 15-year agreement of coexistence. The negotiations required the development of trust between the Aboriginal Nation and the government, as well as a focus on shared goals such as protecting both the ecology of Quetico and the Aboriginal Nation's culture.

As part of the agreement, the Aboriginal Nation has received seed money²¹ from omnr for the development of new economic opportunities. Funding in the first year of the agreement was \$800,000, but by 2000—2001 it had decreased to \$350,000. Among other projects, the LLCFN has invested in gate control and parking areas at two of the five park access points. Two part-time and two full-time entry station rangers work in those areas. The community has also hired two interior rangers and founded a canoe rental station and a few outfitter operations. The community has also used funds acquired under the agreement to establish a winter road, a training center and a ranger station. In addition, the Aboriginal Nation has been offered opportunities for further employment with

the omnr through interior portage-maintenance crew contracts.

Furthermore, Lac La Croix First Nation acquired funding from the Federal Economic Development Corporation in Northern Ontario (FEDNOR) and the Department of Indian and Northern Development (DIAND) to complete a work/ resource plan strategy, in order to better understand what kind of long-term economic development the community would like to achieve. They are currently completing this strategy, and the next phase is to implement the projects identified as priorities. The FEDNOR/DIAND money is important because it augmented the funding from OMNR and has enabled the Aboriginal Nation to develop a broader economic-development strategy.

One of the most contentious issues between the provincial government and the Lac La Croix First Nation is powerboat usage within park boundaries and, specifically, the motorized guiding services offered by Lac La Croix community members. The Lac La Croix First Nation is situated on a large lake, half of which is located within the U.S. Motorboat usage is banned on the American side of the lake (and in most of the Boundary Waters area). In Quetico, the Aboriginal community members are the only people allowed to use powerboats, and then only on designated lakes in the park.

The agreement of coexistence calls for the elimination of motorboat and aircraft access inside the park by the year 2015. The OMNR and the community have been working to develop other economic opportunities that would potentially replace the Aboriginal Nation's dependence on motorboat usage and guiding.

"LLCFN is agreeable to working towards solutions to find opportunities to replace motorized boats. However, if they [LLCFN] try every avenue/idea, and they do not pan out to be at least equal in benefits, then they [LLCFN community members] will resort back to motorized guiding," warns Don Skiniway. *"The province's notion is different—they want to see motorized guiding banned totally from Quetico."*

Park Superintendent Robin Riley acknowl-

The Lac La Croix were not part of creating Quetico, but they may play an important role in shaping its future.

edges that motorized access is a contentious issue, but, he says, "I would like to see the

First Nation community look past this issue in order to examine other potential opportunities. Getting past this old mindset may open doors to building lodges, dog-sledding opportunities and cultural tourism, which are not yet available within Quetico Provincial Park."

Currently, there are more than 40 Lac La Croix First Nation guides working within the park. All 40 are employed by a non-native-run company called Campbell's Cabins. Guiding is an integral part of employment for the Lac La Croix and has led to strong interest in protecting the natural assets of the park.

While building the road has given the Lac La Croix greater exposure to western society, the reverse is also true: the Aboriginal community now has a greater opportunity to disseminate its culture to visitors of Quetico. This is allowing non-aboriginal people to gain a better understanding of Aboriginal people and their val-

ues, as well as their struggles. Organized efforts to promote Aboriginal culture to

visitors are still relatively uncommon, however. Riley says that while "the park staff would like to see an increase in these types of activities, the First Nation community may have issues with sharing traditional knowledge."

The momentum for building economic and social benefits from Quetico Provincial Park is picking up steam at Lac La Croix, but the Aboriginal Nation's relationship to the park still faces important obstacles, particularly the issue of motorized access. Better access to the community and seed money for native-run enterprises are helping the community to reap more benefits from the park. And, for a community that has retained a very strong component of traditional land use, the protection offered by the park to fish and game species is important. The Lac La Croix were not part of creating Quetico, but they may play an important role in shaping its future.

Summary: The Five Principles

Quetico Provincial Park is an example of the integration of Aboriginal concerns into protected areas administration midstream. The Park has certainly been in operation under the status quo for decades with little participation from the Lac La Croix community. It has only been within the recent past that progress towards inclusion of Aboriginal values, aspirations and concerns has been considered through the signing of the Agreement of Coexistence. The WCPA Principles 1, 3 and 4 are just beginning to be addressed. Further understanding of the degree to which the Principles are fully acknowledged or adhered to will not be fully evident until some time after the expiration of the agreement. This is due to the fact that they are currently building the foundation of participation, transparency, accountability, and equity-sharing. The existence of an actual agreement shows that there is a strong willingness to coexist.

However, models must be developed to ensure that what is on paper is adequately carried out, rather than replaced by piece-meal solutions. The Ontario provincial government has been reluctant to "officially" recognize the Lac La Croix's hunting, fishing, trapping and gathering rights within the park boundaries of Quetico. There has also been reluctance on the part of the government to allow the Aboriginal Nation to manage resources such as fish stocks within the park boundaries. We could speculate that this hesitance stems from the fact that Aboriginal traditional knowledge is not based on the hard science that is favored by most governments and institutions. Principle 2 has not been adequately addressed or acknowledged on paper; however, traditional practices still do occur outside of and within the park boundaries with little interference from government officials.

Gwaii Haanas was established in 1986 under an agreement between Parks Canada and the Council of the Haida Nation. The Haida themselves initiated the process of establishing a protected area, after their land and culture started to disappear due to heavy logging in their traditional territories.



Case 3. Gwaii Haanas National Park Reserve—British Columbia

In the Haida language, Gwaii Haanas means “islands of wonder and beauty.” Gwaii Haanas National Park Reserve (referred to as Gwaii Haanas below) is located within the Queen Charlotte Islands off the coast of British Columbia and covers 1,495 square kilometers. Gwaii Haanas was established in 1986 under an agreement between Parks Canada and the Council of the Haida Nation. The Haida themselves initiated the process of establishing a protected area, after their land and culture started to disappear due to heavy logging in their traditional territories. Through alliances with con-

servation organizations, the Haida people drew international attention to the spectacular beauty and diversity of their homeland and the need to protect it.

The dual Park-Reserve status stems from the land-ownership dispute. Both the government of Canada and the Haida claim ownership of the land. Fortunately, both sides have been able to put aside their differences regarding ownership and promote instead their common interests and goals. The Haida intent is to protect the area from environmental harm and degradation, in order to continue traditional use. The

federal government's intent is protecting the area as a natural cultural environment, as well as representing the Pacific Coast Mountain Region, one of the 39 eco-regions of Canada. The Haida and Canadian objectives overlap, so cooperation has occurred, while the land claims issue is being resolved outside of park/reserve processes.

"At the very heart of the Gwaii Haanas agreement is an agreement to disagree," says Ernie Gladstone, Park Superintendent and a member of the CHN. *"Both the Haida Nation and the Government of Canada believe themselves to be the rightful owners of the land within Gwaii Haanas. The agreement recognizes this diverging viewpoint, but allows this to be put aside, and provides a framework for the two nations to work together in managing and protecting the area."*

Gwaii Haanas is governed by the Archipelago Management Board (AMB), created as part of a 1993 agreement and made up of two Haida representatives and two Parks Canada representatives. The AMB is responsible for operations and park management, including staffing. The federal government provides the funding for management of Gwaii Haanas to Parks Canada. Through tourism, Parks Canada is also beginning to generate its own revenue, some of which is channeled to the Archipelago Management Board, which has significant influence on expenditures.

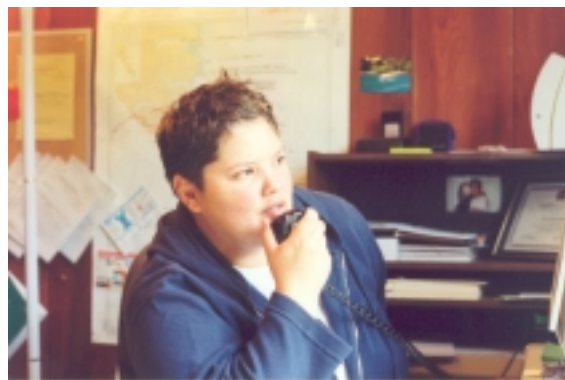
The connections between land and culture are vital for the Haida. Protecting the land is important in order to preserve the Haida way of life. Through fishing, hunting and trapping, the Haida have depended on the land for sustenance, but they also rely on the land for their medicines, ceremonies, and expressions of culture through art. Five heritage sites within the borders of Gwaii Haanas are of particularly high value to the Haida. The five heritage sites are as follows: K'uuna, T'aanuu, SGaang Gwaii, Hlk'yah and Gandll K'in. To defend the herit-

Gwaii Haanas is governed by the Archipelago Management Board (AMB), created as part of a 1993 agreement and made up of two Haida representatives and two Parks Canada representatives.

age sites from harm, the "official" Haida Watchmen program was initiated through a contract with Parks Canada, and it receives \$320,000 per year from the Archipelago Management Board.

"[The] Haida Watchmen Program is a visitor tracking program [comprised of Haida community members] within Gwaii Haanas designed for both visitor protection, as the 'emergency eye,' and [for] site protection," said Kim Goetzinger, General Manager of the Haida Watchmen Program and a Haida member herself.

Haida people are employed as Watchmen throughout the heavy user season, and they act as caretakers of the five culturally significant sites. The Haida Watchmen have been around for thousands of years. They are responsible for passing on the culture from the old to the young. There was a period when the Watchmen were



not able to make their presence known at the sites, and during that time their heritage sites were damaged by the disrespectful acts of outsiders. It was then that the Haida realized they had to protect the land and share their knowledge. They are now celebrating 20 years of official Watchmen protection.

Visitors generally appreciate and enjoy the presence of Watchmen, who live at the sites. The Watchmen program provides income for a job (30 spots in all) that the Haida have always taken pride in, as well as offering the people a chance to be part of the living culture, which is only truly understood when visiting the heritage sites. However, Goetzinger suggests that there are a few stumbling blocks along the way.

"The issuance of certification/tickets requirements such as first aid, whims [a comprehensive program providing information on the safe use of hazardous materials in Canadian

workplaces], boating safety, marine radio, to mention a few, have often deterred Haida community members from fully participating, and asking elders to become certified in these areas continues to be a challenge," says Goetzing. "On the other hand, non-native people may be fully certified; however, many will lack the local knowledge the Haida possess of the waters and lands, which can be treacherous if not respected."

This often proves to be a bone of contention for the local Haida, as greater emphasis is placed on certification than on local Haida knowledge for tour operations. There are a few specific cases where the Haida were asked to provide guiding services to the government for research, but the Haida did not possess the right certification to host non-native people within their traditional lands and were rejected. Further discrediting the current process, non-native guides were then picked to help carry out the research. The second scenario also played out negatively for the Haida. A non-native tour operator without local knowledge unwittingly ended up in a place where the tide is known to leave boats vulnerable. As a result, the vessel was beached with diesel fuel spewing into the ocean.

On the whole, the CHN and Parks Canada hold some basic beliefs in common regarding cultural preservation and ecological integrity. The government of Canada has worked together with the CHN to develop a Park Reserve that is compatible with both perspectives. Gwaii Haanas is a relatively new concept within Parks Canada policy, and it could be seen as standing at the headwaters of change. Gwaii Haanas could also be considered an exception among National Parks because economic and social factors do not dominate the agenda. Traditionally, the evolution of parks has concentrated efforts on the economic and tourist aspects of park management. As outlined in *"Conserving Ecological Integrity,"* a report by Parks Canada, most National Parks have suffered severe harm due to overuse. The AMB has recognized that potential pitfall and is taking the necessary steps to ensure that the same thing does not happen within their park borders. However, as in any

relationship, differences of opinion do arise.

"There are general concerns with the federal and provincial governments' recognition of the cultural differences when entering into agreements with First Nations," said Gladstone. "The Haida do not recognize lines on maps. There is no separation between the sea and the land, and

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anything that occurs to one will affect the other. The government separates the sea and the land and draws lines on maps. The lines and separations also call for different governing bodies." Parks Canada's jurisdiction ends at the water's edge,

where the federal Department of Fisheries and Oceans' responsibility begins. Gladstone suggests that the two government agencies should work together to integrate their management approaches to what, for the Haida, is all part of the same homeland.

Cindy Boyko, a member of the CHN and the AMB, views the protected area as a place for everyone's enjoyment, as long as the ecological integrity remains intact. Parks Canada policies have changed over the years to include measures for increased protection of ecological integrity, so they now parallel Boyko's views. The health of the land is crucial for Haida traditional practices. At Gwaii Haanas the Haida practice their traditions, learn about history and culture, and create opportunities for regaining the Haida language. The AMB members agree that all aspects of this area must be used to teach others its significance, as well as the reasons for saving other areas besides Gwaii Haanas. Parks Canada recognizes the need for the Haida to continue with their traditional activities as part of teaching outsiders about Haida culture.

In addition to safeguarding Gwaii Haanas for the Haida culture, Boyko's goals include creating employment opportunities for the Haida people in Gwaii Haanas. Working in the Park Reserve will help establish who they are as a people and improve social standards. Preservation is also vital for her, as the lands must be left the way they are for future generations to enjoy and subsist from. Further, Haida Watchman training offers community members a pathway to increased self-esteem.

"To see the Haida look upon Gwaii Haanas as a place to receive themselves, to receive their culture and spirituality, in order to develop respect not only for the lands, but for themselves," is of paramount importance, says Boyko.

Dennis Madsen, a member of the AMB who represents Parks Canada's interests, says that *"preservation of endemic species and wilderness places takes high priority."* Besides preservation, Madsen wants information about the Haida culture to become increasingly prominent as time passes.

"Parks are a way of communicating wilderness to people and offering them a sense of belonging to natural processes," says Madsen.

"The main objective is to protect and preserve Gwaii Haanas," says Gladstone. At the same time, Gladstone says there is room for some economic opportunities, specifically tourism.

"One of the challenges occurring with economic opportunity establishment is to involve the Haida in starting up these opportunities, because the Haida do not see themselves as performers for tourism" says Gladstone. "At the same time, they are not opposed to sharing their knowledge. However, the process for tourism opportunities needs to be natural; otherwise, formalizing the culture into processes such as schedules, determining who is performing what tasks and how many can be gathered to perform or teach, will not succeed [with the majority of the Haida]."

The Haida generally feel that consultation during the establishment and management of Gwaii Haanas has been adequate, which is due to the fact that the Haida have always taken part in discussions. Meaningful consultation occurred because the process was not rushed (it took five years to come to an agreement), and because the CHN was driving the process. The success of the agreement stemmed from good communication, says Gladstone.

The Canadian/Haida partnership must be reviewed every five years and needs full consensus for program extension. This review ensures that both Parks Canada and the CHN continue to have their concerns and values addressed. It also provides a chance for all parties to review

current, past and future events, aspirations and plans and to discuss any issues that have arisen in the interim.

All issues such as film permits, licensing quotas, business licensing, research, staffing, boating accidents, campsites and camp closures, as well as the location of outhouses, are brought before the AMB. Decisions are made by the AMB through consensus. While this can lead to delays in decision-making, it also ensures that the concerns and values of both the Haida and Parks Canada are addressed. For example, a proposal by Parks Canada to erect a base camp for park staff was opposed by the Council of the Haida Nation because they did not want the Canadian

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government to have recognized structures within Gwaii Haanas; their goal was to ensure that the lands appear to be Haida, or at least neutral. Parks Canada named visitor safety as the main reason for establishing a base camp, as well as reducing logistical problems such as park monitoring. With time and understanding, an agreement was reached. A base camp has been built and is managed by the AMB, with a sign that recognizes both governments.

Although there have been challenges in the AMB relationship thus far, Boyko believes that the Haida Gwaii situation is an excellent example of how protected area management could occur. The AMB is setting a precedent that can be achieved by other organizations, if the process is based on respect, empowerment and reciprocity.

The AMB's most crucial goal is making sure that the ecological integrity is maintained, in order to ensure Haida culture will be unimpaired for future generations. AMB members are not, however, opposed to acceptable levels of tourism development within park/reserve boundaries. They are interested in providing economic

Currently, 50% of the park staff at all levels of the organization are Haida.

opportunities in roles such as guiding, working as outfitters, and running a Haida museum and tourism center for the Haida and surrounding communities. At the same time, they have decided to take a cautious approach by initiating scientific panels and studies to determine the capacity for tourism within Gwaii Haanas, to keep negative impacts in check.

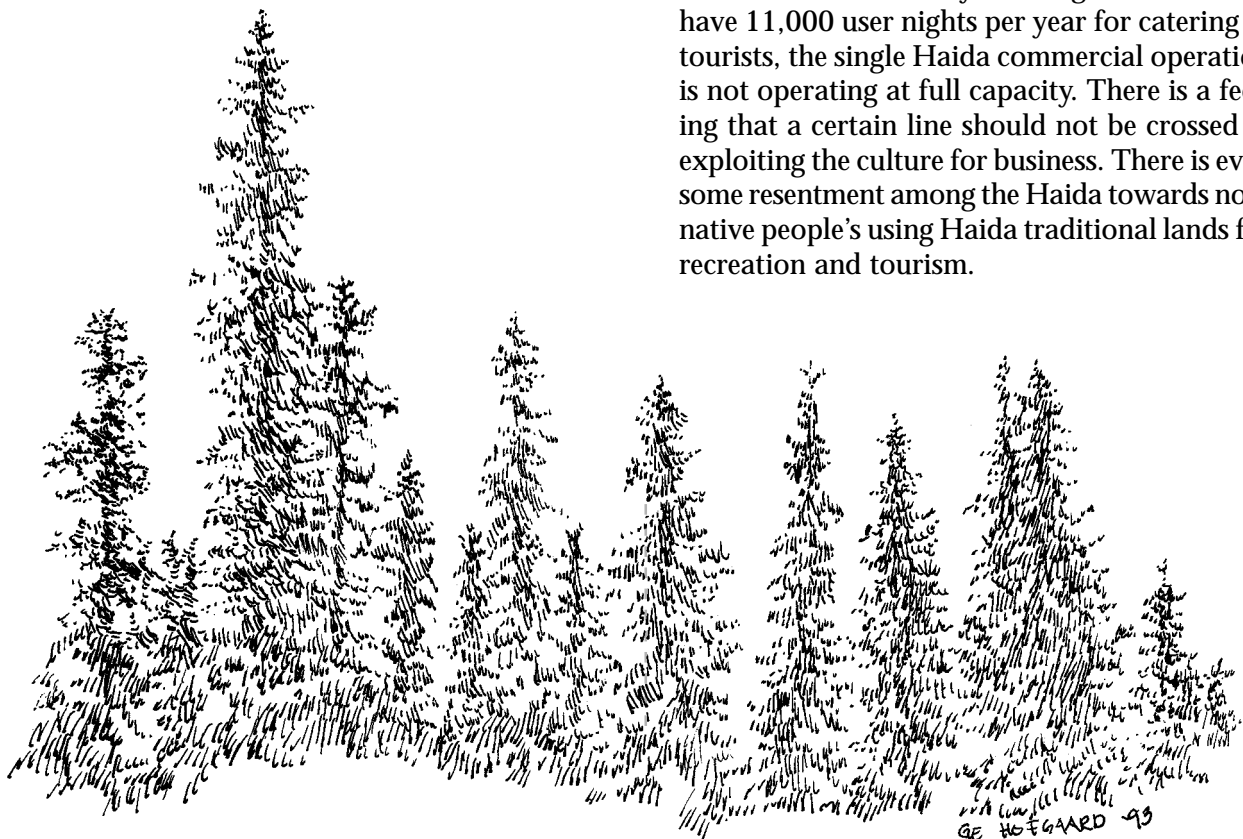
When AMB members were asked what would happen if the right to ownership is resolved in favor of one government or the other, the Council of the Haida Nation responded that the area would still be protected with the assistance of Parks Canada. The response from Parks Canada was similar. Both sides agreed that the interest in current planning and goals must be maintained.

Parks Canada and the Haida, through the Archipelago Management Board, have been active in hiring Haida people. Currently, 50% of the park staff at all levels of the organization are Haida.

However, *"the board does not hire Haida people because they are Haida, but because they have been properly trained,"* said Gladstone. The AMB has initiated the Haida Training Program, which provides adequate training. Also, as part of the cultural learning experience at Gwaii Haanas, the Haida, through the Skidegate Tribal Council, are running a multi-agency cultural center. This \$20 million project will include a museum, teaching facilities, interpretation facilities, economic and cultural training and employment. Parks Canada has identified Aboriginal people as the obvious choice for developing and delivering interpretation programs and facilities focused on traditional ecological knowledge and culture.

Construction of a Haida Heritage Center has been approved. The AMB believes it will inspire among the Haida a desire to share the culture, an attitude would ensure a smoother, more prosperous relationship between the Aboriginal communities and the non-native users. However, AMB has stipulated that careful consideration be given to keeping the culture real, to avoid the "cultural-production" approach that uses Aboriginal culture strictly as a revenue generator.

Tourism operations, from the Haida point of view, currently take low precedence in economic development opportunities, as they are not considered the "Haida way." Though the Haida do have 11,000 user nights per year for catering to tourists, the single Haida commercial operation is not operating at full capacity. There is a feeling that a certain line should not be crossed in exploiting the culture for business. There is even some resentment among the Haida towards non-native people's using Haida traditional lands for recreation and tourism.



The establishment of the park has had some negative impacts. Without logging, the communities, both Aboriginal and non-native, shifted direction to accommodate increased numbers of tourists, and Gwaii Haanas has seen heavier visitation and activities to develop tourism. Visitors themselves are leaving ecological footprints. Cultural and heritage sites have become exposed and are more frequently visited by people outside of the Haida community.

However, the impact has been mainly positive, both environmentally and culturally. Many of the traditional sites of the Haida are now protected; this has led to greater recognition of the importance of Haida culture and the need to

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protect the sacred sites. With the right management, they will be preserved for future generations to express their cultural identities. Since large-scale logging has ended within park boundaries, a number of small, low impact businesses have been created, both Haida and non-native.

There has been a diversification of employment, thus decreasing the dependency on a single industry. Training and employment have increased, providing the Haida with a larger and more diverse spectrum of economic opportunities in park management, where there are jobs in safety, trail creation and maintenance, management of park reserve sites and cultural sites, and as interior rangers.

Summary: The Five Principles

The relationship that has developed between the Haida Nation and Parks Canada exemplifies how a protected area should be established and managed jointly by an Aboriginal nation and the governments of Canada and the provinces. To what degree the relationship is based on the IUCN/WCPA principles or grew in a particular way because of the unique timing and the legal position of the Haida and their political clout is unknown. Nevertheless, the five principles of the IUCN/WCPA have been respected in the main.

The Haida have been recognized as rightful partners in the management and protection of Gwaii Haanas. The relationship is based on respect, reciprocity and empowerment. Parks Canada has recognized the Haida responsibility for conserving biodiversity, ecological integrity and the natural resources within their traditional territory. In addition, the practice of Haida traditional rights has been respected and even encouraged within the boundaries of the Park Reserve.

The remaining challenge is to acknowledge the Haida presence, rights and participation in the management of the boundary waters of Gwaii Haanas. To the Haida, there is no separation of land and sea. However, Parks Canada is promoting new federal legislation, Bill C-10, "*Federal Legislation for Protection of Coastal Waters*" that could disrupt the Haida Nation's ability to move freely between the land and the sea by introducing different levels of protection for various areas and restricting the Haida fishing rights in some of those areas.

IV. Best Management Practices —Lessons Learned

Compatibility with Aboriginal Perspectives

Good relations between local Aboriginal communities and protected areas are best achieved when the values and perspectives on which these areas are developed are mutually compatible. Protected areas can combine differing world-views through mutual recognition and respect for the other possible perspectives. Such recognition creates a foundation for building protected areas management systems that allow for co-existence between Aboriginal values and the values of conservation, recreation and heritage that non-Aboriginal advocates for protected areas typically espouse.

Conflicts between Aboriginal perspectives on land stewardship and the management of protected areas often arise when Aboriginal peoples, who have used and cared for the lands over many generations, are barred from carrying out their customary activities. The idea that "protection" of the land can only be achieved by separating it from traditions of land use developed by generations of Aboriginal land stewards can create significant barriers between protected areas and Aboriginal communities. Under such conditions, Aboriginal communities are unlikely to participate in the economic benefits that might come from entrepreneurial activities.

Loss of access to traditional territories that have been made into protected areas becomes particularly frustrating when the ecological in-

tegrity of the protected area is threatened by over-development. In those cases, the perception may develop that Aboriginal peoples have been removed from their traditional lands for the benefit of outsiders. On the other hand, the expression of shared appreciation for the land—such as mutual concern over the ecological well-being of an area—can play an important role in establishing common ground between Aboriginal and non-Aboriginal interests.

The Ability of protected areas to meet Aboriginal aspirations

Protected areas have an important role to play in ensuring the well-being of local Indigenous cultures. The natural richness of the land has provided Aboriginal peoples with opportunities to pursue and meet their goals over many generations past. Following contact, however, European industrialism has set in motion a level of

impact on the natural environment that has placed considerable stress on traditional territories and on the Aboriginal cultures that relied on those lands. The experience of Aboriginal peoples with protected areas as outlined in this paper

suggests that protected areas can contribute to the achievement of Aboriginal development aspirations, but it will require considerable efforts at partnership between Aboriginal communities and protected areas managers on a case-by-case basis.

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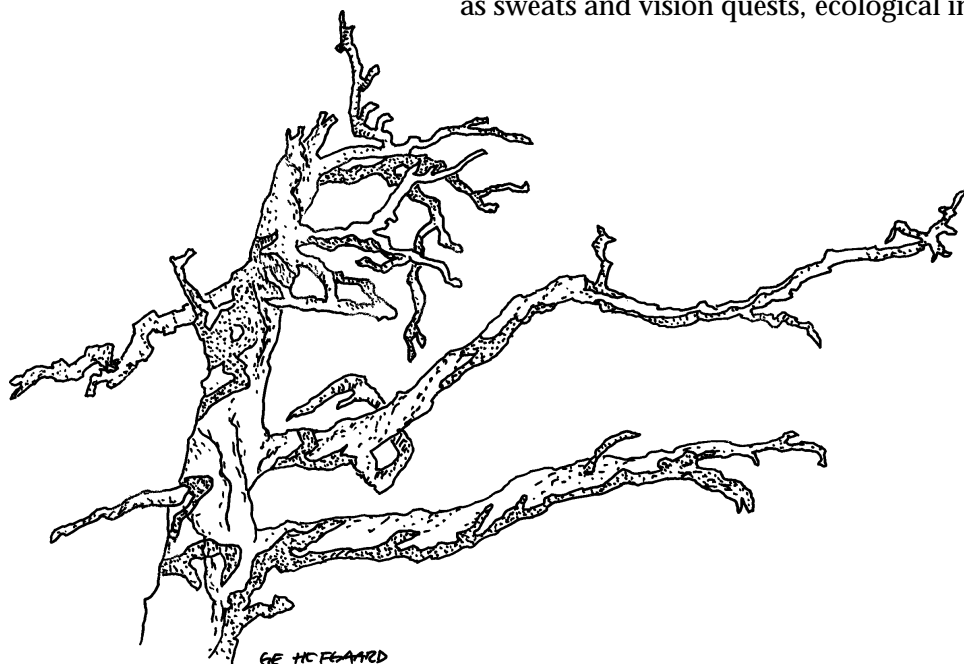
Ecotourism, cultural tourism and other types of experience-oriented visitor services can provide significant business opportunities while building upon Aboriginal knowledge.

Aboriginal aspirations are as diverse as the management regimes and opportunities that exist within protected areas. However, a common theme does emerge across many Aboriginal communities: these communities frequently struggle to find the appropriate balance between preserving traditions and maintaining ancient values on the one hand, and establishing a robust, sustainable, culturally and socially appropriate economy on the other. This struggle might be described as a tension between a biocentric world view and recognition of the strengths, benefits and limitations associated with modern industrialism. This balance is needed in order to achieve the fundamental aspiration of self-determination.

Protected areas could potentially support the aspirations of Aboriginal communities, if planned and managed accordingly. Ecotourism, cultural tourism and other types of experience-

oriented visitor services can provide significant business opportunities while building upon Aboriginal knowledge. Employment opportunities in park administration and land management may fit well with the Aboriginal traditions of hospitality and land stewardship. On-the-job training programs frequently provided by Parks Canada and other protected areas agencies can help Aboriginal communities meet their goal of human resource development. Management needs to consider carefully the problem of the potential impacts of visitors on Aboriginal use of the land. Nonetheless, it is generally believed among Aboriginal communities and has found some support from Parks Canada that visitor-oriented businesses can be designed to co-exist reasonably well with traditional activities. This co-existence may be as readily and profitably achieved as other land-based economic development options, such as forestry.

Protected areas have undergone an important evolution away from a focus on recreational opportunities and development toward an emphasis on ecological integrity. The health of traditional territories is absolutely vital, if Aboriginal communities are to maintain activities such as hunting, fishing, trapping, and gathering medicinal plants. Such activities are central both to cultural maintenance and to the resilience of the domestic economies of many Aboriginal communities. Along with access to solitude, which is necessary for spiritual ceremonies such as sweats and vision quests, ecological integrity



is essential for the cultural survival of many Aboriginal nations. By promoting ecological integrity in a way that is compatible with Aboriginal perceptions and values, protected areas can clearly support Aboriginal aspirations for cultural survival.

Aboriginal and treaty rights

In the past, Canada's protected areas managers have not actively sought the participation of the Aboriginal peoples in whose traditional territories parks have been established, nor have the positive and negative effects associated with protected areas been monitored or managed for the benefit of local Aboriginal communities. As with other natural resource management systems in Canada, Aboriginal peoples have been most successful in gaining involvement in protected areas through activism based on treaty claims or land claims negotiation.

This situation leads to two types of scenarios. On the one hand are protected areas established through modern treaties or as part of a modern treaty-making process. This was the case with Gwaii Haanas, for example, where Aboriginal involvement was maximized thanks to an ongoing treaty-making process. Similar leverage has been achieved by Aboriginal peoples such as the Inuit of Arctic Canada, who have maintained ownership of significant areas of their traditional territory through their modern treaties.

The second type of scenario has arisen in protected areas established prior to modern treaty arrangements. It is characterized by a lack of recognition of previously established treaty rights, or by narrow interpretations of Aboriginal rights to the use of traditional territories. Typically, this scenario plays out when Aboriginal activists challenge laws or policies denying them access to undertake traditional activities. This has been the situation in Saskatchewan, for example, where treaty rights to maintain hunting cabins inside provincial parks have been confirmed through suits in which Aboriginal groups successfully defended themselves against charges brought by park authorities.

As with other natural resource management systems in Canada, Aboriginal peoples have been most successful in gaining involvement in protected areas through activism based on treaty claims or land claims negotiation.

For many Aboriginal communities, however, treaties were undertaken prior to the establishment of protected areas. These communities had little opportunity to influence how protected areas might affect them. Further, court action to ensure that existing rights are respected when protected areas are established take a significant toll on limited human and

financial resources. As a result, many cases where Aboriginal or treaty rights exist to aid the claim on greater benefits from protected areas may not be brought to trial. Protected area policies are needed that will address Aboriginal and treaty rights on a general basis, rather than forcing painstaking and costly litigation of each specific instance.

Managers need to recognize that Aboriginal communities surrounding protected areas have a vital role to play in managing and benefiting from those areas. This role may arise from specific, though sometimes unproven, rights. In other instances it may arise from the internationally accepted concept that local populations must share in the benefits of protected areas.

While this form of proactive recognition of Aboriginal and treaty rights has been slow to develop within protected areas, some progress is evident. Examples of successful collaboration, such as that demonstrated at Gwaii Haanas, and recognition that Aboriginal rights and treaty arrangements may have legal implications for protected areas are helping to change the context for protected area/ Aboriginal relationships.

Involvement of Aboriginal Peoples in the Establishment and Management of Protected Areas

Aboriginal participation and influence are needed if Aboriginal perceptions, values and aspirations are to be reflected in protected area design and management. Past experience has shown that without direct participation, Aboriginal communities are more likely to experience negative consequences than benefits. However, experience has also shown that with direct involvement, Aboriginal peoples are able to en-

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joy some of the benefits that protected areas can provide, specifically in cultural, business, and employment opportunities. With increased involvement, Aboriginal communities are able to influence the direction of tourism development, heritage interpretation, and land management (for example, through zoning areas of cultural importance and sensitivity).

Active Aboriginal participation in protected areas establishment and management is a key requirement. Recent trends in the management of parks have led to some improvements in Aboriginal/ protected area relationships. Efforts leading to special Aboriginal consultation, monitoring of Aboriginal employment, and increased access to protected areas for the practice of Aboriginal traditions suggest that the need for new, positive relations with Aboriginal peoples is now widely recognized. Meaningful involvement of communities through the establishment of conflict resolution processes is one example of the fruits of this shift. Joint Aboriginal/ non-Aboriginal agencies such as the Archipelago Management Board in Gwaii Haanas are building trust as well as solid working relationships between Parks Canada staff and local Aboriginal communities. These relationships are based on respect, reciprocity and empowerment.

The Haida Gwaii National Park Reserve represents a workable model for meaningful Aboriginal involvement in the establishment of new protected areas. The Gwaii Haanas Agreement sets out "*objectives concerning the care, protection and enjoyment of the Archipelago.*"²² Both the Council of the Haida Nation and the Gov-

ernment of Canada sat at the table as equals. Together they laid the parameters for the Gwaii Haanas Agreement and the structure and membership of the Archipelago Management Board. The negotiations were characterized by full disclosure of data, documents and studies that pertain to the park reserve, consensus decision-making, and mutual sharing in cultural activities.

In any model, initial discussions with Aboriginal people must be undertaken to address what is to be protected, who will manage the protected area, and which goals will direct the management regime. As this document reports, land claim negotiations have come to play a major role in involving Aboriginal groups in park management. There are two ways to handle claims. The first is to keep the issue of land claim at arm's length, as the Gwaii Haanas Agreement has done. This allows both the federal government and the Aboriginal groups to focus on common objectives, without the disruptions and interruptions of land claim negotiations. The other way is to settle land claims first, such as the Gwich'iin in the Northwest Territories have done, and then set up governing bodies to manage the protected areas. The obvious setbacks in the latter are the unknowns of who will win the land claims suit, where the borders of the land won will be drawn, and how long the settlement process will take.

Impacts to and Benefits for Aboriginal Communities

The establishment of protected areas in Canada has yielded mixed results. Protected areas have provided some benefits to Indigenous groups, along with the potential for improvement in the future. To date, however, Aboriginal communities more frequently equate protected areas with negative impacts than with positive benefits. This is particularly the situation for those communities that have lived with protected areas established early in the twentieth century. The experience with protected areas established more re-

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cently—or with those that have actively worked to improve relationships with local Aboriginal communities—is more positive.

Aboriginal communities have felt negative consequences in several key areas. In some instances, recreational use and tourism have significantly interfered with traditional Aboriginal activities and traditions. Intensive visitor usage and related development can cause significant ecological damage to areas whose integrity was previously sustained through Aboriginal stewardship. In addition to ecological damage, there is the lack of recognition of the presence of indigenous peoples because of inadequate interpretation of Aboriginal culture and heritage. On the economic side, the establishment of protected areas means that future economic development opportunities become limited to those compatible with the protected area regime. At the same time, the track record of Aboriginal participation in the economic benefits created by parks has not, generally, been impressive. Finally, in the past Aboriginal rights and land claim issues have often been disrespected and disregarded, leading to exclusion of Aboriginal peoples and their interests in the lands.

Fortunately for the future development of good relations between Aboriginal communities and protected areas, trends are emerging that may create more benefits than negative impacts. The benefits Aboriginal communities experience as a result of the establishment of protected ar-

... eas have been increasing in recent years. Benefits come in a number of forms, including co-management, cultural development, ecological security, educational and research-oriented gains, and economic growth. Increasingly, Aboriginal communities and protected area managers are creating opportunities to come together when protected areas are being discussed. Their presence at the table means that Aboriginal values and knowledge can be incorporated into protected area discussions and management plans. As a result, potential areas of conflict can be identified early on and resolved before damage is done.



V. Recommendations for Russian Participants

The future of parks and protected areas in Canada rests on the ability of Aboriginal people and other Canadians who have a stake in these areas to find common ground through respect, mutual consent and equal footing. The past is past, and decisions were not based on ecological integrity or integrity for Aboriginal people, nor were they based on broader landscape concepts. There have, however, been significant changes that have increased Aboriginal communities' involvement in the establishment and management of parks and protected areas. It is therefore up to Aboriginal and non-Aboriginal leaders to recognize the accomplishments thus far and avoid past mistakes, in order to build solid foundations for advancing Canada's commitments to parks and protected areas.

The following list of recommendations should be used as a guide for discussions between Aboriginal Nations and residing governments regarding the establishment and management of protected areas:

Planning

- Build relationships first through mutual recognition and respect for other possible perspectives;
- Break down barriers by including Aboriginal traditions within the concept of "protection";
- Seek and include Aboriginal traditional knowledge in park planning, design, and management;
- Design specific systems for addressing conservationists' concerns regarding Aboriginal access.

Consultation

- Express shared appreciation for the land and mutual concern over the ecological well-being of an area;
- Identify common themes and work towards finding a balance between biocentric views and modern tourism and infrastructure;
- Governments must actively seek meaningful participation of Aboriginal people as defined by local Aboriginal communities. Indigenous participation, influence, and/or control are required to ensure that their values, perceptions and aspirations are reflected in protected areas design and management;
- Governments must proactively recognize Aboriginal peoples' rights. Special consultation, monitoring of employment and increased access are key elements to successful relations;
- Ensure that protected area regimes are not imposed upon significant Aboriginal cultural and/or sacred sites without designation or approval by the affected Aboriginal Nations.

Management

- Create employment opportunities and on-the-job training programs for building the capacity to meet management challenges;
- Maintain Aboriginal cultural practices within protected areas;
- Managers must recognize the vital role of Aboriginal peoples in the management of protected areas. Design co-management agreements, or defer to Indigenous management systems in traditional territories;

- Ensure that Aboriginal communities have adequate access to tourism business development opportunities that will be beneficial and acceptable to them;
- Ensure that allocation of visitor usage is equitable and well below thresholds for ecological integrity;
- Allow Aboriginal peoples direct control over economic development, in order to allow them to grapple directly with issues such as trade-offs between visitor use and protection of traditionally sensitive areas.



Endnotes

- 1 The Wildlands League is the Ontario Chapter of the Canadian Parks and Wilderness Society, a non-profit citizens' group.
- 2 The terms "indigenous" and "Aboriginal" will be used interchangeably throughout this paper.
- 3 Legal processes for determining ownership of the land.
- 4 Beltran, J. and Phillips, A. "Indigenous and Traditional Peoples and Protected Areas—Principles, Guidelines and Case Studies," World Commission on Protected Areas (WCPA). Best Practices Protected Areas Guidelines Series No. 4 (pages ix—x).
- 5 [1997] 3 s.c.r. Delgamuukw v. British Columbia File No.: 23799. 1997: June 16,17; 1997: December 11.
- 6 Treaties are usually signed by the government of Canada, the provincial government, and the affected Aboriginal Nation.
- 7 R. V. Van der Peet, Supreme Court of Canada, August, 1996.
- 8 Pape and Salter, Delgamuukw—A Summary of the Supreme Court of Canada Decision. January 9, 1998. For more information, please see the following website: http://cstc.bc.ca/pages/treaty_delgmkwsmry.htm
- 9 Certainty: Canada's Struggle to Extinguish Aboriginal Title. Union of British Columbia Indian Chiefs. <http://www.ubcic.bc.ca/certainty.htm>
- 10 Parks Canada. "Guiding Principles and Operational Policies," Canadian Heritage. Minister of Supply and Services Canada 1994.
- 11 S.C.R. Delgamuukw v. British Columbia , paragraph 168.
- 12 Royal Commission on Aboriginal Peoples (Canada), 1996. People to people, nation to nation: Highlights from the report of the Royal Commission on Aboriginal Peoples.
- 13 Indian and Northern Affairs Canada, 2002. Ontario Treaties, accessed on INAC website June 21, 2002 at: www.ainc-inac.gc.ca/.
- 14 Assembly of First Nations, 2002. "Treaties with the Crown" Fact Sheet, accessed on June 21, 2002 at www.afn.ca.
- 15 Jean Paul Gladu and Doug Brubacher, "Parks, Protected Areas and Aboriginal People," National Aboriginal Forestry Association and Wildlands League joint publication, in press.
- 16 The Woodland Cree are an Aboriginal Nation that stretches across most of northern Canada. La Ronge, Montreal Lake and Sturgeon Lake First Nations are individual communities of Cree in the same geographic area as the National Park.

- 17 Treaty No. 6 covers an area that extends north to Kingsmere and Crean Lakes in Prince Albert National Park. The northern third of the park, along with the remainder of northern Saskatchewan, is unceded land. Aboriginal people have never relinquished their title to this area.
- 18 While some of the exclusion may be ascribed directly to the existence of the park, it should be noted that the process of relocation onto centralized reserve communities was also taking place at the time of park establishment. Across Canada, Aboriginal peoples were moved from widely dispersed traditional family lands to centrally located reserve communities with schools and other facilities. This may also have contributed to the reduced access to traditional lands. Of significance today, however, is the fact that people now have more access to transportation and are more mobile. It is now easy to live in a community and hunt and fish in a nearby traditional territory.
- 19 The Cree called Grey Owl "Wapooho," meaning "White Owl"; however, he preferred to avoid the allusion to "white."
- 20 Lac La Croix First Nation information page - <http://www.advancenet.net/~barnard/11cfn.htm>
- 21 "Seed money" refers to funds designated for starting a project.
- 22 Gwaii Haanas Agreement, Section 1.1. January, 2001.





This report from the Boreal Footprint Project and the Taiga Rescue Network analyzes how the internationally adopted principles of the World Congress on Protected Areas/ IUCN regarding Aboriginal rights are reflected in the design, planning and management of protected areas in Canada.

We present three case studies, Prince Albert National Park in Saskatchewan, Quetico Provincial Park in Ontario, and Gwaii Haanas National Park Reserve in British Columbia, in order to address the costs and benefits of protected areas to Aboriginal Peoples, as well as highlight best management practices in the incorporation of Aboriginal rights into the management of these areas.



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