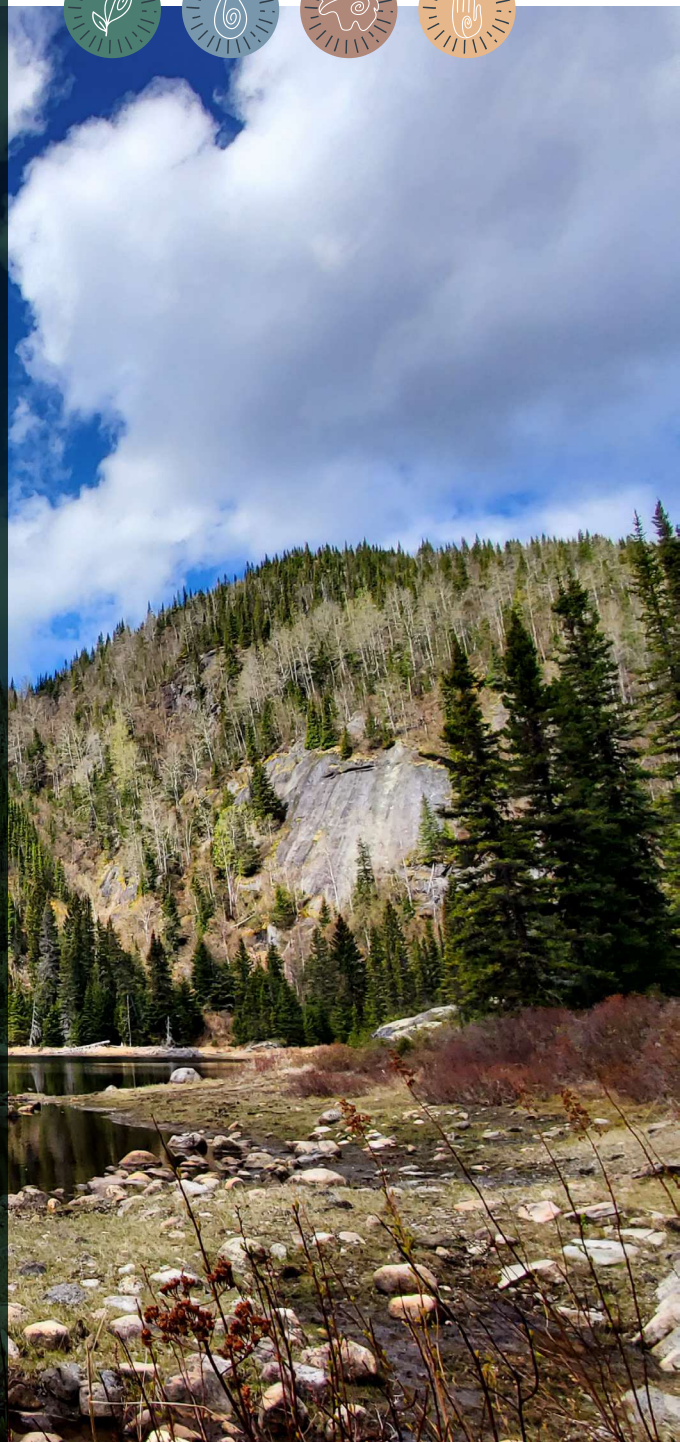
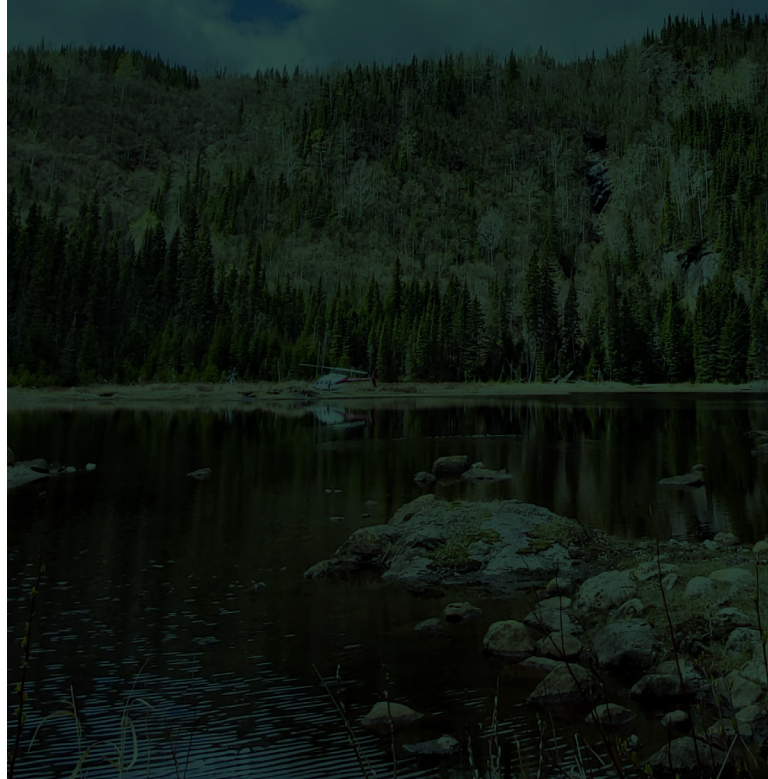


TECHNICAL SHEET 2

December 2022

Indigenous Conservation Sites

What do we mean by ICCA, IPCA
and ALPA?



FNQLSDI
FIRST NATIONS OF QUEBEC AND LABRADOR
SUSTAINABLE DEVELOPMENT INSTITUTE



The objective of this second sheet in a series of three is to support and feed the reflections of First Nations and to clarify the concept of Indigenous conservation sites. It was produced in December 2022 by the conservation and biodiversity sector of the First Nations of Quebec and Labrador Sustainable Development Institute (FNQLSDI) within the framework of the project on the engagement around Aboriginal-led protected areas (ALPA) and the development of the guide prescribed in the Natural Heritage Conservation Act (NHCA) (see Fact Sheet 1 - Context).

Technical Sheet on Indigenous Conservation Sites

SECTION 1

Definition of the concept of Indigenous conservation sites

SECTION 2

The designation process for protected areas under the NHCA

SECTION 3

Two examples of IPCA in Canada

Section 1.

Concept definition

Regardless of whether they are designated as Indigenous and Community Conserved Areas (ICCA), Indigenous Protected and Conserved Areas (IPCA) or, most recently, Aboriginal-led Protected Areas (ALPA), Indigenous conservation sites are **all based on the conservation of cultural values closely related to nature, in addition to biodiversity conservation.**

1.1 ICCAs at the international level

Internationally, the International Union for Conservation of Nature (IUCN) and the Convention on Biological Diversity (CBD) use the term Indigenous and Community Conserved Areas (ICCA) to refer to Indigenous-led conservation sites.

ICCAs have three essential and fundamental characteristics:

1. There is a **strong and deep connection between an Indigenous people or local community and a territory, area, or species habitat** (e.g., for historical, cultural, or survival and lifestyle dependence reasons).
2. The custodian people or community has a **major role in decision making and implementation (governance and management)** in relation to that territory, area, or habitat. This implies that there is a community institution and that it has the capacity to develop and enforce regulations (in many situations, other actors are also involved, but the main decision-making remains with the people or the *de facto* community).
3. The governance decisions and management efforts of the people or community enable the **conservation of the nature of the territory**, area or habitat, and the associated **conservation of the cultural values and well-being of the community** (even if the conscious objective of the management is not a conservation objective *per se*, and relates, for example, to material ways of life, water security, safeguarding of cultural and spiritual places, etc.)¹.

1. [ICCA Consortium. Territories and Areas Conserved by Indigenous Peoples and Local Communities.](#)

1.2 IPCAs in Canada

Indigenous Protected and Conserved Area (IPCA) is the terminology that has been proposed by the Indigenous Circle of Experts (ICE). The ICE is a national advisory committee composed of Indigenous and non-Indigenous members. It was established to consult and develop recommendations on how the IPCA concept can contribute to meeting Canada's Goal 1 (Moving Towards Goal 1) of conserving more than 17% of the country's land and inland water areas by 2020, renewed to 25% by 2025 and 30% by 2030. In Quebec, only one representative of the Cree Nation Government sat on the committee.

The ICE proposes the following definition :

“ IPCAs are lands and waters where Indigenous governments have the primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems. Culture and language are the heart and soul of an IPCA². ”

2. ICE (Indigenous Circle of Experts). (2018). We Rise Together: Achieving Pathway to Canada Target 1 through the creation of Indigenous Protected and Conserved Areas in the spirit and practice of reconciliation. Gatineau, Parks Canada Agency for the Indigenous Circle of Experts, 112 p

To clarify this definition, there are three essential characteristics of IPCAs based primarily on the ICE recommendations:

1. “IPCAs are led and managed by Indigenous Peoples. **Indigenous governments have the primary role in determining the objectives, boundaries, management plans and governance structures** for IPCAs as part of their exercise of self-determination”.
 - a. It is a voluntary, Indigenous-led process that can be supported by other actors (state governments, NGOs), and thus involve management partnerships that support community self-determination.
2. “IPCAs represent **a long-term commitment to conservation**”. Indigenous Peoples have a multi-generational view of the stewardship of their territories and therefore, of the conservation of lands and waters for future generations.
3. “IPCAs **elevate Indigenous rights and responsibilities**” especially the natural right and Indigenous right to use natural resources, but also the responsibility to care for and respect the land and water.

To be considered under Canada’s Target 1, IPCAs must meet Canada’s definition of a protected area or other effective area-based conservation measure (OECM). These definitions follow those established by the International Union for Conservation of Nature (IUCN) in 2008.

Protected area definition

“A clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.”

OCEM definition

“A geographically defined area other than a protected area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the *in situ* conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio–economic, and other locally relevant values”³.

It is up to Indigenous governments, organizations or communities to decide whether an area should be described as an IPCA.

Please note that IPCAs are a concept, so **no specific policy or legislation** is currently in place to establish them. A variety of mechanisms can be used to support the establishment of IPCAs. In fact, any legal mechanism that can be used to establish other protected area statuses can also be applied to protect an IPCA. However, the **mechanism chosen must be consistent with Indigenous leadership and the types of governance chosen by the communities**, both of which are fundamental characteristics of IPCAs⁴.

Here are some examples of mechanisms for establishing an IPCA:

- Agreement protocol and agreements
- Indigenous natural laws
- Self-declaration
- Land trust
- Agreement under existing federal legislation (e.g. Canada National Parks Act)

3. ECCC (Environment et Climate Change Canada) (2018). One with Nature – A Renewed Approach to Land and Freshwater Conservation in Canada, Gatineau, ECCC, 52 p.

4. ECCC (Environment et Climate Change Canada) (2021). Pathway to Canada’s Target 1 - Frequently Asked Questions : Indigenous protected and conservation areas. Gatineau, ECCC, 29 p.

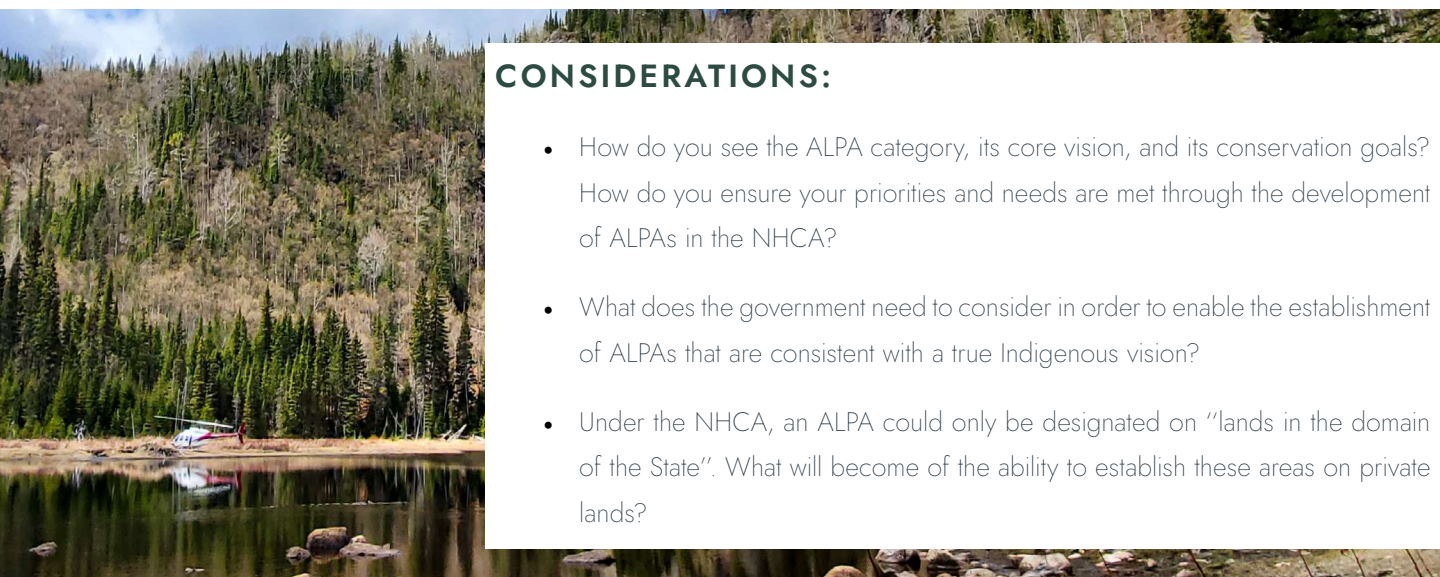
1.3 ALPAs in Quebec

On February 10, 2021, the Government of Quebec adopted a new version of the Natural Heritage Conservation Act (NHCA) in which a protected area status similar to the concept of IPCAs was added: the Aboriginal-led Protected Areas (ALPA).

However, the legislative framework for ALPAs has yet to be defined and the NHCA provides that:

- “To allow for the conservation of elements of biodiversity and associated cultural values that are of interest to an Aboriginal community or nation on lands in the domain of the State, the community or nation may propose areas to the Minister to be designated as Aboriginal-led protected areas.
- The Minister shall prepare and make public a guide regarding the creation, management and development of Aboriginal-led protected areas.
- The guide must be prepared and updated in a spirit of collaboration with the Aboriginal communities and nations.”⁵

Section 12 of the NHCA provides that the Ministère de l’Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs (MELCCFP) may delegate, by agreement, all or part of its powers concerning the management of a protected area to an Indigenous nation or community. **It should be remembered that the fundamental criteria for ICCAs/IPCAs is that the choice of governance and management is up to the communities themselves. Given this criteria, it is essential to question how the choice of governance will be considered in ALPAs.**



CONSIDERATIONS:

- How do you see the ALPA category, its core vision, and its conservation goals? How do you ensure your priorities and needs are met through the development of ALPAs in the NHCA?
- What does the government need to consider in order to enable the establishment of ALPAs that are consistent with a true Indigenous vision?
- Under the NHCA, an ALPA could only be designated on “lands in the domain of the State”. What will become of the ability to establish these areas on private lands?

5. Natural Heritage Conservation Act, RLRQ c. C-61.01

We invite you to consult Fact Sheet 3 for questions related to governance and management in Quebec’s protected areas.

Summary Table of the Concept of Indigenous Conservation Sites

	Terminology	Specific policy and legislation	Primary role of Indigenous people in governance and management choices	Re-legitimizes Indigenous rights and responsibilities	May be recognized as a Protected Area or an OECM
Internationally	ICCA	No	Yes	Yes	Yes
In Canada	IPCA	No	Yes	Yes	Yes
In Québec	ALPA	Under development (NHCA)	Not determined	Not determined	Yes

Section 2.

The designation process for protected areas under the NHCA

The general process for designating a protected area under the Natural Heritage Conservation Act (NHCA) is summarized in Figure 2. The process related to the designation of ALPAs is summarized in Figure 3. The slowness and complexity of these processes are significant barriers to the establishment of new protected areas in Quebec. Understanding these steps is critical in order to reflect on how to facilitate the implementation of ALPAs.

Moreover, in the context of IPCAs, it is suggested that the processes for establishing an IPCA remain :

“flexible to accommodate the diverse needs, objectives and jurisdictional realities of all governments, communities and individuals with an interest in the area.”⁴

General diagram of the process for designating a protected area under the NHCA

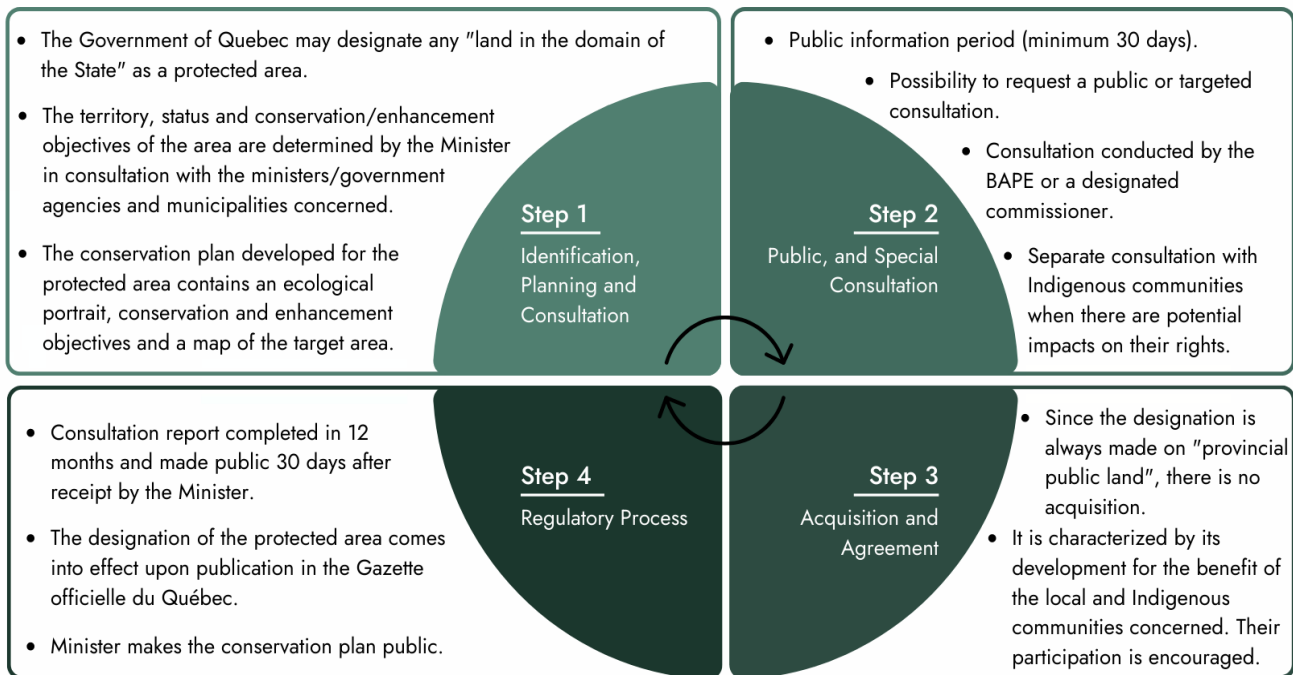
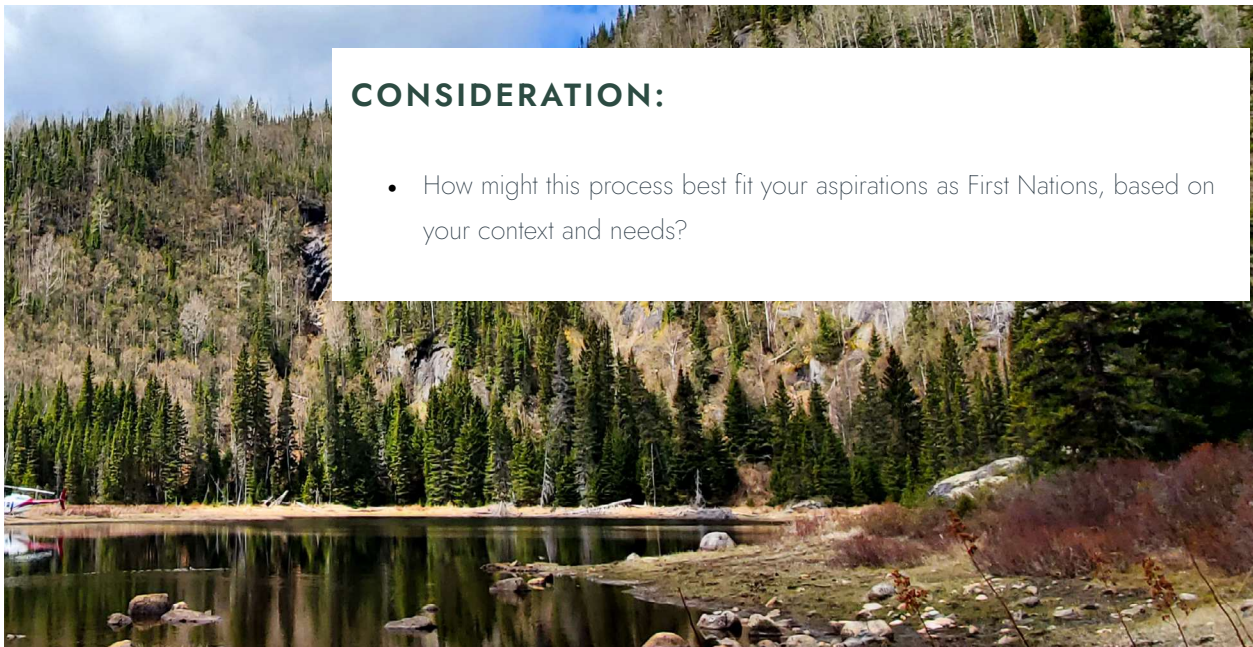
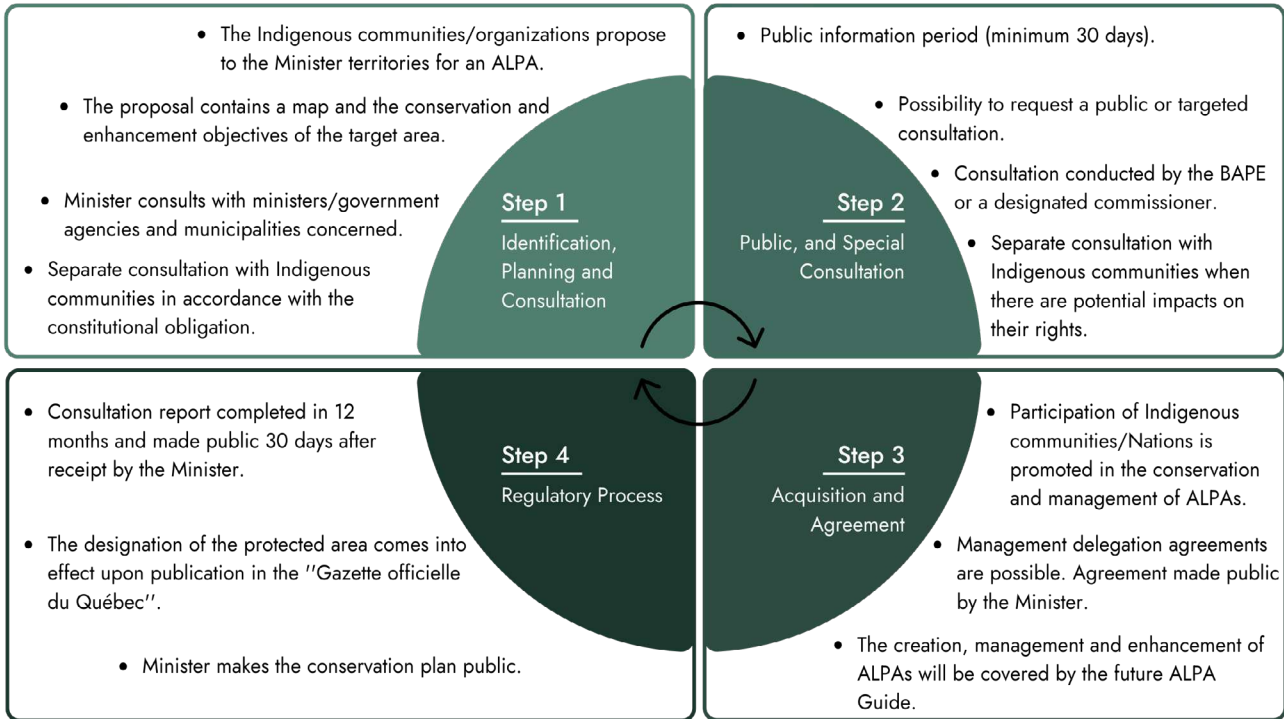


Diagram of the designation process for an Aboriginal-led Protected Area under the NHCA



Section 3.

Two examples of IPCAs in Canada

While there are many examples of Indigenous conservation initiatives in Canada, this section presents two examples of IPCA, all of which are grounded in Indigenous leadership. We also invite you to consult the [We Rise Together](#) report which explores various case studies of indigenous conservation initiatives in Canada.

It is important to mention that in Quebec, several Indigenous protected area initiatives are underway, including the Akumunan protected area of the Conseil de la Première Nation des Innus Essipit, the Pipmuakan protected area of the Conseil des Innus de Pessamit, the Ya'nienhohndeh protected area of the Huron-Wendat Nation, as well as the protected area of the Conseil de la Nation Anishnabe du Lac Simon. These projects may be detailed in a future version of the technical sheet to continue and provide more thoughts to communities on ALPAs.

3.1 Edézhíe Protected Area - Northwest Territories

The first IPCA to be established since the launch of the Pathway to Canada's target 1, the establishment of the Edézhíe Protected Area is the result of a collaborative process between the Dehcho First Nations and the Government of Canada.

The protection of this territory is the result of a 100% Indigenous initiative, based on the desire of the Dehcho First Nations to preserve their traditional territory and cultures⁶.



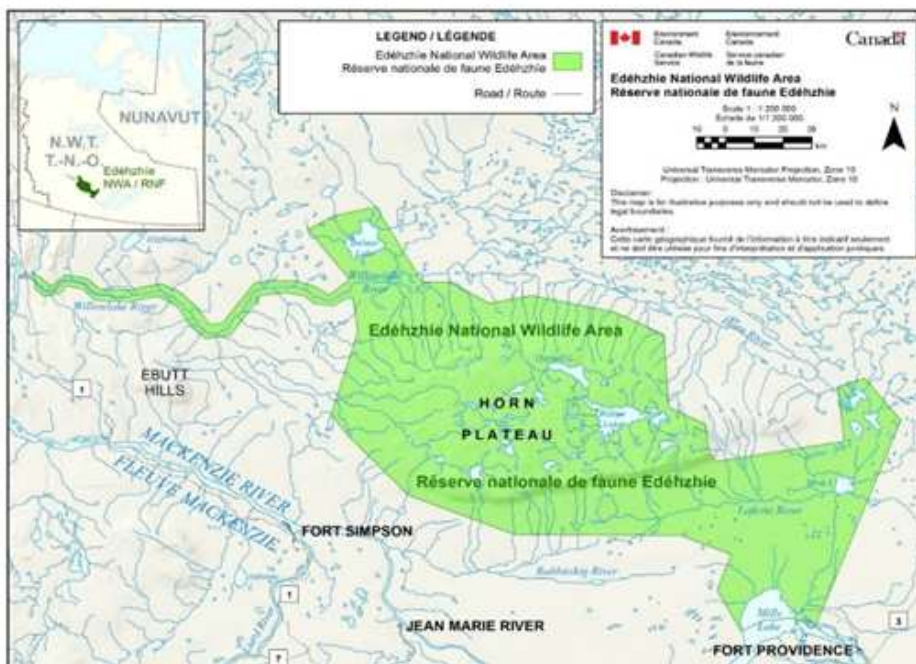
PHOTO : PREMIÈRES NATIONS DU DEHCHO

6. Comité directeur national du projet « En route vers l'objectif 1 du Canada ». (N.D.) Aires protégées et de conservation autochtones Conditions de soutien pour le succès : Leçons et expériences de différentes instances canadiennes. 42 p.

After 20 years of fighting, the protected area was created by the Dehcho First Nations in 2018 following the adoption of an Assembly resolution. This 14,000 km² area encompasses both a protected area defined by the Dehcho of Edézhzié under the Dehcho Act and a proposed National Wildlife Area under the Canada Wildlife Act⁷.

On October 11, 2018, the Grand Chief of the Dehcho First Nations and the Government of Canada signed the Edézhzié Agreement which defined the management process for the protected area. Under the Agreement, the parties assume joint responsibility for the management and operation of the protected area. To this end, an Edézhzié Management Board has been established to make management decisions on a consensus basis⁷. The Council includes four Dene communities, namely Fort Providence, Fort Simpson, Jean-Marie River and Wrigler, a representative of the Canadian government and a representative of the Dehcho territory⁸. With the Dene in a strong position, all decisions are approved by both the Dehcho First Nation and the Department of Environment.

Designated to protect Dene heritage history, cultural and spiritual values related to their territory, Edézhzié also allows for the protection of species at risk, including caribou, peregrine falcon, wood bison and wolverine.



SOURCE : ENVIRONNEMENT ET CHANGEMENT CLIMATIQUE CANADA.

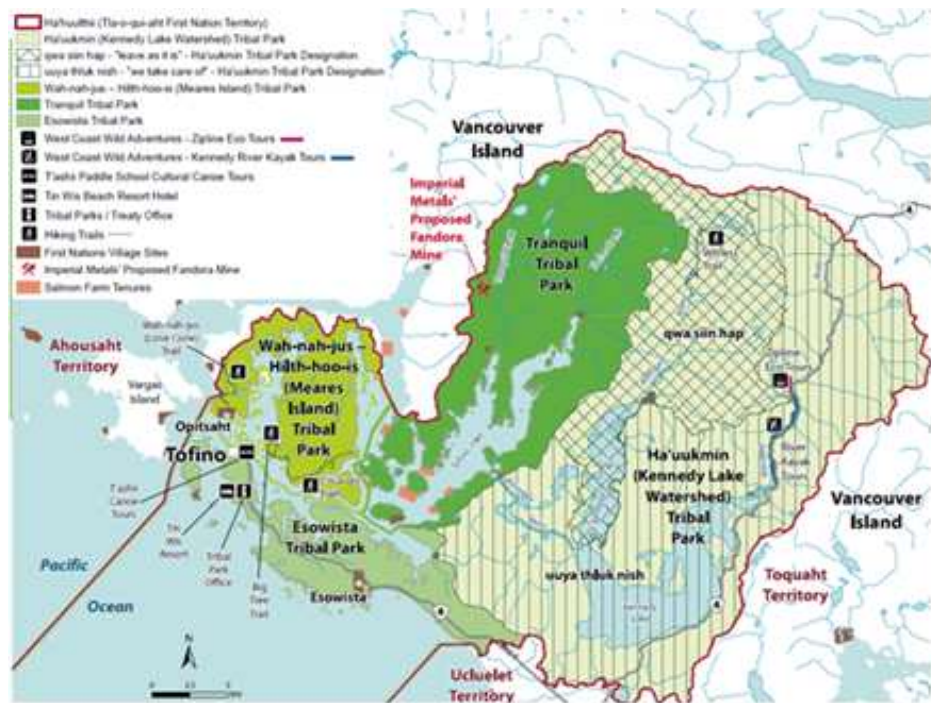
7. Government of Canada (2019). Edézhzié National Wildlife Area and Dehcho Protected Area. In Government of Canada, Government of Canada: <https://bit.ly/3JcrTCj>

8. Jung, D. (decembre 5, 2022). Récits numériques: Vingt ans pour protéger le territoire déné. Radio-Canada, <https://bit.ly/3VxnSM3>

3.2 Tla-o-qui-aht Tribal Parks - British Columbia

In 1984, the hereditary chiefs, the Ha’wiith, declared the Meares Island area on the west coast of Vancouver Island as a tribal park. It was created to address the unsustainable logging practices that were occurring on the traditional territories of the Tla-o-qui-aht First Nation. Since then, the tribal park model has expanded, and three more tribal parks have been declared by the Tla-o-qui-aht.

Through the creation of these parks, the Tla-o-qui-aht have developed an Indigenous watershed governance methodology that promotes environmental security and sustainable resource subsistence. Tla-o-qui-aht First Nation tribal park managers have developed approaches that combine traditional knowledge and western conservation science⁹.



SOURCE : TLA-O-QUI-AHT TRIBAL PARKS.

9. Murray, G., & Burrows, D. (2017). Understanding power in Indigenous protected areas: The case of the Tla-O-Qui-Aht Tribal Parks. *Human ecology*, vol. 45, no 6, pp. 763-772.

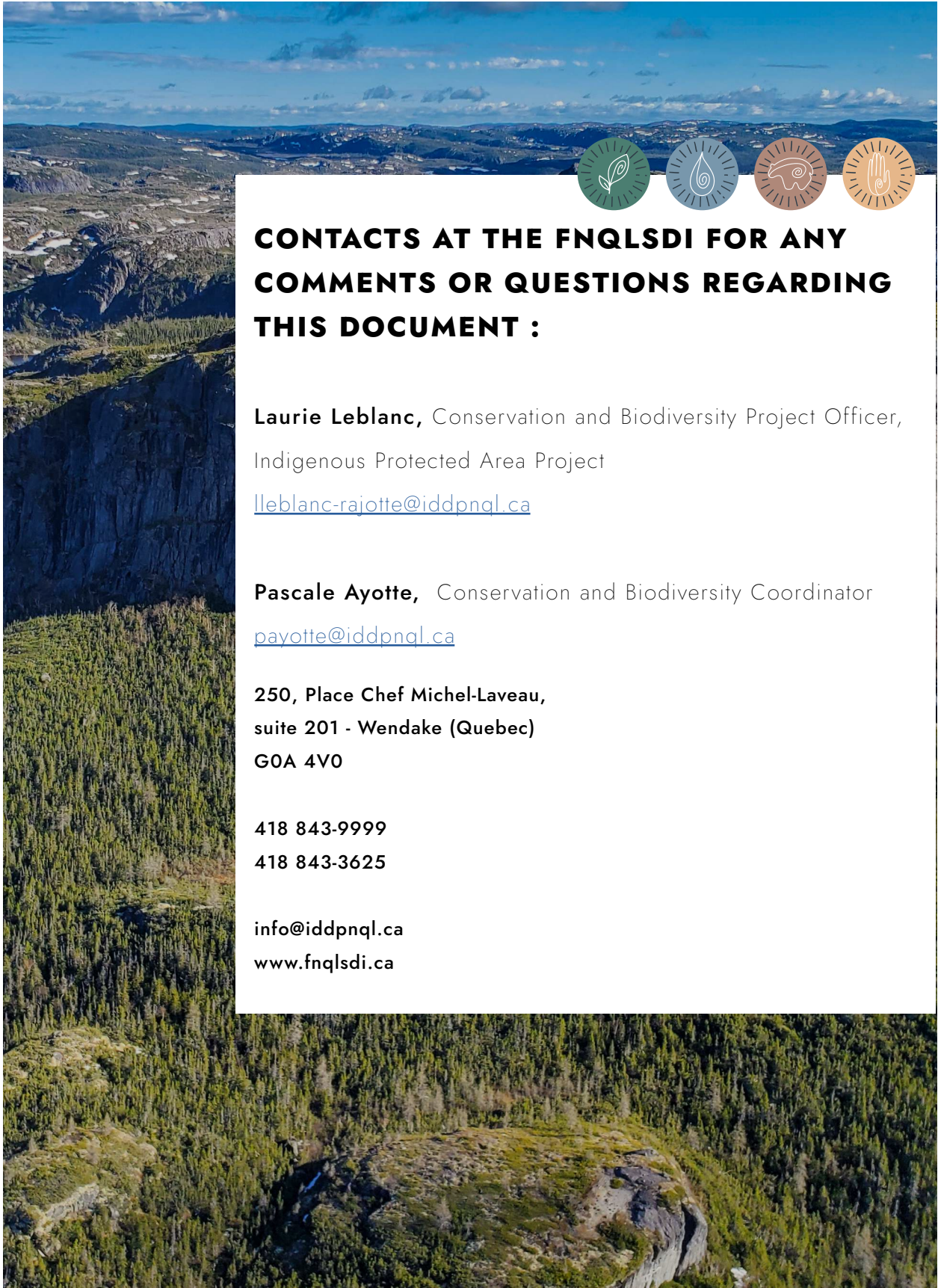
For the future, the goal is to establish a tribal park administrative organization, develop appropriate governance tools, a watershed management plan and a community development plan².

“

What is a tribal park ?

A Tribal Park is a land or watershed governance area that is developed, governed and managed by Indigenous Peoples and allows for traditional ways of life and ecologically sound commercial activities, but not industrial activities. Tribal Parks exist around the world under different names. Internationally, they are recognized as Indigenous Peoples' and Community Conserved Territories and Areas, or ICCAs².

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