

PROTECTED AREA CO-MANAGEMENT IN THE YUKON

A Thesis

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by

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ABSTRACT

PROTECTED AREA CO-MANAGEMENT IN THE YUKON

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A number of characteristics, unique to northern Canada, have together resulted in the adoption of fundamentally different processes for establishing protected areas in that region from those traditionally utilised in the south. Governmental recognition of these characteristics, in combination with the 1993 settlement of the Yukon Umbrella Final Agreement (UFA) comprehensive land claim, has led to the development of unique arrangements in the Yukon for protected area co-management by state and aboriginal interests.

This study aims to evaluate changes to Yukon protected area management strategies pursuant to the settlement of aboriginal claims and increased local community involvement. Based on primary data, recommendations are proposed in order to facilitate the overcoming of constraints to effective co-management of Yukon protected areas. Interviews were conducted with 30 key informants during fieldwork in Whitehorse and Haines Junction, Yukon, from June 9 to August 9, 1997. Nine principles necessary for the achievement of protected area co-management goals are identified, and participants' perspectives are examined and presented in terms of similarities and differences according to key and measurable attributes associated with these principles. Although the various joint management structures are still in an early stage of development, results indicate that significant progress toward the goal of protected area co-management is being achieved.

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This thesis is dedicated to my grandmothers, Jean McCurdy and Jessie Thomson:

"There's a lot to know."

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LIST OF ABBREVIATIONS

AMMP.....	Alsek Moose Management Plan
CAFN.....	Champagne and Aishihik First Nations
CEAA.....	Canadian Environmental Assessment Agency
CPAWS.....	Canadian Parks and Wilderness Society
CWS.....	Canadian Wildlife Service
DAP.....	Development Assessment Process
DIAND.....	Department of Indian Affairs and Northern Development
EPB.....	Environmental Protection Board
FNNND.....	First Nation of Nacho N'y'ak Dun
HSMBC.....	Historic Sites and Monuments Board of Canada
IWG.....	Umbrella Final Agreement Implementation Coordination Working Group
IFA.....	Inuvialuit Final Agreement
IUCN.....	International Union for the Conservation of Nature
KNP.....	Kluane National Park and Park Reserve
KNPMB.....	Kluane National Park Management Board
NHS.....	National Historic Site
NRDNWA.....	Nisutlin River Delta National Wildlife Area
NWT.....	Northwest Territories
RRC.....	Renewable Resource Council(s)
TdHFN.....	Tr'on dek Hwech'in First Nation
TEK.....	Traditional Ecological Knowledge
TTC.....	Teslin Tlingit Council
UFA.....	Umbrella Final Agreement
VGFN.....	Vuntut Gwitchin First Nation
WBNP.....	Wood Buffalo National Park
YDRR.....	Government of Yukon Department of Renewable Resources
YFWMB.....	Yukon Fish and Wildlife Management Board
YHRA.....	Government of Yukon Historic Resources Act
YPAS.....	Yukon Protected Areas Strategy
YTG.....	Yukon Territorial Government

CHAPTER 1

1.1 INTRODUCTION AND CONTEXT FOR RESEARCH

Until the mid-1970s, natural areas within Canada's northern territories were generally under represented in terms of established protected areas¹, and, specifically, unrepresented within the national park system. Although a number of protected areas have been designated in the region over the past two decades, the necessity of developing innovative approaches for ensuring the attainment of northern protected area goals has become increasingly apparent (Bregha, 1989; East, 1991; Notzke, 1995a; Sadler, 1989). This need for developing protected area management processes which are fundamentally different from those traditionally utilised in southern Canada is directly related to the overlapping relationship between comprehensive land claims of aboriginal people, protected area establishment and management approaches, and regulatory policies for the management of northern natural resources.

The Canadian government's acknowledgement in 1973 that aboriginal rights and interests in areas not addressed by previous treaties had never been extinguished - a situation particularly applicable to northern areas (Berg, et al., 1993) - led to the negotiation of comprehensive land claims (Government of Canada, 1981). The 1993 Yukon Umbrella

¹

Protected areas are created to safeguard primarily either biological diversity or cultural resources; frequently, however, their establishment results in the accruing of benefits for *both*, as articulated by Roszell (1996, 26):

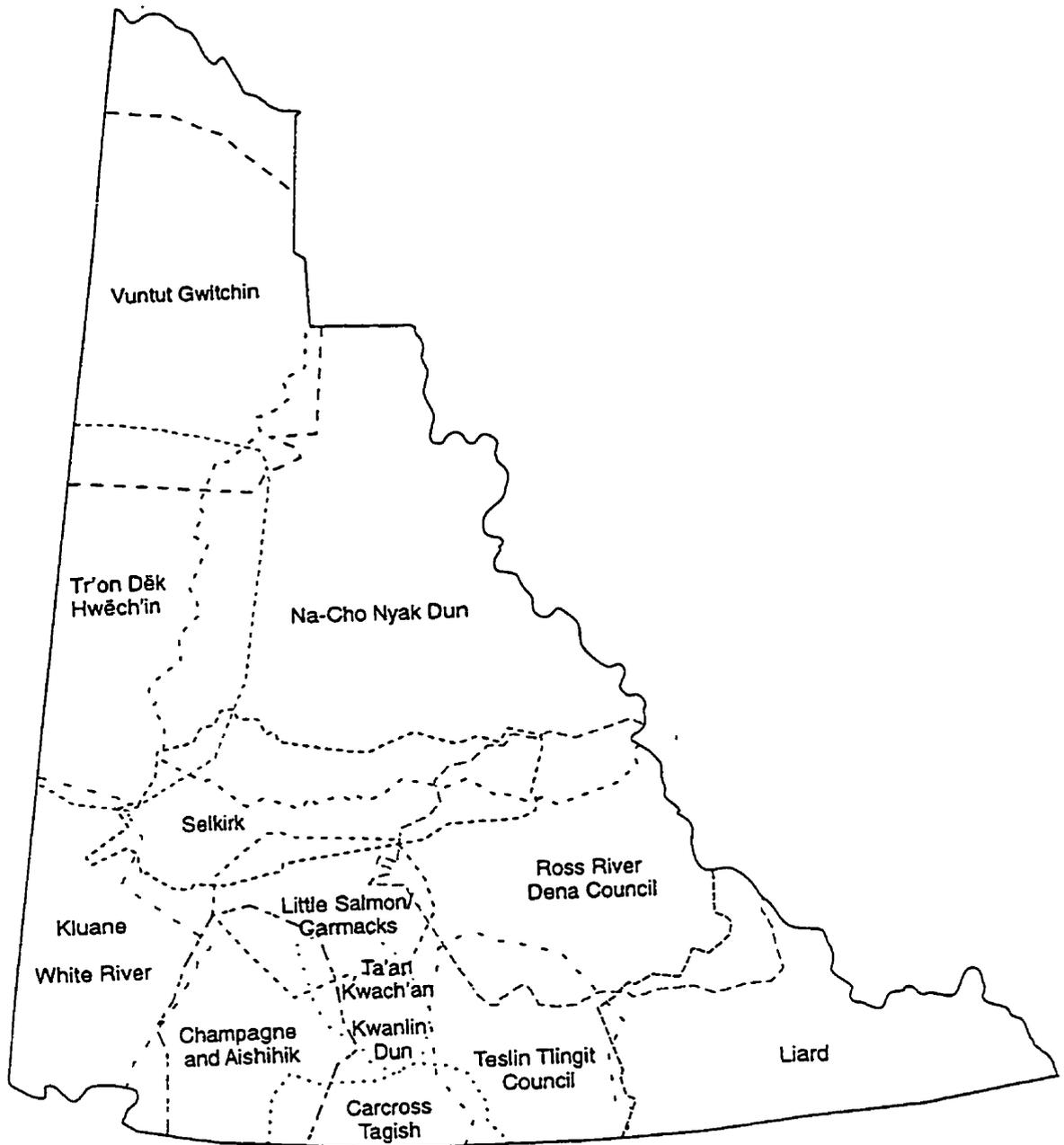
Though a distinction is often made between protected natural and cultural heritage areas, people and their environment cannot be separated. Protection and presentation of natural areas provide an opportunity to recognise the ways in which people have lived within particular environments. Likewise, protection and presentation of historic places provide insights into environmental factors that were influential in the development and history of our country and its peoples... Since many national parks contain national historic sites or other historic places within their boundaries, managers are required to be conversant with the principles of cultural as well as natural resource management.

Final Agreement (UFA) was negotiated between the federal government, the Yukon Territorial Government (YTG), and the Council of Yukon Indians. This comprehensive claim set out broad principles for each of the fourteen Yukon First Nations to negotiate their own claim settlement or “Final Agreement” with the federal government (Government of Canada, 1993d). Figure 1.1 illustrates the locations of First Nations’ Traditional Territories in the Yukon. Protected areas are addressed in UFA Chapter 10, Special Management Areas. The many conservation-oriented management boards and processes provided for by the agreement provide “a powerful set of tools to implement protection measures” (Peepre, 1997, 4).

The recognition by government of the existence of aboriginal interests led to a corresponding recognition of the need to incorporate increased aboriginal involvement in developing new northern protected area proposals and managing those areas already established. In 1979, the adoption of a new policy by Parks Canada ensured that aboriginals would be involved in the managing of any national park established concurrent with or pursuant to the settlement of land claims (Parks Canada, 1979). The Yukon Government pursues protected area designations following completion of - or as part of - Final Agreement negotiations. For example, work on a park proposal for Kusawa Lake, a major recreation area located in the southern Yukon, has been suspended until First Nations with interests in the area have ratified their agreements (Government of Canada, et al., 1997).

Because the federal government owns and controls the great majority of the northern territories’ land surface, the territorial park network is small (Bregha, 1989). However, the settlement of aboriginal land claims has proven to be effective in facilitating the establishment of protected areas in the Yukon (Bailey, 1994, Joe, 1994). Peepre (1995, 159)

Figure 1.1: First Nations' Traditional Territories in the Yukon



Source: Government of Yukon (1997a, 10).

noted that almost all Yukon protected areas have been established through aboriginal claims and predicted that land claims would remain the “main tool for protection during the next half-decade.” Table 1.1 illustrates the many different types of protected areas found within the Yukon, the governmental jurisdiction under which they fall, and the general purposes for which they are established. Locations of Yukon protected areas are shown in Figure 1.2 and listed in Table 1.2, Historic Sites in the Yukon.

Table 1.1: Types of Protected Areas Existing in the Yukon

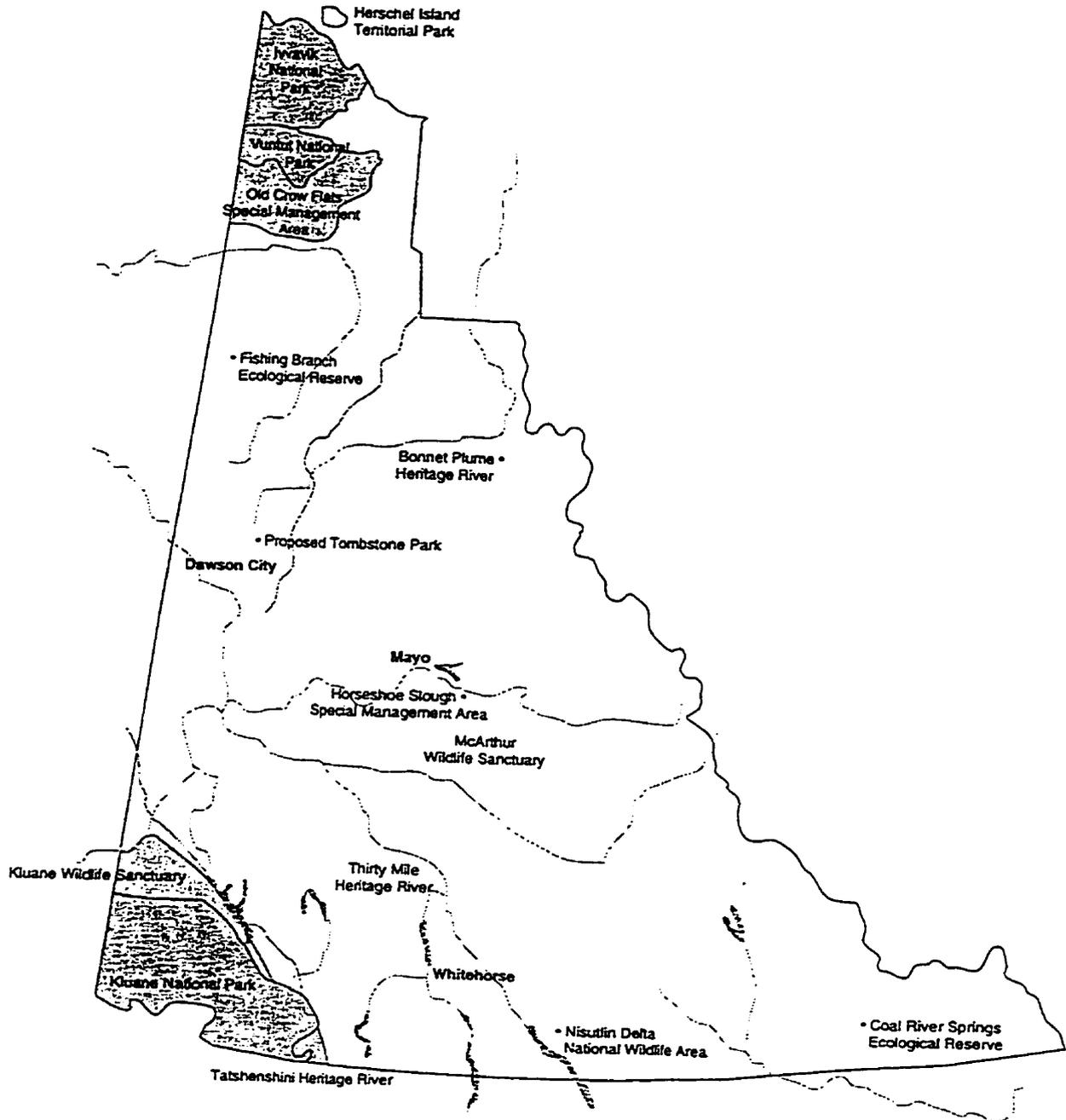
Jurisdiction	Type of Protected Area	Usual Purpose for Establishing Area	Yukon Example
federal	National Park	- representation of natural region at national level - maintenance of outstanding natural landscape - outdoor recreation	- Ivvavik - Kluane - Vuntut
federal	National Wildlife Area	- protection of nationally significant wildlife	- Nisutlin Delta
federal	Historic Site	- protection of nationally significant historic site	- Klondike, others (refer to Table 1.2)
territorial	Territorial Park	- representation of natural region at territorial level - maintenance of biodiversity	- Herschel Island - Tombstone
territorial	Ecological Reserve	- protection of unique and/or sensitive natural feature	- Coal River Springs - Fishing Branch
territorial	Heritage Site	- protection of heritage site	- Sha'wshe, others (refer to Table 1.2)
territorial	Habitat Protection Area	- protection of wildlife species - protection of habitat	- Horseshoe Slough - McArthur - Nordenskiold Wetland - Ddhaw Ghro - Lhutsaw Wetland
territorial	Designated Recreation Area	- outdoor recreation	- Robinson - Scout Lake
territorial	Heritage River	- recognition of outstanding natural, heritage and recreational values	- Bonnet Plume - Thirty Mile
territorial/ municipal	Buffer Zone/ Green Belt	- protection of sensitive feature - visual green space - buffer from development	- designated green belt areas within city of Whitehorse ²
municipal	Municipal/ Community Parks	- protection of natural or cultural features - outdoor recreation	- Whitehorse Rotary Peace Park

Source: Government of Yukon (1997a, 5).

2

A Yukon government representative commented that *"in some respects, the Kluane Wildlife Sanctuary could be considered a buffer zone for Kluane National Park, at least for protection of wildlife."*

Figure 1.2: Protected Areas in the Yukon³



Source: Government of Yukon (1997a, 4).

3

The map does not include the four most recently established protected areas in the Yukon. These are Nordenskiöld Wetland Habitat Protection Area, established under the Little Salmon/ Carmacks First Nation Final Agreement, and the three protected areas established through the Selkirk First Nation Final Agreement: Ddhaw Ghro Habitat Protection Area, Lhutsaw Wetland Habitat Protection Area, and Tatla Mun Special Management Area. Both of these Final Agreements came into effect October 2, 1997 (Government of Yukon, 1997a, 4).

Table 1.2: Historic Sites in the Yukon.⁴

Site	Year Established	Means of Identification/ Designation
Klondike (Dawson City) National Historic Site (NHS)	1959 ⁵	Historic Sites and Monuments Board of Canada (HSMBC)
SS Keno NHS	1961	HSMBC
Dredge No. 4 NHS	1967 ⁶	HSMBC
Yukon NHS (SS Klondike)	1967	HSMBC
Chilkoot Trail NHS	1987	HSMBC
Sha'wshe (Dalton Post)	1993	Champagne and Aishihik Final Agreement/ Government of Yukon Historic Resources Act (YHRA) ⁷
Lansing Post	1993	Nacho N'y'ak Dun Final Agreement/YHRA
LaPierre House	1993	Vuntut Gwitchin Final Agreement/ YHRA
Rampart House	1993	Vuntut Gwitchin Final Agreement/ YHRA
Fort Selkirk	1997	Selkirk Final Agreement/ YHRA

4

Table 1.1 includes designated historic *sites*, but not *people or events* which have been designated as being of national historic significance. For example, commemoration of the discovery of gold in the Yukon was first approved by the HSMBC in 1926; in 1959 it specifically recommended the Original Gold Discovery in 1896 (Neufeld, 1996a).

5

The HSMBC recommended in 1967 that "the commemorative undertaking at Dawson City should deal with the full extent of the Gold Rush and its impact on Canadian history" (quoted in Neufeld, 1996a, 3). Parks Canada's Yukon and Western Arctic Historian concluded that "it is clear that the initial [HSMBC] commemoration of Dawson buildings was inseparably linked to the history of the gold rush" (Neufeld, 1996a, 3).

6

The original HSMBC recommendation - that the operation of dredges in the Yukon be considered of national historic importance - occurred in 1967. Dredge No. 4 was acquired by Parks Canada in 1969, opened to the public in the late 1970s, and was recommended by the HSMBC as the centre for interpretation of the corporate period of gold extraction in the Klondike in 1987 (Neufeld, 1996b).

7

All sites identified in specific provisions of Final Agreements will be designated under the Government of Yukon Historic Resources Act. As of March, 1998 no such designations had yet occurred.

Table 1.2 (con'd)

Site	Year Established	Means of Identification/ Designation
Tr'on ju wech'in (Klondike City)	1997	Tr'on dek Hwech'in Final Agreement/ YHRA ⁸
Forty Mile, Fort Cudahy and Fort Constantine	1997	Tr'on dek Hwech'in Final Agreement/YHRA
Hootalinqua	1998	acquired by YTG Heritage Branch/ YHRA ⁹

8

Tr'on ju wech'in Heritage Site may or may not be officially designated - Schedule B of the Tr'on dek Hwech'in Final Agreement indicates that site designation may be applied for through the National Historic Sites Act, the YTG Historic Resources Act, or any other appropriate legislation.

9

Hootalinqua is one example of a historic site which has been defined by a YTG Heritage Branch "historic reserve" application; others include Dawson City Sawmill Office, Ridge Road Heritage Trail, Montague Road House, Robinson Road House, and Yukon Crossing.

Before passage of the Historic Resources Act in 1991, only one heritage site had been "designated" by the Government of Yukon - the Old Log Church in Whitehorse, by the short-lived Yukon Historic Sites and Monuments Board, established under the now obsolete Yukon Historic Sites and Monuments Act in 1978. The YTG Land Claims Heritage Coordinator commented that *"Once that Board came to realize that the period legislation only empowered them to place plaques on willing victims it wasn't long until bickering and posturing brought it to an ignominious end."*

The Land Claims Heritage Coordinator further explained the process through which the Yukon's historic sites obtained official protection:

The [YTG] Heritage Branch has been accumulating properties through land transfers from the Crown to the Commissioner of the Yukon for historic site purposes. These "historic reserves" now number over 30. Soon after the Branch began applying for these reserves in the '60s and early '70s many of the applications were "frozen" due to land claims. As claims become settled the ownership of these is resolved. The current slate of sites listed to be designated [by the YHRA; Table 1.1] is an example...

[One] situation is Hootalinqua, where the Heritage Branch reserve application has been approved because Little Salmon/Carmacks and Ta'an Kwach'an First Nations have completed their land claim negotiations and did not select the property [YTG Heritage Branch is] most interested in - the historic buildings - and Kwanlin Dun First Nation did not object during the application review. [A second example], Yukon Crossing, is not mentioned in the Little Salmon/Carmacks agreement. It was dealt with as a "pre-implementation" item. These are details that have to be sorted out before the effective date of an agreement. In this case I believe that the First Nation was amenable to excluding the land as long as it did not fall into the hands of someone not respecting it as a historic site. To ensure this it had to be reserved as such. There are often many such details to clean up with regard to land tenure.

Therefore, as expressions of interest are becoming more precisely defined we gain more certainty.

In 1997, a process for developing a Yukon Protected Areas Strategy (YPAS) was initiated by the YTG in order to identify, select, and designate a network of protected areas in the territory (Government of Yukon, 1997a). While discussing existing commitments to Yukon protected areas at the 1997 YPAS Workshop, a representative of the Government of Yukon Department of Renewable Resources (YDRR) stated that “the most binding commitments are found in the Land Claims [-] First Nation Final Agreements” (Government of Yukon, 1997b, 13).¹⁰

Regulatory policies for the management of northern resources are the third contributing factor to the development of unique northern processes for protected area establishment and management. In the Yukon, national park policy revisions and negotiation of the UFA resulted in the guaranteed establishment of “co-management” structures for all protected areas. Although there is no widely accepted definition of co-management (Berkes, et al., 1991) the concept generally refers to a sharing of responsibility and authority between government and local resource users (Feit, 1988); as such, co-management initiatives represent a “significant departure from traditional top-down bureaucratic resource management” (Witty, 1994, 23).

The above summary outlines the significant decisions, agreements, and concepts which have shaped the context in which the research occurred. The following section will

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The YTG Land Claims Heritage Implementation Coordinator (Heritage Branch, Department of Tourism) succinctly explained the connection between designation of heritage sites, development of the Yukon Protected Areas Strategy, and settlement of aboriginal claims:

The [YTG] Heritage Branch views the designation and protection of heritage sites as a process being carried out separately, but complementary to the Protected Areas Strategy. Land claims agreements will generally determine the identification of sites within Traditional Territories that will be designated for protection under the Historic Resources Act (and in fact most other protected areas also).

provide additional background and a specific rationale for the research problem.

1.2 Rationale for Research Problem

Protected area co-management strategies in the Yukon will be implemented through - and are embodied in - provisions outlined in the UFA and pursuant Final Agreements, in management plans and strategies for protected areas in the Yukon (Canadian Wildlife Service and Teslin Renewable Resources Council, 1997; Government of Yukon, 1997a), and in both the Parks Canada Guiding Principles and Operational Policies (Parks Canada, 1994) and management plans for specific national parks. For example, New Parks North newsletter identifies areas of involvement for the Kluane National Park Management Board (KNPMB) as including park planning and management, traditional gathering and harvesting rights, and economic and employment opportunities (Government of Canada, et al., 1995). Although the basic responsibilities and requirements for involvement are outlined in the agreements, no clear indication exists as to either *how* this involvement will be accomplished, or whether progress thus far has been viewed as satisfactory by the affected government managers, communities, and First Nations. It is possible that recently adopted strategies for co-management are viewed by all interests as having led to positive results. Also possible is that strategies viewed as having been successful by government managers may be interpreted very differently by the affected communities and First Nations, or vice versa.

1.3 Purpose and Objectives of Research

The purpose of this research is to evaluate changes to protected area management strategies in the Yukon pursuant to the settlement of aboriginal claims and increased local community involvement. There are four specific objectives:

- 1) To describe the major philosophies and provisions of northern protected area management, land claims, and resource co-management, before and after signing of the Umbrella Final Agreement in 1993;
- 2) To determine the provisions of the Umbrella Final Agreement which relate specifically to protected area management;
- 3) To develop a normative model for assessing protected area co-management strategies;
- 4) To apply this model to determine the impact and effectiveness of local community and First Nations involvement on protected area management in the Yukon.

1.4 Research Approach

The overall methodology of this research is grounded in a qualitative analytical framework. This framework will be utilised in evaluating primary research data acquired from key informants.

Objectives one, two, and three were achieved through a review of both the UFA and published and unpublished materials pertaining to protected area management, aboriginal land claims, and resource co-management. The first three objectives all contributed to the fourth objective: to apply the normative model to determine the impact and effectiveness of local community and First Nation involvement on protected area management in the Yukon. Interviews with key informants from the federal government, the Yukon Territorial Government, First Nations' governments, and advisory boards involved in resource co-management formed the initial basis of data analysis for objective four. Thirty key informants were each asked questions pertaining to the impact of the UFA on protected area

management.

1.5 Structure of Thesis

This thesis is organised into five chapters, each of which targets specific study objectives. Chapter 2 summarises knowledge from the literature on northern protected area management, aboriginal land claims, and resource co-management. Background on the UFA is provided, along with a review of provisions within the agreement which pertain specifically to protected areas. A normative model for protected area co-management is also presented. Chapter 3 introduces the study site and describes the research design and methodology. A description and evaluation of interview responses is presented in Chapter 4, organized around nine principles and twenty-four attributes of the normative model for protected area co-management. Chapter 5 contains a synopsis of the data results, an evaluation of the normative model, and recommendations for future research.

CHAPTER 2

2.1 BACKGROUND TO NORTHERN PROTECTED AREA CO-MANAGEMENT

Of the four distinct research traditions of geography - spatial relationships, area studies, earth science, and “man-land”, or human-environment - this research is concerned with the latter, which “centres on resource use and conservation” (Pattison, 1964, 215). The human-environment tradition, now more commonly known as resource management, investigates the allocation of resources over space and time according to human needs, aspirations, and desires, and within both political and social institutions and legal and administrative arrangements (O’Riordon, 1971). Resource management was defined by Mitchell (1979, 3) as representing “the actual decisions concerning policy or practice regarding how resources are allocated and under what conditions or arrangements resources may be developed.”

Over the past three decades, resource management has evolved from being a “purely technical exercise” to one which has incorporated more pluralistic, comprehensive and integrative approaches (Smith, 1993, 98). This broadening of approach has resulted in greater attention being accorded to the *process* of resource management by agencies, managers and the public. Smith (1993) identified institutional arrangements for management and interest representation as being key variables affecting this process. Both are inextricably tied to the sharing of responsibility and authority which is fundamental to the concept of co-management. Institutional arrangements provide the structure for resource management; such arrangements can be modified according to the context within which management occurs, the legitimation of management authority and responsibilities, the management functions assigned, the processes utilised, and the culture and attitudes of

participants. Interest representation is concerned with ensuring that all relevant stakeholders have input into decision making which affect them (Smith, 1993, 99).

This research is set within a context of previous policies, decisions, and initiatives concerning northern park and resource management and First Nations' land claims. The state of knowledge in the subject area will be summarised through a review of relevant literature found within three broad categories: northern park and protected area management, land claims and First Nation empowerment, and resource co-management. Protected areas are defined by The International Union for the Conservation of Nature (IUCN) as "an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources and managed through legal or other effective means" (Government of Yukon, 1997a, 4); the Yukon government states simply that protected areas "are special places which are established and designated for the protection of important cultural or natural values" (Government of Yukon, 1997a, 4).¹

2.2 Northern Park and Protected Area Management

2.2.1 Difficulties Associated With Traditional Methods of Establishing and Managing Protected Areas

The keynote address of the 1962 World Conference on National Parks was entitled "Nature Islands for the World" (Udall, 1962). The intervening years have seen the emergence of a clear recognition that protected areas are not "conservation islands" to be considered in isolation from surrounding land uses. There is now strong acknowledgement

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Turner, et al. (1992, 117) cautioned that "because groups and agencies want to secure areas for quite varied reasons, the term 'protected area' is widely interpreted."

that such areas make up an important component of a regional mosaic, and that linkages and relationships between them and adjacent areas must be explicitly considered - through regional integration and ecosystem approaches - in order to guarantee long-term protection (Garratt, 1984; Kutay, 1991; Danby, 1997; Thompson, 1997). The 1962 conference title accurately reflected the traditional and romantic view of protected areas (particularly national parks) and wilderness² as areas set apart, not only without human residents, but with, ideally, only minimal human usage- a flawed interpretation based originally on the American Yellowstone model for national parks. This isolationist model strove to create parks without permanent habitation or extractive use, as public wilderness preserves (Kemf, 1993; Pimbert and Pretty, 1995; Young, 1995) providing recreation for the "urbanized and affluent" (Edwards, 1989, 24).³ As pointed out by Lucas (1992, 4), the adoption of such a narrow interpretation of what qualifies as a national park means that the concept's "application is inevitably limited."⁴

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As National Chief of the Assembly of First Nations, Georges Erasmus (1989, 97) speculated that "there is probably no native language anywhere in the world that contains the term 'wilderness'... to the native person it is an extension of his or her world and culture."

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The first Canadian national park, created at Banff, Alberta in 1885, "centred on the attractions of bathing in hot springs"; the original purpose of wilderness parks in Canada was "to generate tourist revenue by catering to the romantic and rich, most of them American and European, [parks] were not established out of concern for wilderness preservation, although that cause eventually became a worthy end in itself" (Edwards, 1989, 25).

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The national parks of Great Britain are a notable exception. Because these protected areas are products of long traditions of overlapping prior usage, access, transit, and ownership rights, an emphasis on landscape conservation rather than wilderness preservation has emerged. Such an emphasis both respects long-established systems of land tenures and recognises explicitly that landscapes are created jointly by natural growth and human cultivation. As a result, the management of British national parks formally involves local government bodies; it also includes special mechanisms to ensure that local residents retain a direct influence over decision-making (Harmon, 1991).

This is particularly true in an area such as the Canadian north. There, traditional indigenous cultures, despite inhabiting vast territories, retain a highly localized sense of "geopiety": a complex social, emotional, and physical attachment to place (Tuan, 1976). Harmon (1987, 153) described geopiety as meaning basically that "one place is not as good as another when it comes to 'home'"; similarly, Duerden and Kuhn (1998, 34) stated that indigenous knowledge of land "constitutes intense, highly functional local geographies." For aboriginal cultures, land has both value - for sustenance and economic support - and meaning, as a source of spirituality and cultural knowledge (Reed, 1990; Wolfe, 1994). The consequence of this relationship is that "First Nations approach resource-sharing with a high degree of cultural and social commitment" (Witty, 1994, 22). Young (1995, 56) viewed land as being the "prime resource" for aboriginal people for cultural, economic, and political reasons; she further stated:

the interdependence of the aboriginal human-land relationship is so strong that breaking one part destroys the other. Thus when aboriginal people were turned off their land they lost many elements of their culture (Young, 1995, 45).

In the establishment of protected areas, considerable negative effects upon aboriginal peoples and cultures have resulted from the imposing of traditional conservationist beliefs, or a "culturally-bound vision of natural resource management", without taking into account the different priorities and perceptions of those affected (Colchester, 1994, i). Among these effects are forced relocation, impoverishment, cultural destruction, and the replacement or collapse of traditional systems of resource management (Colchester, 1994; Gomez-Pompa and Kaus, 1992).

Secondly, and perhaps even more significantly, northern First Nations remain highly

dependent upon renewable natural resources in general, and particularly upon subsistence harvesting of wildlife. As National Chief of the Assembly of First Nations, Georges Erasmus (1989, 93) succinctly stated “without renewable resources to harvest, we lose both our livelihood and our way of life.” Sustainable land use practices, including rules for the eliciting of “behaviour conducive to rational and effective resource conservation and use” (Pimbert and Pretty, 1995, 8), are thus to the distinct benefit of local people. The practical relevance of the above to national parks and protected areas is twofold: traditional aboriginal owners desire both to continue inhabiting lands newly designated as “protected”, and to be able to continue subsistence harvesting of resources on those lands (Young, 1995). In the northern Canadian context, an early Parks Canada guideline to joint management regimes indicated that “not only are [northern aboriginal people] interested in continuing their traditional activities but they also want to make sure they have control over the carrying out of those activities” (Downie, 1980, 59).

However, until quite recently the preservation of northern natural areas was accomplished by placing the land in question under federal government control and “banning human residency and resource extraction within” (Harmon, 1987, 148). For example, in the Yukon, hunting and trapping were banned when Kluane became a Game Sanctuary in 1943, thereby causing local Natives “considerable hardship” (Coates, 1991, 185).⁵ The decision was made without consultation with the aboriginal peoples whose traditional subsistence lifestyle had, for generations, depended upon harvesting the resources of the area

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Access to resources has been a “central concern” of Yukon aboriginal people “since the days of the Klondike Gold Rush”. However, “until the middle of this century, there were comparatively few challenges to [Yukon] Native harvesting rights, although there were periods and instances of intense competition for comparatively limited resources” (Coates, 1991, 174).

(McCandless, 1985; Slocombe, 1992; Wright, 1994).

The origins of Kluane National Park and Park Reserve (KNP) are far from unique. Worldwide, the reality is that national parks and protected areas in general have often been created on the traditional territories of aboriginal peoples.⁶ Establishment of such areas has frequently occurred without input from those most affected; on many occasions it led to both usage of and residency within the newly protected regions being denied to those who had resided there for generations (Adams and McShane, 1992; Calhoun, 1991; Dasmann, 1976, 1984; Erasmus, 1989; Harmon, 1987; Nelson, 1978). A 1997 worldwide report by the IUCN's Inter-Commission Task Force on Indigenous Peoples reached the following conclusion:

Even in the field of conservation management, there is still a tendency to ignore or give low priority to the rights of Indigenous Peoples. Paternalistic, top-down governance, displacement of Indigenous Peoples from national parks and other protected areas, and economic valuation and exploitation of indigenous resources and knowledge are still common (IUCN, 1997, 64).

Ignoring of aboriginal rights and needs by traditional conservationist policies has had detrimental results, both for aboriginal societies and in terms of meeting protected area mandates. In general, aboriginal people desire access to parks for social, economic and spiritual purposes; the primary interests of government agencies in protected areas are conservation and tourism (Walsh, 1992). However, the displacement of aboriginal people from traditional territories serves to restrict access to the renewable resource harvesting which

⁶ Australian aborigine Tony Tjamiwa used the following analogy: Aboriginal land that is just a national park is like a table with one leg or like a bird. It's not very stable. Shove it and it will fall over. Just one leg is not enough for Aboriginal land. It has to have the other legs there: the leg that Aboriginal Law and ownership provides; that Aboriginal involvement in running the park provides; that an Aboriginal majority on the board of management provides (Tjamiwa, 1992, 9).

is integral to their social and economic systems, leading to loss of cultural identity (Dasmann, 1976; Tungavik Federation of Nunavut, 1985). By extension, a lack of local support for, or even compliance with, the management regulations of a protected area may result in its effectiveness and viability as a conservation instrument being jeopardized (Berg, 1990; Bishop, et al., 1995; Notzke, 1994).

It is therefore little wonder that until very recently northern aboriginal people viewed the establishment of protected areas with both suspicion - as institutions which had been "paternalistically devolved and implemented" (Clad, 1984, 68) - and fear - from their perspective, government designations to protect land and resources have, time and again, "become impediments to their livelihood, particularly by restricting access to wildlife" (Bregha, 1989, 216). Thus, a proposal for a national park on the East Arm of Great Slave Lake, Northwest Territories (NWT) was viewed by Dene Nation elder Zepp Cassaway as follows:

This land has not changed. It continues the same. The animals, birds and fish have been put on the land and it is still that way. We are careful in the way we treat the land. We look after the land.

I live on the land. It provides for my needs. I do not want to give away my land. Many people don't want to have a park. They don't want to talk about it (quoted in Griffith, 1987, 30).

The overall objective of Canada's national parks policy is to protect significant natural areas which are representative of the thirty-nine terrestrial natural regions throughout the country (Parks Canada, 1994). Until 1976, natural regions of the Canadian northern territories were unrepresented within the national park system. Eight national parks and national park reserves have been designated in the territories over the past two decades, including three - Ivvavik, Kluane, and Vuntut - within the Yukon Territory (Figure 1.2). However, the

continued existence of northern natural regions which are unrepresented within the national parks system illustrates a persistent need to develop innovative approaches for establishing protected areas in the north. Additionally, a number of other characteristics, unique to northern regions, serve to reinforce the necessity of viewing northern protected area establishment as a fundamentally different process from that which has traditionally been utilised in southern Canada.⁷ Notzke (1995a, 49) summarized this need to develop an "innovative approach" for northern parks (including, potentially, arrangements for co-management of park resources) as extending from three realities:

- 1) the incompatibility of the traditional national park concept with northern aboriginal people's desire for input into decisions concerning their traditional territory and its resources;
- 2) the difficulties inherent in creating new national parks in areas with outstanding aboriginal comprehensive claims; and
- 3) the importance to northern aboriginal economies of maintaining access to renewable resources.

Equally significant, and with application to protected area management worldwide, has been the recognition that all such areas are components of larger systems; as such, they possess ecological, economic, and cultural connections with their surrounding areas (Zube, 1995). The majority of threats to protected area sustainability originate outside area

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The process of northern conservation was described by Bregha (1989, 216) as "truly complex, highly politicized, frustratingly slow, and decidedly non-linear." He then highlighted two critical factors for consideration in developing northern protected area strategies:

- 1) protected areas in the north play a different role than that performed by those in southern Canada; and
- 2) the need to accommodate the interests of "many legitimate stakeholders in northern conservation" (Bregha, 1989, 216), including territorial governments, federal departments, aboriginal organisations, local communities, resource industries, and conservation groups.

boundaries (Davey, 1997; Dearden, 1995; Lucas, 1992; National Parks and Conservation Association, 1979; Newmark, 1985), often due to the “insufficiency of park areas as self-contained biological units” (Freemuth, 1991, 15). Davey (1997, 5) concluded that “unless the [protected area] system is explicitly set within an appropriate environmental, social, political and economic context it is unlikely it will be effective.”

Primacy is being accorded to ecological principles in protected area policy formulation. For example, Parks Canada has adopted "protecting ecological integrity" as a guiding principle which will "take precedence... in every application of policy" (Parks Canada, 1994, 16). Such measures correspond with general agreement in the literature that maintenance of ecosystem integrity should “take precedence over any other management goal” (Grumbine, 1994, 27).⁸ This convergence, in combination with the federal recognition of unextinguished aboriginal rights, has led to significant revisions in legal procedures for establishing northern national parks. Thus, discussion has progressed from a debate between either maintaining site biodiversity or supporting local people (aboriginal or otherwise), to the question of how, through the conserving of entire ecosystems, “biodiversity can be optimally maintained *while fulfilling the needs of the local people*” (Gurung, 1995, 225, emphasis added). Ledec and Goodland (1988) concluded, for example, that meaningful local

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Parks Canada defines ecological integrity as “a condition where the structure and function of an ecosystem are unimpaired by human activity and are likely to persist” (Roszell, 1996, 26). Referring specifically to ecological integrity of protected areas, Woodley (1993, 157) stated:

It implies that ecosystem structures and functions are unimpaired by human-caused stresses and that native species are present at viable population levels... Parks and protected areas are part of larger ecosystems and determinations of integrity in parks and protected areas must consider these larger ecosystems.

Additionally, it should be recognised that ecosystem boundaries “are not fixed entities”: for park managers, flows of energy, nutrients and species, as well as the scale of an issue, are factors “more important than precise boundaries” (Woodley, 1996, 51).

involvement in protected area decision-making and management could both prevent conflicts and increase economic benefit flows to local communities. Conversely, failure to consider the needs of those who will experience the greatest impacts resulting from establishment of a protected area - particularly through “early, open and continuing consultation with local people” (McComb, 1997, 29) - has resulted in both failed park proposals (Bregha, 1989; Griffith, 1987; Olsen and O’Donnell, 1994) and parks with operational difficulties.

2.2.2 Changes in Methods of Establishing Northern National Parks

In terms of management of national park resources in Canada, state acknowledgment of the importance of access to renewable resource harvesting for aboriginal subsistence-based cultures dates back to the creation of Wood Buffalo National Park (WBNP) in 1949. When the park was established, special regulations were implemented to allow for a continuation of hunting, trapping, and fishing by not only the local aboriginal population, but all local residents who had historically harvested wildlife within the area (Morgan, 1993). These regulations superseded the general National Parks Game Regulations of the era.⁹

Bregha (1989, 218) contended that all northern protected areas established prior to 1980 were protected “by federal fiat.” However, governmental recognition in 1973 of the continued existence of many aboriginal interests corresponded with the first significant

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A number of difficulties were associated with the hunting regulations for Natives within Wood Buffalo National Park. Foremost among these was the fact that the rules were established without local consultation and inconsistently enforced, thereby fostering a “climate of distrust and cynicism”, according to a former WBNP Superintendent (East, 1986,87). Knowledge of this “historical baggage” (Notzke, 1994, 248) helps in explaining why the 1985 resource co-management agreement between the Fort Chipewyan Cree and Parks Canada was described by Cree Chief Archie Waquan as “the starting point from which we and the Park can mutually explore, develop, implement and evaluate policies and programs which affect us all” (Waquan, 1986, 84). Despite this agreement, an unusually large number of stakeholders - including at least seven Native organizations and various hunting and trapping associations - have interests concerning WBNP. Notzke (1994, 247) cautioned that “it would be a mistake to assume that all these groups and organizations share common goals and aspirations just because they are native”.

changes in provisions for designating future national parks. These changes were a recognition that, in the Canadian north, the traditional national park concept "co-exists uneasily with the new economic and social realities" (Sadler, 1989, 190). Regulatory changes also support the contention that a guarantee of self-determination for those aboriginal peoples directly dependant upon local natural resources is a necessary prerequisite for further conservation advances (Nietschmann, 1994).

Beginning with the 1974 amendments to the National Parks Act, areas identified as being desirable national park locations within the Yukon and NWT were designated as "national park reserves" pending settlement of Native claims to the area. Designation as such allows for the continuation of aboriginal peoples' traditional subsistence activities. The land in question is withdrawn from consideration for development and managed under the National Parks Act and Regulations as though it were a full national park, yet the area remains subject to land disposals associated with future claim settlements (Downie, 1980, Parks Canada, 1994).¹⁰ Status as full "national parks" may be achieved only after negotiation of a claims agreement. This has proven to be a lengthy process, often extending over many years (McComb, 1997). For example, lands were withdrawn for the proposed Auyuittuq, Nahanni, and Kluane national parks in 1972; all three were established as national park reserves in 1976. To date, only *part of* Kluane has attained full national park status - in 1995, with the

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A 1987 Canadian Parks Service Discussion Paper identified three "key events" which "set the stage" for the continuation of "certain traditional subsistence resource use activities in new national parks":

- 1) a 1972 statement by the Minister that the traditional rights of aboriginal people would be respected in establishing new national parks within the territories;
- 2) the 1973 agreement between Canada and Newfoundland for establishing Gros Morne National Park, which provided for the continuation of tree cutting for domestic use by local people; and
- 3) the 1978 agreement between Canada and Ontario for establishing Pukaskwa National Park, which delegated responsibility to Canada for negotiating local aboriginal treaty rights to hunt and fish for domestic use on park lands (Hughson, 1987, 9).

legal proclamation of the Yukon First Nations Land Claims Settlement Act, which implemented the 1993 CAFN Final Agreement (Government of Canada, et al., 1995). Nahanni remains a national park reserve, pending settlement of aboriginal claims, while Auyuittuq will become a national park as a result of the 1992 claim agreement through which Nunavut will be established (Morrison, 1993).

Despite the lag time, all concerned parties clearly benefit as a result of the park reserve concept. Withdrawing land from developmental pressures provides both interim protection and the needed time period for negotiation; Morgan and Henry (1996, 26) concluded that "through this process, the park establishment provisions become an integral part of the overall land claim." Fenge (1993) and MacLachlan (1994) both viewed the inclusion of co-management provisions for national parks within settlement regions as an effective mechanism in allowing indigenous people to extend their influence and safeguard territory. For example, land designated for parks - on which aboriginal people retain harvesting rights - in the Nunavut settlement was removed from the claim and Inuit settlement land negotiated from the remainder (Fenge, 1993). The result - both conservation for the park and the maintenance of its value to traditional residents of the area - is an attempt "to recognise the interests of two cultures within the constraints imposed by the goal of ecosystem preservation" (Craig, 1992, 140).

This chapter will now proceed to an historical examination of the settlement of First Nations' land claims in Canada. Sadler (1989, 193) described the link between (or "central goal" of both) creation of northern protected areas and settlement of northern land claims as being the preservation of wilderness. However, as illustrated above, Parks Canada and northern First Nations have until recently held sharply diverging views on the role which

people should play within protected areas: should it be strictly as visitors, or should humans remain as an integral component of the natural environment? Does wilderness imply unmodified and remote natural terrain, or should parks be concerned instead with preserving "wilderness as home" (Peepre, 1994, 7)?

2.3 Land Claims and First Nation Empowerment

The current involvement of First Nations in national park management extends from the 1973 acknowledgment by the federal government of Canada that many aboriginal rights and interests have never been extinguished. This recognition of aboriginal rights, based on traditional use and occupancy, is leading to negotiation and settlement of comprehensive land claims in areas which had not been dealt with by previous treaties or specific legislation (Government of Canada, 1981).¹¹ Fundamentally, however, First Nations object to their categorisation as claimants:

The First Nations of Canada do not view their rights in terms of 'claims'. We more properly view the claims process as one of the few mechanisms available for implementing our constitutionally protected rights (Assembly of First Nations, 1991, 244).

The legal right of aboriginal groups to participate in resource management decisions was established by the 1975 James Bay Agreement (Berkes, 1994). Today, the creation of public institutions which guarantee local resource user involvement in resource management

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Georges Erasmus, former National Chief of the Assembly of First Nations, stated that "the whole matter of environmental preservation or conservation of lands and waters in several areas of Canada is bound up with the thorny issues of treaty rights, aboriginal title, and land claims" (Erasmus, 1989, 93).

decisions is “a major thrust” of indigenous rights settlements (IUCN, 1997, 130).¹² Young (1995, 56) viewed aboriginal land rights agreements in Canada as reflecting both “the change from assimilationist to self-determination development policies”, and the growing conflicts over use of natural resources.

Canada's First Nations have maintained that their aboriginal title provides three classes of rights: the right to govern and control land and resources; the rights to cultural survival and self-determination, "which flow from common identity, language, culture, and values"; and the right of a people to be exempt from laws of another jurisdiction to which they have not agreed (Ahenakew, 1985, 25). Aboriginal title, or the existence of indigenous peoples' territorial rights, was recognised in the Royal Proclamation of 1763, which also established legal procedures for the giving up of those rights. Subsequently, a series of treaties was signed in which many rights were extinguished. However, most of British Columbia, Quebec, the Atlantic provinces, and the northern territories were never covered by treaties (Berg, et al., 1993). This situation led to acknowledgement by the government of Canada, through the 1973 Nisga'a (Calder) legal ruling of the Supreme Court of Canada, that aboriginal "interests" were never extinguished in areas lacking unambiguous treaties or specific legislation (Government of Canada, 1981). The decision was a recognition of the existence of aboriginal title as a legal right extending from the pre-colonial occupation and possession of territory by

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Nesbitt (1997) summarised the impacts upon resource co-management which result from comprehensive land claim agreements as follows: a clarification of First Nation peoples' rights (provisions outlining how the parties will share management decision-making); the assigning of responsibilities to co-management boards and First Nation organisations; the ensuring of resource conservation (including processes for harvest allocation); the advancement of knowledge of resources, through integration of scientific information with traditional ecological knowledge; and provisions for protection of habitat and the public's interest in wildlife management.

aboriginal peoples (Berg, et al., 1993).

Canada's northern First Nations have pursued comprehensive claims as their primary method of obtaining security of tenure and control over traditional territories.¹³ When addressed in concert, territorial, economic, and political control imply self-determination, a condition which (at least theoretically) ensures that rights and identity are not threatened (Knight, 1988). Comprehensive claims - "based on the concept of continuing aboriginal rights and title which have not been dealt with by treaty or other legal means" - are meant to conclude agreements outlining clear definitions of aboriginal peoples' special rights to lands and resources (Government of Canada, 1993c, i). Claim agreements thus far have defined these rights to include full ownership of lands; preferential or exclusive wildlife harvesting rights; participation in land, wildlife, and renewable resource management within the settlement area; financial compensation for loss of land and past damages; resource revenue-sharing; and economic development measures (Bailey, 1994; Government of Canada, 1993c; Wolfe, 1994). In summary, claims agreements ensure that traditional aboriginal lands "are formally identified as a settlement region, or territory" (MacLachlan, 1994, 21); they recognize both that a First Nation's identity is inextricably tied to the lands which it has traditionally and continually inhabited, and the desire which that group has expressed to have its rights and title to those lands legally formalised.

The Federal Policy for the Settlement of Native Claims states that the primary purpose of comprehensive claims agreements is to "resolve the legal ambiguities associated with the

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The usage of terminology such as "comprehensive" or "native claims" - rather than simply "land claims" - is deliberate; it implies that settlement of territory is only one part of the broader social contract to be negotiated between aboriginal people and the Canadian government (Dacks, 1985).

common law concept of aboriginal rights and title" (Government of Canada, 1993c, i). Reed (1990) broadly interpreted the rationale for the claims' resolution process as being the translation of the concept of aboriginal interest into concrete and lasting benefits in contemporary society. Increasingly, legal clarity and political agreement between the federal government and northern First Nations on the status of lands and resources is becoming critical.

The relevance of comprehensive claims to northern protected areas may be viewed from at least two broad perspectives: firstly, in terms of guaranteeing aboriginal participation in northern resource development and land management, and, secondly, in ensuring that federal goals for conservation are met. Furthermore, the affected First Nations have firmly stated that their claims must be settled "either before or as part of any process of institutional development in the North" (Dacks, 1985, 251). "Institutional development" clearly includes the creation of national parks and other protected areas.

The importance of the claim process to Yukon protected area establishment was first demonstrated in 1984 when Northern Yukon National Park (later renamed Ivvavik) and Herschel Island Territorial Park (Figure 1.2) were established as part of the Inuvialuit Final Agreement (Bregha, 1989). In becoming the first northern national park to be established with full aboriginal involvement and as part of a comprehensive claims agreement, Northern Yukon signified "a new era in renewable resource management in Canada" (Carpenter and Mair, 1990, 75). Its existence proved that co-management structures instituted through a claims agreement have the capability of establishing a system of protected areas (Bailey, 1994; Sloan and Hill, 1995). Subsequently, almost all protected areas in the Yukon have been established through negotiation of aboriginal land claims; protective options include national

or territorial parks, habitat protection areas, wildlife management areas, special management areas, and heritage rivers (Peepre, 1995). There is thus a strong indication that - in areas where First Nations' title remains intact - northern protected areas may be most effectively established as components of Native claims legislation (Joe, 1994).

2.3.1 The Yukon Umbrella Final Agreement

The 1993 Yukon Umbrella Final Agreement, a comprehensive land claim negotiated between the federal government, the Yukon Territorial Government, and the Council for Yukon Indians¹⁴, set out broad principles for allowing each of the fourteen Yukon First Nations to negotiate terms for their own comprehensive claims settlements ("final agreements") with the federal government (Government of Canada, 1993d). Both the UFA and the first four completed final agreements and self-government agreements came into effect on February 14, 1995 through the Yukon First Nations Land Claims Settlement Act and the Yukon First Nations Self-Government Act (Government of Canada, 1997, 1). Provisions included within the agreement include \$246 million in cash compensation¹⁵; title to 41 439 square kilometres of land (25 000 of which includes sub-surface rights); rights to participate in the management of resources through representation on various land and wildlife boards; and an obligation for the governments of Canada and the Yukon to enter into self-government negotiations with any Yukon First Nation which requests this (Government of Canada, 1997,

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The Council for Yukon Indians was formed in 1973 by the 14 Yukon First Nations in order to pursue a comprehensive land claim with the federal government. In 1995, the organisation changed its name to the Council of Yukon First Nations (Government of Canada, 1997, 1).

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Financial compensation payments are in 1989 dollars. The shares of individual First Nations are paid beginning when their final agreement is reached and over a period of 15 years (Government of Canada, 1997, 18).

18). Judy Gingell, Chairperson of the Council for Yukon Indians, articulated the significance of the claim for Yukon First Nations:

The claim and self-government agreements will create a new and positive relationship between the governments of Canada, the Yukon and First Nations. They will give Yukon First Nations the ability to govern themselves, jurisdiction over settlement lands and shared jurisdiction on non-settlement lands, generate tax revenue and create laws. Certainty of ownership and jurisdiction over lands will help social, political, and economic growth (Government of Canada, 1993b).

Although UFA Chapter 24, Section 24.1.1 states that “Government shall enter into negotiations with each Yukon First Nation which so requests with a view to concluding self-government agreements...” (Government of Canada, 1993d, 259), as opposed to simply defining self-government as an existing right, the importance of the UFA self-government clause “should not be underestimated” (Wolfe, 1994, 256).¹⁶ This obligation means that rights and powers conferred through the constitutionally recognised final agreements can be exercised and administered by aboriginal governments. In previous comprehensive claims agreements, rights bestowed through the claim settlement were exercised by a “specially constituted corporation” (Wolfe, 1994, 256), rather than by an aboriginal government. As articulated by Desjarlais (1995, 21), “self-government, if it is to mean anything, must encompass the right to manage one’s basic economic resources”. The result of the separation of land and resource management from the exercising of aboriginal self-government has been the vesting of considerable power in the corporation (through its control of settlement funds)

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Wolfe (1994, 245) felt that the outstanding issues surrounding self-government are “numerous”. These issues include: financing aboriginal governments; intergovernmental transfer payments to enable new governments to manage existing programs and address emerging needs; application of federal, provincial and aboriginal laws to aboriginal lands, to non-aboriginals on aboriginal lands, and to aboriginals away from their territories; and the relationship between individual and communal rights (Wolfe, 1994).

at the expense of local government. More fundamentally, such a separation results in the “decoupling [of] economic development and social, cultural and spiritual revitalization from those matters most critical to their success: people, land and resources, and government (Wolfe, 1994, 241).

Pursuant to negotiation of the UFA, six of the fourteen Yukon First Nations have finalized self-government agreements with the federal government. Each Final Agreement contains a chapter outlining provisions for managing “Special Management Areas” (SMAs) identified within the First Nation’s traditional territory. In Chapter 10 of the UFA, a SMA is broadly defined as potentially including national wildlife areas, national or territorial parks, special wildlife or fish management areas, migratory bird or wildlife sanctuaries, heritage sites, or watershed protection areas (Government of Canada, 1993d). The YDRR has stated that in the context of UFA Chapter 10, the terms “protected areas” and “SMAs” are “interchangeable” (Government of Yukon, 1997b, x).

National parks have been created within two of the six settlement areas negotiated thus far. The case of Kluane - one-third of which became a national park in 1995 - was discussed earlier (2.2.2). Vuntut National Park also was established in 1995 through provisions contained within the Vuntut Gwitchin First Nation (VGFN) Final Agreement (Government of Canada, 1993e). Park establishment was supported by both the VGFN¹⁷ and the federal

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Robert Bruce, Chief of the Vuntut Gwitchin, stated that “we wanted a national park that’s going to be suitable for the Vuntut Gwitchin and that’s what we got” (quoted in Locke, 1994, 32). Similarly, at the 1993 Forum on Northern Protected Areas and Wilderness VGFN member Stanley Njootli voiced his perspective on the purpose of the claim negotiations:

The idea of a claims negotiation was to protect some areas. The main objective that we have, by direction from the elders, is to protect the wildlife, to protect the land, and to have some authority given to Indian people so that we can exercise our rights and carry on with our way of life (Njootli, 1994, 133).

government. At the 1993 Forum on Northern Protected Areas and Wilderness, Parks Canada's Chief of New Park Proposals voiced strong support for the establishment of SMAs, particularly when established adjacent to a national park - as is the case with the Old Crow Flats Special Management Area (Figure 1.2) and Vuntut National Park:

It contributes to resource protection and facilitates park management. National park management goals related to the maintenance of ecological integrity can be more easily achieved where land uses adjacent to the park are compatible and management regimes within the park and on lands that abut the park are complementary (Johnson, 1994a, 138).

A number of other protected areas have also been established in the Yukon through the six negotiated Final Agreements. These include Nisutlin Delta National Wildlife Management Area, Horseshoe Slough Special Management Area, and Fishing Branch Ecological Reserve (Figure 1.2).

2.4 Northern Protected Area Co-Management

Clearly, the overlapping relationship between aboriginal peoples, protected areas, and regulatory policies for northern resource management merits particular concern in an examination of the evolving management practices for national parks and protected areas within the Yukon.¹⁸ The recognition in 1973 that many aboriginal interests continued to exist

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The first protected area in the northern territories was established in 1918, with designation of Victoria Island as a hunting reserve for the exclusive use of native peoples. Bregha (1989, 212) described the origin, expansion, and demise of the Victoria Island reserve:

The creation of this reserve... was not so much an example of far-sighted conservation policy as a belated response to an alarming decline in the wildlife populations upon which the native people depended, brought about by an influx of whalers, trappers, and traders... the preserve was also meant to affirm Canadian sovereignty over the Arctic archipelago... The preserve was gradually increased over the following twenty years until it covered over a third of the Northwest Territories. It is a paradox that

led to the current recognition of the need to incorporate increased aboriginal involvement into both the development of new northern protected area proposals and the management of those areas already existing. In the Yukon Territory, it has been a combination of national park policy revisions and the 1993 negotiation of the UFA comprehensive land claim that has resulted in the guaranteed establishment of co-management structures for all protected areas. Co-management refers broadly to a sharing of responsibility and authority between government and local resource users, and to various levels of coordination between local and state management systems (Berkes, et al., 1991; Brechin, et al., 1991; Feit, 1988; Notzke, 1995a; Pinkerton, 1996); the concept dates back at least to the nineteenth century.¹⁹ Because resource management systems are “steeped in the attitudes, beliefs and world views of the societies from which they flow” (Hawkes, 1995, 29), coordination among stakeholders is particularly vital in areas such as the Yukon which are populated by distinctive cultures. By extension, Peepre (1995, 154) felt that an understanding of northern protected areas could be attained only in the context of the “remarkable cultural diversity” of the region - a heterogeneity manifested through different approaches to the meaning of “protected”.²⁰

Footnote 18 (con'd)

northern protected areas reached their maximum size when there was the least threat to the North's wildlife or landscape. After 1948, the preserve was gradually dismantled until it was abolished altogether in 1966.

¹⁹

At a 1995 workshop entitled “Circumpolar Aboriginal People and Co-Management Practice: Current Issues in Co-Management and Environmental Assessment”, participants from Greenland reported that resource co-management dates back to the late 1800s on that island. Community involvement and knowledge was incorporated through the election of local councillors who were or had been hunters to advise the government; one of the councillors' first actions was the establishing of a harvest registration process. By 1880 the system was in use throughout Greenland (Roberts, 1996).

²⁰

The differing views of First Nations on what constitutes “protection” illustrates the challenges involved in resolving land-use issues. The case of the Bonnet Plume River, nominated as a Heritage River through the Nacho N'y'ak Dun First Nation Final Agreement, provides a Yukon example. In 1993, the Nacho

Co-management schemes vary according to both the type of protected area being managed and the needs and aspirations of involved local people; there is no one single definition or blueprint for co-management (Davey, 1993; Nesbitt, 1997; Pinkerton, 1996).²¹ Resource decision-sharing models operating in Canada range from consultative management to co-operative management to joint and self-management (Witty, 1994). These various co-management levels might best be described as “a continuum of power and responsibility sharing, from limited amounts of local participation in government management to delegation of full management authority to the local level” (Berkes, 1994, 18). The concept of resource co-management and its applicability to northern regions will be examined more comprehensively in the following section.

2.4.1 The Concept of Resource Co-Management

The 1996 Report of the Royal Commission on Aboriginal Peoples (citing a 1994 presentation by the Inuit Tapirisat of Canada entitled "Co-Management in Inuit Comprehensive Claims Agreements") defined co-management as:

Footnote 20 (con'd)

N'y'ak Dun First Nation supported both the Heritage River status and mining. The Canadian Parks and Wilderness Society (CPAWS) felt that mining within this area could both threaten the ecological integrity of the entire Peel River watershed and compromise the merit of the Heritage River designation. In 1994, CPAWS sued the federal government “over its interpretation of mining and environmental [assessment] laws on mineral claims in the Bonnet Plume Heritage River area” (Peepre, 1995, 157). Although the lawsuit was viewed by some “as interference in local Native affairs”, the Tetl'it Gwich'in First Nation - also users and landowners within the watershed - were supportive (Peepre, 1995, 157).

21

Pinkerton (1989) described the possible variations in co-management agreements as primarily relating to: the parties involved; the formality or legality of arrangements; the scale of the group covered by the arrangement; the basis for the organisation of the group or local community; the species managed; and the management functions undertaken.

institutional arrangements whereby governments and Aboriginal entities (and sometimes other parties) enter into formal agreements specifying their respective rights, powers and obligations with reference to the management and allocation of resources in a particular area of Crown lands and waters (Government of Canada, 1996, 666).

The co-management structures now in place originated in a “crisis of consent”, a situation characterised by a lack of good will and cooperation on the part of local resource users, thereby rendering government management operations ineffective (Pinkerton, 1989, 23). In the north the federal government was further forced to confront simultaneously both aboriginal land claims and the adverse effects of northern resource development (Government of Canada, 1996). Actual negotiation of co-management agreements, however, is driven not by forces of conflict, but rather by those which define stakeholders’ common interests: clarifying of rights, conservation and equitable allocation of resources, and cooperation in the management of those resources (Nesbitt, 1997). Negotiated agreements thus tend to outline provisions in three broad areas: a system of rights and obligations for those with an interest in the resource; a collection of rules indicating actions which parties are to take under various circumstances; and procedures for making collective decisions affecting the interests of both government and resource users (Osherenko, 1988).

The evolution of joint government-aboriginal management partnerships *in the north* may also be considered as a function of three additional conditions: the remoteness of the region, its low population and limited infrastructure, and the necessity of maintaining a healthy informal economy in order to ensure that future development is sustainable (Kofinas, 1993). In sum, these conditions indicate that “maintaining [northern] cultural systems is best achieved through institutional arrangements which are backed with legal rights and support culturally appropriate systems of government/community decision-making” (Kofinas, 1993,

10). Nearly all arrangements finalized thus far reserve the final and most critical decisions for government; such agreements are therefore compromises between the ultimate objective of aboriginals (achieving self-determination) and that of government (retaining authority) (Government of Canada, 1996).

Co-management agreements are unique not so much because of the resource management rights and obligations which they specify, but because - at least ideally - of their ability to resolve problems by blending or reconciling two very distinct (and, at least traditionally, conflicting) *systems* of management - thereby optimising the advantages of both, while avoiding domination of one over the other (Bailey, 1994; Hawkes, 1996; Therrien, 1988). In the simplest terms, co-management is intended to allow parties with an interest in resource ownership and management to power-share (Berkes, et al., 1991; Pimbert and Pretty, 1995; Witty, 1994).

The state system of resource management relies heavily on the collection, organization, and analysis of scientific data; it tends to be highly compartmentalised and strongly influenced by economic, social and political factors. By contrast, the consensus-based indigenous system of management, or self-management, makes use of the cumulative experiences of community members by passing on and sharing such knowledge from one generation to another (Bailey, 1994; Osherenko, 1988; Usher, 1986, 1987). Unlike the state system, self-management does not depend on the recognition by any governmental authority for its existence (Feit, 1988). Self-management may also be considered to be one component of traditional ecological knowledge (TEK), defined by Johnson (1992, 4) as:

a body of knowledge built by a group of people through generations living in close contact with nature. It includes a system of classification, a set of empirical observations about the local environment, and a system of self-management that governs resource use.

Duerden and Kuhn (1998, 32) described the perspectives and TEK of northern aboriginals as “the first geographies of the north”: landscapes, important routeways and productive resource locations were “encoded in the form of mental maps.” A primary concern of contemporary aboriginal people is the *extent* to which TEK is integrated into the management arrangements designed through co-management agreements; ideally, such knowledge should be considered equal to scientific data (Nakashima, 1993).

Traditionally, the two management systems have been in conflict, “in large part due to the methods of Crown Land resource planning (or lack thereof) and allocation of public resources by distant provincial governments... with little or no local input or consultation” (Witty, 1994, 22). Local participation was defined by Cernea (1985, 10) as “empowering people to mobilize their own capacities, be social actors rather than passive subjects, manage the resources, make decisions, and control the activities that affect their lives.” Co-management agreements are an attempt to reduce conflict by incorporating increased levels of local participation, thereby both altering the presumed dominance of the state over the indigenous system, and mitigating the cultural differences between the two through increased interaction, integration, and power-sharing (Berkes, et al., 1991; Kofinas, 1993; Mitchell, 1997). In doing so, co-management may encourage community-based economic development by creating new and appropriate economic opportunities, redirecting resource benefit flows to communities, and confronting external threats to community subsistence economies (Kofinas, 1993).

The majority of co-management agreements concluded to date in Canada have been in the north. This is clearly a result of the continued existence of aboriginal territorial rights within nearly all of the Yukon and NWT: virtually all of northern Canada is now covered by one Native claim or another. Technically, this means that discussions pertaining to northern co-management are actually concerned with co-management in the context of comprehensive claims (Bailey, 1994). However, the region also possesses a number of unique characteristics which, in combination, are resulting in aboriginal-state power sharing becoming the norm rather than the exception. Morgan and Henry (1996) include among these characteristics the small size of governmental resource management staffs; the vastness of the region of responsibility; and the dispersion and large number (relative to the total population) of northern resource users. The combination of these factors results in conventional techniques of regulation enforcement often being impractical. Finally, throughout much of northern Canada aboriginal people form a majority of the population (the Yukon being an exception) and continue to have cultures that are intrinsically bound up, both economically and spiritually, with territory and natural resources (Griffith, 1987; Njootli, 1994). In recognition of this, the 1985 federal Task Force to Review Comprehensive Claims Policy affirmed that "as a matter of principle, aboriginal people should be able to participate in the decisions which affect them" (Government of Canada, 1985, 55).

Such decisions often involve protected areas, in terms of both their establishment and management. For example, because national park reserves do not attain full national park status until agreement is reached regarding applicable land claims (including provisions for aboriginal wildlife harvesting rights and involvement in park management), and this agreement is implemented through legislation (Parks Canada, 1994), "there is clearly a need

for an effective special mechanism to ensure [aboriginal] rights can be exercised and park mandates can be met" (Morgan and Henry, 1996, 27). Co-management has emerged as this mechanism. Because co-management agreements with First Nations are of a government-to-government nature, the relationship of First Nations to protected areas within their territories, and to the federal and territorial governments, is "fundamentally different" - politically, legally, and culturally - than for non-native Canadians (Hawkes, 1995, 46). Cordell (1993, 61) succinctly articulates the necessity for cooperation and the strong relationship between northern land claim settlement and northern protected area establishment:

... the premise on which partnerships must be founded is support for land rights. In many cases, future negotiations over the establishment and operation of protected areas of all kinds, where indigenous homelands are affected, will have to take place in the context of campaigns for self-determination and self-government.

2.4.2 Sharing Management Responsibility for Northern Protected Areas

In 1979, a new Parks Canada Policy dictated the need to create a "joint management regime" which would allow for both aboriginal and state involvement in the planning and management of any national park established concurrent with the settlement of Native land claims (Parks Canada, 1979, 40). Both the joint management concept and the term itself originated from the federal government's 1973 acknowledgment of the possibility of unsettled aboriginal rights, titles, and interests in northern Canada (Downie, 1980). Although there has been "considerable uncertainty" surrounding the exact meaning and interpretation of "joint management regime" - particularly in terms of whether it implies an *equal* delegation of management authority to government and aboriginal peoples - (Berg, et al., 1993, 235), the new National Park Policy was adopted eight years before the concept of co-management was endorsed by the federal government's land-claims policy (Task Force on Park Establishment,

1987).²² Because claims agreements also specifically address concerns related to resource management, often through joint aboriginal and governmental decision-making structures, strong bonds are being created between First Nations' territorial agreements and northern national parks. Usher (1984, 390) went so far as to assert that "the conservation problem and the native claims problem cannot be resolved independently of each other."

Additional provisions are contained within the most recently updated National Parks Policy which further solidify First Nations' right to be involved in management of northern national parks. Section 1.4.3 of the revised 1994 Policy states explicitly that "National parks in the territories will be established pursuant to agreements with the territorial government and with relevant aboriginal organizations" (Parks Canada, 1994, 28). The document also guarantees both involvement in park planning and management and the continuation of renewable resource harvesting activities to aboriginal peoples who either possess treaty rights or are negotiating comprehensive land claims.

Considerable documentation also exists within the literature of the role which has been played by First Nations in northern park planning and management (for example, Berg, et al.,

22

A document prepared by Parks Canada representatives explained that the term "joint management" was intended to mean that Park-level managers and local aboriginal representatives would "jointly have a role in the decision-making process and the underlying principle and practice of advising the Minister...". However, some aboriginal groups "took the word 'joint' to mean equal with the Minister in decision-making." The document states:

This was something government could not accept, given the wording of the National Parks Act. The National Parks Act states that "the administration, management and control of the parks shall be under the direction of the Minister..." Because of this semantic misunderstanding, and based on discussions with the Department of Justice, Parks Canada no longer uses phrases like "joint management" or "co-management". The phrase "cooperative management" is now used. Park-level officials and the local community (or communities) cooperate in managing the national park. This is a meaningful and ultimately very powerful voice that the community has in deciding on management issues related to the park, and influencing the Minister's final decision on any contentious matter (Olsen and O'Donnell, 1994, 5).

1993; Carpenter and Mair, 1990; Dearden and Berg, 1993; Doubleday, 1989; East, 1991; Fenge, 1994; Johnson, 1994b; Morgan and Henry, 1996; Notzke, 1995a, 1995b; Sadler, 1989). Hawkes (1995) concluded that three options exist for achieving agreements to co-manage protected areas: negotiation *as part of* a negotiated land claim (for example, Ivvavik and Vuntut national parks); negotiation *after* a claim settlement, through provisions set out in the settlement itself (the case with North Baffin Island National Park); or achievement through interim measures *prior* to land claim resolution, as in the 1993 Canada-Haida Agreement to co-manage Gwaii Haanas National Park. Additionally, three broad assumptions may be made in support of involving aboriginal peoples in park management:

- 1) aboriginal involvement in management will reduce conflicts, thereby leading to improved management of resources;
- 2) the traditional ecological knowledge of aboriginal peoples might serve as a useful resource for park management; and
- 3) preservation of aboriginal lands and culture, and the protection of natural regions, are goals which are often linked or convergent. This commonality of interests supports an assumption that benefits may be gained through cooperation (Berg, 1990).

Even more specifically, and in addition to Parks Canada policy, a number of explanations have been advanced to support the specific applicability of co-management regimes to *northern* national parks. Included among these explanations is the recent creation of all northern parks (resulting in management structures which are less entrenched and, presumably, more receptive to alternative management strategies) (East, 1991); the increased likelihood of direct negotiation between the Canadian government and affected First Nations that results from the federally administered political status of the northern territories (East,

1991); and the importance of land protection measures within comprehensive claim settlements of northern aboriginal peoples (Bregha, 1989; Government of Canada, 1984; Njootli, 1994; Sadler, 1989).

In 1997, the Yukon territorial government initiated a process of developing and implementing the Yukon Protected Area Strategy: a plan for the identification, selection and designation of protected areas in the Yukon. This strategy followed previous Government of Yukon initiatives and commitments to establishing protected areas, including the 1990 (revised 1996) Yukon Conservation Strategy and the 1992 Yukon Parks System Plan. A key objective of each of these documents was the establishment of protected areas representative of all 23 ecoregions in the Yukon (Government of Yukon, 1997a, 7). The YPAS is being developed through a process of broad public and stakeholder participation which includes cooperation with federal and Yukon First Nation governments; use of both scientific and traditional knowledge; and involvement of interest groups, industry representatives, communities, and mandated boards and councils created through the UFA. The YPAS Discussion Paper states that the Yukon government respects the “special relationship” of Yukon First Nations with the environment - which the UFA recognises - and that it is “committed to developing protected areas in close cooperation with First Nation governments” (Government of Yukon, 1997a, 3).

The literature reviewed suggests a number of benefits which might be expected as a result of both establishing national parks and protected areas through a comprehensive claims process and, more specifically, of implementing co-management provisions for managing protected areas. Johnson (1994b) views the prime benefit of parks established as components of land claims agreements as being their ability to guarantee both protection of natural areas

and continuation of traditional aboriginal wildlife harvesting, in addition to the spin-off opportunities afforded for co-management of resources. The co-management regimes associated with protected areas introduce recognized forums for conflict resolution, through consensus building and participation - thereby leading, presumably, to improved resource management (Garratt, 1984; Mitchell, 1997). Co-management structures also provide guaranteed access to valuable aboriginal knowledge of area resources for state managers, and, conversely, an assurance that First Nations representatives have access to decision-making apparatuses of the state (East, 1991; Nietschmann, 1984; Robinson Consulting and Associates and Gary Schaan Consulting, 1995). Agreements are a means of formalising the "vested interest" of affected First Nations in the future of the territory contained within the protected area (East, 1991; Waquan, 1986). Finally, in a broader sense, the mere implementation of co-management arrangements is often *in itself* a "tangible benefit" of establishing protected areas in the north, particularly from the perspective of the affected First Nations (Peepre, 1994, 10).

2.4.3 A Normative Model for Protected Area Co-Management

Through this review of two broad bodies of literature - that pertaining to northern co-management initiatives and that relating to protected area management - a normative model for protected area co-management was developed. Development of the model was accomplished by proceeding through a number of stages. By drawing upon the literature, and in particular the work of Hawkes (1996), an initial list of seven principles (or criteria) necessary for the achievement of protected area co-management goals was drawn up. Further refinement led to the addition of two principles. The final model consists of nine protected area co-management principles - Ecological and Cultural Protection, Clearly Defined Boundaries, Shared Information, Continuity and Dedication, Management Flexibility and

Responsiveness, Conflict Resolution, Enforcement, Governmental Support, and Community Economic Development - each of which has been explicitly referred to in the literature as being a necessary component of both successful protected areas and co-management regimes (Table 2.1). In other words, the presence of each principle is deemed as being necessary for the achievement of protected area co-management goals.

Table 2.1: References to Protected Area Co-Management Principles in the Literature

Principle	Northern Co-Management Literature	Protected Area Literature
Ecological and Cultural Protection	Beazley, 1997; Johnson, 1994a; McNeely, 1993; McNeely and Miller, 1984; Nesbitt, 1997	Berkes, 1994; Fenge, 1993; Johnson, 1994b; Keiter, 1988; MacLachlan, 1994; Newmark, 1985; Turner, et al., 1992; Woodley, 1993
Clearly Defined Boundaries	Roberts, 1996; Wells and Brandon, 1992	Haugh, 1994; Roberts, 1996
Shared Information	Bourque, 1996; Caulfield, 1988; McComb, 1997	Erasmus, 1989; Government of British Columbia, 1990; Mitchell, 1997; Morgan and Henry, 1996
Continuity and Dedication	Witty, 1994	Bailey, 1994; Pinkerton, 1989
Management Flexibility and Responsiveness	IUCN, 1997; Thompson, 1997	Notzke, 1994; Robinson Consulting and Associates Ltd. and Gary Schaan Consulting, 1995
Conflict Resolution	Garratt, 1984; Haugh, 1991; Lewis, 1993; Nesbitt, 1997; Pinkerton, 1996	Bregha, 1989; Hawkes, 1996; IUCN, 1997; Roberts, 1996; Witty, 1993
Enforcement	Berg, et al., 1993; Cordell, 1993; Joe, 1994; Peepre, 1995; Roberts, 1996	Berkes, 1994; Craig, 1992; Erasmus, 1989; Pimbert and Pretty, 1995
Governmental Support	Caulfield, 1988; McComb, 1997; Saskatchewan Indian Federated College, 1996	Robinson Consulting and Associates Ltd. and Gary Schaan Consulting, 1995; Weaver, 1991
Community Economic Development	Davey, 1993; Fenge, 1994; Pinkerton, 1996; Wells and Brandon, 1992	Berkes, et al., 1991; Kofinas, 1993; Witty, 1994

Each principle, if present in a given situation, may be viewed as exhibiting certain key,

and measurable, attributes. Forty-three attributes were listed as being relevant to the seven principles of the original model; in the final model the number of significant attributes has been reduced to twenty-four. For purposes of data organisation, each attribute was formulated into question form. Table 2.2 lists the nine principles and twenty-four corresponding attributes which make up the normative model of protected area co-management.

Table 2.2: Protected Area Co-Management: Normative Model Principles and Attributes

Principle	Attributes
1. Ecological and Cultural Protection	A. Is an ecosystem approach to protected area management being adopted? B. Is critical wildlife habitat being protected through creation of new protected areas? C. Do local peoples gain an official ownership voice in the management of protected area resources on which they depend? D. Does the agreement lead to improved data collection and therefore a better information base with which to manage protected area resources? E. Are regional species management plans being developed and implemented? F. Is cultural understanding being promoted or enhanced by the management system?
2. Clearly Defined Boundaries	G. Are the biophysical and cultural boundaries well-defined? H. Are ownership and allocation of resources clearly identified? I. Is there clarity in regulatory authority and jurisdictional responsibility among all relevant agencies?
3. Shared Information	J. Are structures in place for consultation and cooperation in decision-making between federal, territorial, and First Nations' governments, governments and communities, and within communities? K. Is traditional knowledge recognised by all stakeholders? Is there integration of traditional and scientific knowledge in new structures and working arrangements? L. Does the public have increased accessibility to information? M. Is there recognition of an equal and cooperative relationship between First Nations' governments and federal-territorial governments? N. Is there networking between structures created through agreements and other resource management organisations?
4. Continuity and Dedication	O. Is there a dedicated core group- originating from federal, territorial, or First Nations' governments, or from communities- consistently applying pressure to advance the process of agreement implementation? P. Is there continuity of knowledge, skills, and interest in key federal, territorial, and First Nations' governments, and community actors?

Table 2.2 (con'd)

Principle	Attribute
5. Management Flexibility and Responsiveness	<p>Q. Are adaptable and situation specific management regulations and procedures being developed and implemented?</p> <p>R. Is a commitment being demonstrated by government agencies to new structures, processes, and working arrangements?</p> <p>S. Is there an ability to respond quickly to local community or resource concerns, conflicts, or crisis situations?</p>
6. Conflict	<p>T. Is there a prescribed method of negotiating conflicts among local users and government representatives?</p> <p>U. Have the structures created through the agreement fostered increased trust, respect, or understanding between government and resource users?</p>
7. Enforcement	V. Do the agreements have the necessary legal and community support?
8. Governmental Support	W. Is there provision of adequate financial and technical support resources to handle logistics and implement protected area or board mandates and agreement provisions?
9. Community Economic Development	X. Are the agreements creating new and appropriate economic opportunities, such as economic benefit flows from protected area resources, for local communities?

The nine principles making up the normative model for protected area co-management may be further divided into the four very broad categories of Environment, Government, Information, and Community Development (Figure 2.1). Failure to fully incorporate any one of these four categories into the negotiation and implementation of protected area co-management provisions may hinder full attainment of outlined goals.

Confirmation of the applicability of the identified co-management principles to the specific context of protected areas in the Yukon was required. To accomplish this, a review of the UFA was undertaken. This review clearly demonstrated that each of the nine principles of protected area co-management is reflected in specific provisions contained within Chapter 10 (Special Management Areas) of the comprehensive claim (Table 2.3).

Figure 2.1: Normative Model for Protected Area Co-Management

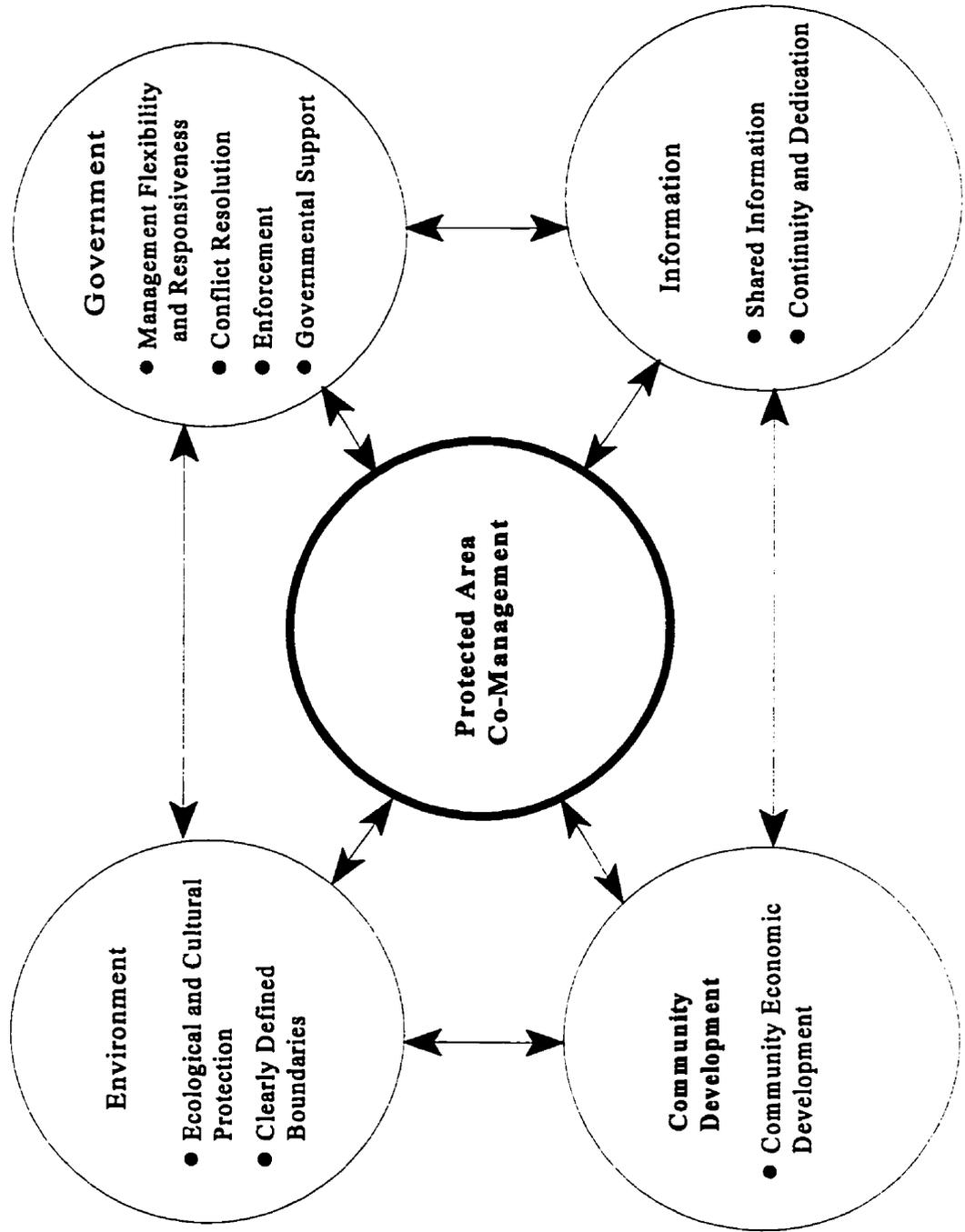


Table 2.3: Protected Area Co-Management Principles and Relevant Provisions of the UFA

Principle	UFA Provision
1. Ecological and Cultural Protection	10.1.1 The objective of this chapter is to maintain important features of the Yukon's natural or cultural environment for the benefit of Yukon residents and all Canadians while respecting the rights of Yukon Indian People and Yukon First Nations.
2. Clearly Defined Boundaries	10.2.0 Definitions In this chapter, the following definition shall apply. "Special Management Area" means an area identified and established within a Traditional Territory pursuant to this chapter and may include: a) national wildlife areas; b) National parks, territorial parks, or national park reserves, and extensions thereof, and national historic sites; c) special Wildlife or Fish management areas; d) migratory bird sanctuaries or a game sanctuary; e) Designated Heritage Sites; f) watershed protection areas; and g) such other areas as a Yukon First Nation and Government agree from time to time.
3. Shared Information	10.3.3 Except as provided in a Yukon First Nation Final Agreement, where Government proposes to establish a Special Management Area, Government shall refer the proposal to the affected Renewable Resources Council for its review and recommendations. 10.3.4 Government may refer proposals to establish historic territorial parks, national historic sites administered by the Canadian Parks Service or to designate Heritage Sites as Designated Heritage Sites to the Heritage Resources Board established Pursuant to 13.5.0 instead of the affected Renewable Resources Council for its review and recommendations. 10.5.5 The management plan and any proposed amendments thereto shall be referred before approval to the relevant Renewable Resources Council or to the Yukon Heritage Resources Board, as the case may be, for its review and recommendations.
4. Continuity and Dedication	10.5.3 Government shall make best efforts to complete the management plan within five years of the establishment of the Special Management Area. 10.5.4 Government shall review each management plan at least once every 10 years.
5. Management Flexibility and Responsiveness	10.4.2 Agreements negotiated pursuant to 10.4.1 [see below]: 10.4.2.4 may include such other provisions as Government and the affected Yukon First Nation may agree. 10.4.8 Any agreement concluded between Government and the affected Yukon First Nation pursuant to 10.4.1 may be amended according to the terms set out in that agreement.

Table 2.3 (con'd)

Principle	UFA Provision
6. Conflict Resolution	<p>10.4.3 Where Government and the affected Yukon First Nation do not agree on the terms of an agreement pursuant to 10.4.1 [see below], the parties may refer the outstanding issues to the dispute resolution process under 26.4.0.</p> <p>10.4.4 Where mediation under 10.4.3 does not result in agreement, the government may establish the Special Management Area.</p> <p>10.4.5 Notwithstanding 6.2.3.2 [where access or use by the public is limited or prohibited], access by a Yukon Indian Person to a Special Management Area established pursuant to 10.4.4 for Harvesting Fish or Wildlife pursuant to a Settlement Agreement may be limited only for reasons of Conservation, public health, or public safety.</p>
7. Enforcement	<p>10.4.1 Where a Special Management Area is proposed to be established which will adversely affect rights of a Yukon First Nation under a Settlement Agreement, Government and the affected Yukon First Nation shall, at the request of either party, negotiate an agreement to:</p> <p>10.4.1.1 establish any rights, interests and benefits of the affected Yukon First Nation in the establishment, use, planning, management and administration of the Special Management Area; and</p> <p>10.4.1.2 mitigate adverse effects of the establishment of the Special Management Area on the affected Yukon First Nation</p> <p>10.4.2 Agreements negotiated pursuant to 10.4.1:</p> <p>10.4.2.1 shall address the rights Yukon Indian People have for Harvesting Fish and Wildlife within the Settlement Area;</p> <p>10.4.2.3 may address whether, and on what terms, including provisions on management, Settlement Land may be included in the Special Management Area;</p>
8. Governmental Support	<p>10.5.2 Government shall prepare, or have prepared, a management plan for each Special Management Area established pursuant to a Yukon First Nation Final Agreement after the Effective Date of that Yukon First Nation Final Agreement.</p>
9. Community Economic Development	<p>10.4.2 Agreements negotiated pursuant to 10.4.1 [above]:</p> <p>10.4.2.2 may address the economic and employment opportunities and benefits for the affected Yukon First Nation;</p>

2.4.4 Summary and Research Opportunity

Subsequent chapters of this thesis will utilise the normative model for protected area co-management in evaluating co-management initiatives related to protected area management in the Yukon, pursuant to negotiation of the UFA. A paucity of literature exists on co-managed protected areas (Hawkes, 1995), although specific research has evaluated and

developed recommendations for co-operative wildlife management systems within Canada's northern national parks (Morgan, 1993). Yet this research was undertaken prior to ratification of the UFA in 1993. Ratification of this comprehensive land claim agreement allowed the subsequent negotiation of individual claims agreements specific to the fourteen Yukon First Nations, six of which have now been completed. National park and protected area management strategies for implementing Special Management Area provisions contained within these Final Agreements have never been studied. In a paper subtitled "Overcoming Barriers to the Exercise of Co-Management", Pinkerton (1992, 331) indicated that only limited research into co-management has been undertaken at "the stage between agreements and full implementation." However, a recent investigation into natural resources co-management described all stages of co-management as being "essential". In discussing implementation, the report stated unequivocally that "once an agreement is signed, it is not the end of the co-management process. An agreement is only as good as the paper it is written on if it is not implemented properly" (Saskatchewan Indian Federated College, 1996, 5,8).

CHAPTER 3

3.1 RESEARCH DESIGN AND METHODOLOGY

The approach utilised to acquire and analyse information obtained from individuals involved in co-operative protected area management and land claim implementation in the Yukon will be addressed. Data collection was also based on reviews of academic literature on qualitative analysis and research into northern co-management and protected areas. Following a brief description of the study area, the process of developing interview questions and conducting interviews will be outlined. The method and rationale of data organization and analysis is then described.

3.2 Study Area

Primary data were obtained during fieldwork conducted between June 9 and August 9, 1997. The primary site for data collection was Whitehorse, the capital of Yukon territory (Figure 1.2). In December, 1997, Whitehorse had a population of 24, 012 people; the total population of the territory was 33, 390 (Government of Yukon, 1997c) . Approximately 23% of the Yukon's population is of aboriginal ancestry (Government of Yukon, 1996c). A number of governmental departments, First Nations' offices, and non-government organizations with protected area involvement are based in Whitehorse, including the federal departments of Heritage (Parks Canada) and Indian Affairs and Northern Development (DIAND), the Government of Yukon departments of Renewable Resources and Heritage Resources, and the Yukon chapter of the Canadian Parks and Wilderness Society. As a result, Whitehorse provided access to both key individuals and relevant literature. A substantial amount of documentation was available from the DIAND library.

Two field visits were made to the village of Haines Junction, located adjacent to Kluane National Park and Park Reserve (Figure 1.2), to meet with Parks Canada officials and individuals representing the KNPMB and Alsek Renewable Resource Council (RRC). Materials within the Parks Canada library in the Kluane Park headquarters were consulted.

3.3 Data Collection

In collecting information on the impact of comprehensive claims agreements on protected area management, two qualitative data gathering techniques were utilized. Personal interviews were completed to obtain insight into the impacts the agreements have on day-to-day management procedures and delivery, and on overall protected area management directions. As well, academic literature and various other published material were reviewed to supplement and provide context for the field data.

3.3.1 Interviewing

The goal of conducting personal interviews is to obtain an understanding of the perceptions, attitudes, and knowledge of individuals. The opinions or assessments of participants on the evaluation issue - specifically, the identification of changes to protected area management strategies in the Yukon pursuant to the settlement of aboriginal Final Agreements - form the basis of this data collection method (Government of Canada, 1991). Participants were clearly informed regarding the purpose of the research and consent for participation was obtained from potential interviewees. Opportunities were provided to pose questions and to decline to offer responses throughout the interview. The interviews were semi-structured, incorporating a set of concise, clear, focussed and structured questions which were formulated in advance. To the extent possible, all respondents were asked the

same set of questions to ensure consistency (Sommer and Sommer, 1980).

Semi-structured interviews were conducted with thirty individuals representing various federal, territorial, and First Nations' governments, management boards, and non-governmental organizations identified as being key to protected area management in the Yukon (Table 3.1). Twenty-four of these interviews were comprehensive, while the remaining six were brief and yielded only limited data. Two of the interviews were conducted by telephone after completion of the field season. Sixteen of the thirty interviews were supplemented with information obtained through e-mail correspondence during November and December, 1997.

Development of the interview questions occurred in stages. The initial draft of questions was compiled following a comprehensive review of the co-management literature, especially that pertaining to management of national parks. The work of Morgan (1993) proved particularly relevant during this stage. Questions were arranged into two broad categories: Park Management (35 questions), and Co-management Structure (20 questions). The Park Management questions were divided into four groups: management plan key components, management plan development, implementing management plan objectives, and the Umbrella Final Agreement. The Co-Management Structure questions were organised into three groups: authority, mandate, and interagency coordination.

Upon arrival in Whitehorse, and prior to the commencement of formal interviews, informal discussions were held with five key individuals associated with federal, territorial, and First Nation governments. Feedback was obtained regarding the appropriateness of the original questions. From these discussions, a second shorter draft emerged, totalling 37 questions and concerned primarily with the resource co-management bodies formed through

Table 3.1: Interview Respondents

Association	Affiliation/ Position
Federal Government	<ul style="list-style-type: none"> - Parks Canada Yukon and Western Arctic Historian - Department of Indian Affairs and Northern Development Claims Analyst - Chief Federal Claims Negotiator - Parks Canada Ecological Integrity Coordinator, KNP - Parks Canada Heritage Manager, KNP - Parks Canada Manager, Heritage Integrity, Yukon - Manager, Northern Conservation Division, Environment Canada - Parks Canada Ecological Management Coordinator, KNP - Department of Fisheries and Oceans Claims Negotiator - Head, Resource Management, Canadian Wildlife Service - Warden, Vuntut National Park
Territorial Government	<ul style="list-style-type: none"> - Renewable Resources Land Claims Coordination Manager - Renewable Resources Special Projects Officer, Parks and Outdoor Recreation - Renewable Resources Regional Biologist, Kluane Region - Renewable Resources Field Operations Manager - Heritage Resources Land Claims Heritage Coordinator - Renewable Resources Habitat Protection Coordinator - Renewable Resources Head of Regional Biologists
First Nations' Governments	<ul style="list-style-type: none"> - White River First Nation Representative - Lobbyist, Vuntut Gwitchin First Nation
Non-Government	<ul style="list-style-type: none"> - Yukon Land Use Planning Council- Coordinator - Porcupine Caribou Management Board Secretary - Canadian Parks and Wilderness Society, Yukon Chapter- President - Consultant (Kluane Historical Management Research) - Secretary, Kluane National Park Management Board - Secretary, Alsek Renewable Resource Council - Member, Kluane National Park Management Board - Chair, Alsek Renewable Resource Council - Member, Kluane National Park Management Board - Consultant (former Chair, IFA Wildlife Management Advisory Council, NWT)

the UFA. These questions were arranged under seven headings: structure, authority, mandate, coordination with other bodies, internal processes, community involvement, and local empowerment.

The two primary difficulties perceived to have been associated with the original draft of interview questions- inclusion of many questions too specific to be answered adequately

(primarily because an insufficient amount of time had passed since signing of the UFA), and simply too many questions overall- were only partially rectified by the second draft. Thus, a final draft of twenty-seven questions was prepared in late June, comprising three broad categories: Government Agency or Board Mandate, Community Involvement, and Overall Impact of the UFA on Protected Areas. These were the questions posed during the interviews, although it was rare for any one respondent to answer each one- applicability and time constraints often resulted in discussions being concentrated on the one or two most relevant of the three broad categories.

The applicability of the twenty-seven interview questions to the normative model of protected area co-management developed in Chapter 2 is illustrated by Table 3.2. Listed are each of the nine principles of protected area co-management and corresponding interview questions (certain interview questions are considered applicable to more than one principle).

3.3.2 Document Review

As outlined in Table 2.1, literature pertaining to northern co-management initiatives and protected area management was reviewed to develop the normative model of protected area co-management. While in the Yukon, a number of additional documents were obtained, primarily from the DIAND public library in Whitehorse. These included various Yukon comprehensive claim final agreements, unpublished (or limited circulation) investigations into co-management arrangements (KPMG Peat Marwick Management Consultants [KPMG], 1987; Nesbitt, 1997; Roberts, 1996; Robinson Consulting and Associates Ltd. and Gary Schaan Consulting, 1995; Saskatchewan Indian Federated College, 1996), unpublished Parks Canada documents (Bennett, 1976; Bourque, 1996; Hughson, 1987; Olsen and O'Donnell, 1994; Otton, 1996), and previous research reports completed within the study

Table 3.2: Interview Questions and Protected Area Co-Management Principles

Principle	Interview Questions
1. Ecological and Cultural Protection	<ul style="list-style-type: none"> - Is a commitment being generated among local resource users to share the benefits and costs of maintaining and conserving protected area resources? - In your opinion, are the provisions of the UFA and final agreements contributing to improved protected area management? - In the future, what initiatives do you see your agency being involved in? - How would you measure the success of the UFA and final agreements?
2. Clearly Defined Boundaries	<ul style="list-style-type: none"> - How is the management of areas outside your jurisdiction tied to your management practices? - In the future, what initiatives do you see your agency being involved in?
3. Shared Information	<ul style="list-style-type: none"> - How are you working with your new partners? - Is traditional knowledge formally recognised as an information source? How? - Are meetings open to the public? Are they always in the same location? - Are translations of publications and meetings available in the relevant First Nation language? - Is there a communication strategy in place to inform the public of your agency's mandate and role? - Have the UFA and final agreements led to increased cooperation within local communities of resource users? - How would you measure the success of the UFA and final agreements?
4. Continuity and Dedication	<ul style="list-style-type: none"> - Is there a core group of people pressuring to move forward the provisions in the agreements? - Do involved communities have the capacity to handle responsibilities outlined in the agreements?
5. Management Flexibility and Responsiveness	<ul style="list-style-type: none"> - What actions have your agency taken that differ from the general provisions for managing protected areas? - What difficulties have been encountered in making decisions? - In the future, what initiatives do you see your agency being involved in? - How would you measure the success of the UFA and final agreements?
6. Conflict Resolution	<ul style="list-style-type: none"> - Do any provisions of the land claim conflict with the overall mandate of your agency? How are you dealing with or negotiating these conflicts? - What difficulties have been encountered in making decisions? - Do you see the UFA and final agreements playing a role in reducing potential or existing conflicts over protected area resource use and development? - Have the UFA and final agreements led to increased trust and respect between protected area resource users and government? - How would you measure the success of the UFA and final agreements?
7. Enforcement	<ul style="list-style-type: none"> - How are you implementing provisions of the agreements? - What are you doing differently as a result of the agreements? - How has the regulation amending process changed for you? - What difficulties have been encountered in making decisions?
8. Governmental Support	<ul style="list-style-type: none"> - Are you adequately resourced (money, people, timing) to carry out your mandate? - What difficulties have been encountered in making decisions?

Table 3.2 (con'd)

Principle	Interview Questions
9. Community Economic Development	<ul style="list-style-type: none">- What do you feel are the current priorities of involved communities?- Have the provisions of the UFA and final agreements led to improved economic benefits for communities surrounding the park? How? Do you think this will occur?- Has the establishment of public boards improved the “voice” of local communities (native and non-native) in managing protected areas?- How would you measure the success of the UFA and final agreements?

area (Jones, 1997; Lotenberg, 1995; Reid, 1990; Slocombe and Nelson, 1990).

3.4 Data Analysis

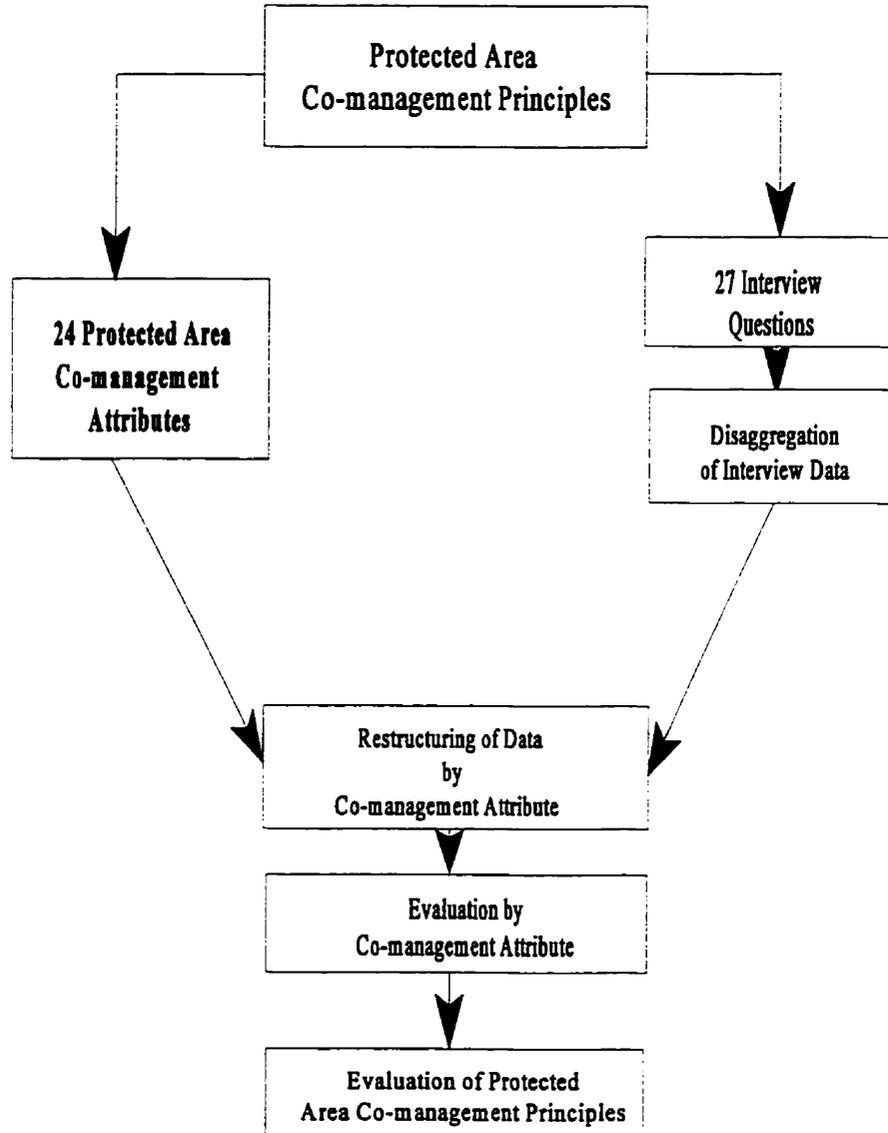
The normative model incorporates nine principles and twenty-four corresponding attributes necessary for achieving protected area co-management goals. It was developed primarily for the purpose of data analysis. By proceeding through a number of analytical steps, interview data were organised, summarised according to protected area co-management attribute, and evaluated. The function of evaluation is to determine the adequacy of resource policies, programmes and projects, and the variables that account for their success or lack thereof (Mitchell, 1979). Rossi and Freeman (1982) indicated that evaluation research is conducted to judge the worth of policies in terms of efficiency, effectiveness, accountability, efficacy and implementability. Thus, the application of evaluation methodologies to resource policy assessment can provide valuable insights (Kreutzwiser and Slaats, 1994).

Data collected through interviews during the field season were initially organised by respondent. Table 3.1 provides an anonymous listing of all interview respondents. Upon conclusion of the field season, an initial reorganisation regrouped the data into twenty-seven

categories, each of which corresponded to an interview question asked. Following the identification and verification of protected area co-management principles, the data were disaggregated, coded and reorganised according to the attribute with which each point of response most closely corresponded. Figure 3.1 summarises the sequential steps in the data analysis procedure. A coding system was adopted in order to provide a method of tracing responses back to both the initial respondent and interview question. Summaries of all responses were prepared, organised by both specific attribute (twenty-four summaries) and by principle (nine summaries).

At this stage, interview data had been organised into twenty-four categories representing the necessary attributes of protected area co-management. One final analytical step was then undertaken. Data in each of the twenty-four attributes were rated by using the categories of “yes”, “somewhat”, and “no”. For example, a “yes” rating for attribute A, “Is an ecosystem approach to protected area management being adopted?” would affirm that analysis of all relevant interview responses had revealed the existence of a strong consensus (over 80% of responses indicated that an ecosystem approach to protected area management is indeed being adopted). A rating of “somewhat” for attribute A would indicate that response analysis revealed only weak consensus (50-80% of responses) on the adoption of an ecosystem approach. Finally, a rating of “no” (existence of the attribute supported by less than 50% of responses) would signify that response analysis had not indicated the existence of a consensus, meaning that an ecosystem approach to protected area management is not being adopted at this time. The response percentages chosen as being representative of the rating categories were determined prior to the rating exercise. Consistency was ensured by utilising the same percentages for all 24 attributes.

Figure 3.1: A Conceptual Framework of the Research Design



Chapter 4 describes evaluations of the results obtained from the rating procedure, in nine sections corresponding to the principles of the normative model. Chapter 5 summarises the results obtained through data analysis; suggests research contributions of the normative model for protected area co-management; and concludes by reviewing research limitations, presenting recommendations, and discussing future research opportunities.

CHAPTER 4

4.1 RESULTS AND EVALUATION

This chapter will present and evaluate the results obtained through the data ranking procedure described in Chapter 3. Data relevant to each of the twenty-four attributes were ranked. The results are presented in nine sections corresponding to the principles of the normative model.

4.2 Ecological and Cultural Protection

4.2.1 Is an ecosystem approach to protected area management being adopted?

A significant majority of the relevant responses indicated that an ecosystem approach to protected area management is being adopted.¹ This corresponds with public statements made by the Government of Yukon in, for example, a recent newspaper announcement advertising for a position of Director, Fish and Wildlife:

The Department of Renewable Resources is moving towards a process of adaptive ecosystem management in efforts to ensure that the Yukon's renewable resources are sustained in a way that respects natural processes while providing Yukoners with economic, social, cultural and recreational opportunities (Government of Yukon, 1998).

Success was described by a respondent as "*long-term ecosystem preservation*" and it was stated that "*wildlife management is broader than just the territorial context.*" The UFA and Final Agreements may be viewed as providing an "*extra layer of protection*" because of their ecosystem focus (as illustrated by UFA Chapter 10, Section 10.1.1 relating to Ecological and

¹

The critical difference between ecosystem and more traditional management practices is the emphasis of a more holistic and structurally-encompassing approach, displacing the emphasis on protecting only individual elements, such as popular species or unique natural features (Goldstein, 1992). Therefore, under such a management strategy, protected areas should be evaluated "in light of how well they do or do not function as natural ecosystems and preserve entire faunal assemblages" (Harris, 1984, 124).

Cultural Protection; Table 2.3). One respondent described the land claim as being “*a vehicle for adopting a holistic view, over a larger geographical setting- this is now ingrained. In the south, parks have to create the infrastructure that are built into the Yukon Territory claim.*”

Parks Canada’s mandate states that all operations are to be conducted on an ecosystem basis (Parks Canada, 1994). Ecological integrity was identified in the 1995 Management Plan Review Program Scoping Document (hereafter referred to as “Scoping Document”) for Kluane National Park and Park Reserve as a “fundamental issue... having the potential to impact on the management plan review program” (Parks Canada, 1995, 6). The Scoping Document is the initial component of strategic planning; it is intended to identify “themes and objectives, research/data collection and issues” (Payne, 1997). On the issue of ecological integrity, the document states:

Crucial components of the Park and Park Reserve are shared with adjacent multiple use areas, and in some cases the management strategies in those areas directly oppose the mandate of the Park and Reserve to sustain ecological integrity (i.e. Yukon wolf cull). In addition, many wildlife species such as moose, caribou, sheep, wolf, and bear move back and forth across boundaries and are subject to outside pressures beyond the control of park managers.

Prime/core habitat for specific species lies outside the Park. Watersheds are not entirely within the Park and Park Reserve boundaries and can be contaminated by outside sources. Disease/ insect infestations, forest fire, and pollution originating outside the Park can have significant impacts on the ecological integrity of the Park and Reserve (Parks Canada, 1995, 6).

However, the 1990 Kluane National Park and Park Reserve Management Plan included neither the concept of ecosystem management nor the goals of protecting ecological integrity and cultural resources. Both will be incorporated into the revised management plan, for which a review is underway (Parks Canada, 1997). A district ecologist has been hired for

the Yukon and there are plans to hire a park planner. This individual will be involved in revising the management plan for Kluane and creating a plan for Vuntut.

The only concern expressed about this attribute related particularly to the national parks within the territory and to the possibility that *“local priorities may supercede national objectives.”* Several respondents were concerned that *“only local interests will be heard”* at the expense of broader national goals such as maintenance of ecological integrity. One respondent felt that Renewable Resource Councils (RRCs) - established through UFA Section 16.6.1 *“as a primary instrument for local renewable resources management in [each Yukon First Nation’s] Traditional Territory as set out in a Settlement Agreement”* (Government of Canada, 1993d, 163) - may *“Balkanize wildlife issues and interests”* once they are operating for all 14 Traditional Territories within the Yukon. The individual added that *“it will be difficult for the various councils to consider in all instances, issues of a broader concern (i.e.: Yukon, Canada, or international).”*

4.2.2 Is critical wildlife habitat being protected through creation of new protected areas?

Responses associated with this attribute indicated unanimously that critical wildlife habitat is being protected through creation of new protected areas. One respondent viewed land claims as *“an effective tool to advance protected areas”* and added that *“without land claims we’d be nowhere for protected areas.”* Another noted that newly-established protected areas have *“increased protection for caribou... a significant impact.”* A respondent associated with the YTG Department of Renewable Resources indicated that *“we are implementing various portions of the First Nation Final Agreements including the establishment of parks [and] heritage rivers.”* Examples include Tombstone Territorial

Park, established by the Tr'on dek Hwech'in First Nation (TdHFN) Final Agreement, and Bonnet Plume Heritage River, established through the Final Agreement of the First Nation of Nacho N'y'ak Dun (FNNND). Final Agreements have also had significant impact upon the territory's protected areas under federal jurisdiction, most notably in the establishment of Vuntut National Park and Nisutlin River Delta National Wildlife Area.

In May, 1997 the Yukon territorial government initiated its Yukon Protected Areas Strategy "for the identification, selection and designation of protected areas in the Yukon" (Government of Yukon, 1997a, 2). A Discussion Paper released for public consultation explicitly states that "we need to protect critical wildlife habitat, important heritage sites, significant wetlands and representative areas in each of the Yukon's 23 ecoregions... by using principles of sound ecosystem management" (Government of Yukon, 1997a, 1). Virtually all interview respondents who replied to follow-up contact via email in November, 1997 mentioned the Yukon Protected Areas Strategy in response to the question "Have there been any significant developments in terms of Yukon protected areas in the past few months?"

At the 1997 Annual RRC Workshop a resolution was passed to support the proclaiming of habitat amendments to the 1982 Yukon Wildlife Act. Because managing wildlife includes both managing individuals using the wildlife and the ability to protect habitat for wildlife (Istchenko, 1997), an amendment is needed which would enable the Minister to make regulations to protect habitat. Such an amendment might allow the Minister to select areas of special protection and develop regulations and management plans for those areas. This would provide RRCs with a tool to protect key habitat within Traditional Territories (Istchenko, 1997).

4.2.3 Do local people gain an official ownership stake/voice in the management of protected area resources on which they depend?

Responses associated with this attribute indicate clearly that local people and communities are gaining an official voice and ownership stake in the management of protected area resources. This represents a significant departure from the traditional and “top-down” “*Whitehorse as capital/ rest of territory as hinterland*” arrangement. The results also correspond with principles - including “Give Responsibility to Local People” and “Involve Local People in Preparing Management Plans” - developed by McNeely (1993) for integrating conservation with development of local human communities.

Increased community empowerment is a result of both structures created through and provisions contained within the UFA and Final Agreements. One respondent, however, felt that the increased number of stakeholders now involved in Yukon protected area management is not due directly to the UFA, which he contends only “*describes the mechanisms to facilitate [involvement]. It’s just a reflection of today’s reality... the UFA is part of the larger trend or picture, a milestone of it.*” Nevertheless, the claim “*guarantees a level of involvement, incorporating local expertise and affected interests.*” For instance, regional biologists now routinely meet and make recommendations with RRCs and First Nations: “*even First Nations without [Final] Agreements - it’s a very different way of dealing with wildlife because of the UFA.*” A representative of the federal government confirmed that the agreements have led to “*direct contact and involvement in wildlife management - there had been no forum for this before.*”

Proposed amendments to territorial regulations affecting wildlife are also subject to comment from the Yukon Fish and Wildlife Management Board (YFWMB, or the Board) -

officially established through UFA Section 16.7.1 “as the primary instrument of Fish and Wildlife management in the Yukon” (Government of Canada, 1993d, 166) - and affected RRCs. One respondent emphatically stated that:

My opinion on the UFA provisions that have contributed to park and protected area management would be the ones that specifically require Resource Council and First Nation input. These provisions have provided the opportunity for the Protected Area Strategy to be done at a more local level, meaning basically that government is “mandated” to involve RRCs.

It was noted in the Protected Area Strategy section of the Annual RRC Workshop Summary that “UFA [Section] 10.3.3 gives us tools to deal with protected area strategies. Government is obligated to refer [proposed] SMAs to RRCs for review and recommendation at a local level” (Istchenko, 1997).

A number of interview respondents viewed the public’s dramatically increased official stake and voice in decision-making as a strong measure of the UFA’s success. For example, whereas two decades ago the First Nations in the southwestern Yukon “*woke up and [Kluane] is a park, but it’s still part of their Traditional Territory- now they know where they have input.*” From the point of view of a DIAND claims’ analyst, success is a settlement “*with both sides feeling they can do what they need: non-First Nations can still use the park, and First Nations get back some of what they lost in the creation of the park - therefore, an increased balance.*” Similarly, for one territorial government employee, success in terms of the UFA and Final Agreements will begin once the traditional and confrontational “*First Nation versus Government*” atmosphere is replaced by one in which “*place becomes the overriding factor.*”

The Final Agreements outline the terms and extent of First Nation participation,

rights, and obligations in the establishment and management of specific protected areas and sites. Although establishment of a protected area nearly always results in an increase in land regulations - and often precludes some uses - an involved First Nation can benefit by obtaining "*an increased area of influence outside their settlement land.*" On matters concerning settlement lands, management planning is carried out by the federal or territorial government directly with the First Nation (resulting in the RRC taking on a role equivalent to other stakeholders). For example, there currently are several protected area management plans being prepared by First Nations and the YTG Department of Heritage Resources. A plan for Sha'wshe (Dalton Post) Heritage Site is currently being developed "*under a rather informal partnership*" between the Champagne and Aishihik First Nations' Heritage Office and YTG Department of Heritage Resources. The Rampart House and LaPierre House management plans are being prepared under the guidance of a Heritage Committee (called for in Chapter 13, Schedule B, Section 3.1 of the VGFN Final Agreement) consisting of three appointees from both the Vuntut Gwitchin First Nation and the Yukon government. Similarly, the Fort Selkirk management plan will be developed under a Fort Selkirk Management Group, also consisting of three appointees from both the First Nation and the territorial government. Tr'on ju wech'in Heritage Site (also known as Lousetown or Klondike City) will be managed under a plan developed by TdHFN and Parks Canada.

In December, 1997, Parks Canada initiated the management plan review for Kluane National Park and Park Reserve with the release of a newsletter (Parks Canada, 1997) and public meetings in three communities. The Kluane National Park Management Board (KNPMB), established through the CAFN Final Agreement, has expressed its purpose as being "to connect people with decisions that are made about Kluane National Park"

(KNPMB, 1997, 1). A detailed outline of matters considered to be within the mandate of the KNPMB is listed in CAFN Final Agreement Chapter 10, Schedule A, Section 6.3 (Government of Canada, 1993a, 118-119). The board “will be represented on the park management planning team throughout the review process” (Parks Canada, 1997, 1).² Public involvement in the management plan review was described by a KNPMB member as the board’s “most important” responsibility for the near future. The respondent further stated:

*We also insisted that the first meetings be advertised as “communal brainstorming sessions” meant to get from the public their ideas and concerns BEFORE any formal plan is devised. In the past the approach has been for governments to consult with the public when there is already something so far along that people have felt their opinions were not used, they were consulted too late in the process. We suggested a great effort to avoid that attitude from the beginning... It is a measure of success from my point of view if people will actually believe they can have some influence, that they are not simply being asked for their reaction to a plan devised by the usual gang of bureaucrats.*³

2

A participant at the 1996 Parks Canada Western Workshop suggested several forces which, in combination, are moving the agency toward shared decision making and away from the “old style of decision making and consultation titled DEAD (decide, educate, announce, defend)” (Wright, 1996, 65). Results presented during the workshop summary presentation included a reminder that “wilderness management primarily involves managing people, their influence on the natural environment and on each other” (Otton, 1996, 73). Workshop participants described shared decision-making as “a valuable means of gaining support for wilderness management in our parks” (Otton, 1996, 73).

3

The extent of local input on the park management plan, and the appropriate process to utilise in obtaining input, have been ongoing issues since the 1972 announcement that Kluane would finally become a national park. In a 1973 Whitehorse Star article, Kluane Park Superintendent Sandy Rolfson was quoted as saying: “Local input at the conceptual level can be a big problem. The planners can’t handle it. A plan establishes a talking base then if there are problems, change is possible.” Rolfson’s insinuation that public consultation during the initial stages of management planning would be inappropriate elicited an angry response from Bob Sharp of the Yukon Conservation Society: “Under this situation public input is at best reactive and at worst openly confronting... it is at the point of setting the general objectives and policies that we [the Yukon public] should have the broadest opportunity to participate” (quotations from Jones, 1997, 29-30).

When the management planning process was begun in 1977, meetings were held in local communities to gather information concerning public aspirations for the park. Although this process appeared to incorporate local people from the beginning stage in developing park management options, Nancy MacPherson of the Yukon Conservation Society stated later that “the general consultation approach that Parks took [was] much more consultation than any real participation” (quoted in Jones, 1997, 39).

Effective facilitation of co-management is integral to the structures and provisions of the newly-created Yukon protected areas under federal jurisdiction. For example, the first draft of the management plan for the Nisutlin River Delta National Wildlife Area (NRDNWA) - created through the Teslin Tlingit Council (TTC) Final Agreement - was written by the Teslin RRC. This initial stage provided “*a community sense of ownership and involvement*” in a process which was driven jointly by the Teslin RRC and the Canadian Wildlife Service (CWS), while also involving consultation with the TTC and the Government of Yukon. The management plan, which “stands as a prime example of how a shared vision for conservation can be achieved through a First Nation Land Claims Settlement” (CWS and Teslin RRC, 1997, 3) stipulates that Teslin RRC will be responsible for reviewing permit applications, issuing permits, and reviewing the entire plan in three years.

A minority of respondents, although clearly in favour of the new management arrangements overall, expressed the viewpoint that the establishment of public management

Footnote 3 (con'd)

Correspondence sent in 1980 by W.J. Masyk, Superintendent of Kluane National Park Reserve, to Bruce Downie, Director of the Parks Canada Prairie Region, appears to support MacPherson's contention that full public participation at all stages of management planning was not viewed innocuously by the government agency. In the letter, Masyk comments on the guidelines for joint management regimes which the agency was then attempting to clarify:

The basic question still remains: who is responsible and accountable for the management of a national park? Is it Parks Canada and its appropriate officers or is it going to be a committee responsible only to itself or some other confusing combination... we embark upon the development of vague concepts which would relegate the management of national parks to the consensus of committees...

Another area that should be addressed also deals with the apparent jurisdictional expansion of the joint management concept. Can we guarantee that other local committees especially in the north will not demand direct involvement in the management of neighbouring national parks. For example, Haines Junction and Destruction Bay in the Kluane area...

The broad interpretation now being considered will undoubtedly have a “snowballing” effect and ultimately result in an avalanche destroying the essence of the national park ideal (letter reproduced in Downie, 1980, 47-48).

boards has yet to result in an increased voice in protected area resource management for local people. One individual stated that communities have not, “so far”, gained an increased voice in management, and that the Heritage Resources Board has been “*dysfunctional - it needs to learn even things such as Robert’s Rules [of parliamentary procedure]*”. A second respondent felt that “*the Kluane National Park Board hasn’t done a lot yet, so as of yet it hasn’t improved the community voice*”; a third was of the opinion that “*it hasn’t been the [Kluane National Park] board that has improved the [community] voice - instead it’s been the direct discussions.*” An individual associated with the KNPMB acknowledged that, shortly after its establishment, the board experienced difficulties in meeting due to unexpected changes in personnel, and that it now is in “*a restart phase.*” However, as articulated by a member of the KNPMB, the success of the UFA and Final Agreements might be measured by “*a process [being] initiated for management with community and user input - now, the structure for this is there.*”

4.2.4 Do the agreements lead to improved data collection and therefore an improved information base with which to manage protected area resources?

The responses indicated that the UFA is leading to improved data collection. Most notably, a harvest monitoring system is being developed by the YDRR. An interviewee elaborated:

This is a project that the Department is undertaking as a land claim implementation initiative. Under the Yukon First Nation Final Agreements, First Nations are required to provide harvest data. The Department is interested in developing one single system that reflects our information requirements and meets the First Nations’ interest.

Another respondent felt that a “*First Nation needs reasons to be on the land. [Developing and implementing] management plans should build support for this - for example, in harvest*

monitoring positions.”

Initiatives have already been undertaken either as a result of the UFA or in order to satisfy provisions contained within it. For example, the Canadian Wildlife Service has completed field surveys in the Old Crow Flats SMA, created by the VGFN Final Agreement. An Impacts and Benefits Plan for Vuntut National Park and the surrounding Old Crow Flats SMA has been prepared for Parks Canada and the VGFN; in preparing the plan, extensive biophysical baseline research was undertaken, as well as research into the archaeological, historical, and cultural resources of the area and consultation with local residents regarding their concerns and interests (W.J. Klassen and Associates Ltd., et al., 1997). A representative of the Canadian Parks and Wilderness Society (CPAWS) indicated that elders are now being invited to join that organisation’s field expeditions; this is “*a direct result of the agreement.*” Finally, although not related exclusively to protected area resources, the “Action Agenda 1997-2000” for the Alsek Moose Management Plan (AMMP) cites “not enough local input” into moose population monitoring as a concern (Alsek RRC, et al., 1997, 4). The management plan draft states:

Composition counts (cow/calf ratios) by aircraft are a good means of assessing how well moose are doing but it can only be undertaken periodically and it only involves a few trained people. Additional information is available in the community about moose status and it needs to be combined and compared with the ‘standard’ method for greater accuracy and to get a better understanding and general acceptance of moose monitoring information... Valuable information can best be obtained from the community through a permanent system that people will remain involved with (Alsek RRC, et al., 1997, 4).

The AMMP solution is to initiate an “on-the-land observers program” in the planning area, comprised of “certain reliable people [who] are known to spend considerable time on the land” (Alsek RRC, et al., 1997, 4). The program will be organised by the Champagne and

Aishihik First Nations.

A need exists to conduct future resource inventories on a Traditional Territory basis in order to provide geographic consistency with RRC mandates. At the RRC Annual Workshop, a comment was made that “there are no inventories in the Traditional Territories - RRCs have nothing to work with” (Istchenko, 1997).

4.2.5 Are regional species management plans being developed and implemented?

The literature indicates that decisions regarding the allocation and management of resources “must be linked to, or at least take into consideration, broader [territorial] and regional strategies and policies (Witty, 1994, 23). Interview responses indicate that regional species management plans are being developed and implemented in the Yukon.

A representative of the territorial government stated that, as a result of the agreements, the YDRR is “*forming partnerships - wildlife management is now more community focused through regional biologists, rather than species biologists.*” Such partnerships may include working arrangements with First Nations which have yet to sign Final Agreements. For example, the regional biologist for Kluane Region is “*working ad hoc with White River First Nation on a moose management plan*”; a representative of that First Nation felt that the biologist “*is great at working with communities and developing community concerns into workable management plans, and has worked with success with the Champagne and Aishihik First Nations.*” The YDRR intentionally shifted its management focus from species to regional. A respondent explained what this altered focus means in terms of service delivery:

The species focus had several regional biologists [reporting to] a species biologist, whereas the regional focus has many different species biologists [reporting to] a regional biologist, [along with] regional plans, budgets, and regulations.

Several regional species management agreements have been announced or completed in the period following the UFA. Completed in 1996, the NRDNWA management plan calls for a Cooperative Cross-Boundary Management Protocol in order to coordinate the management of fish and wildlife populations which cross the boundaries of NRDNWA. The protocol will be developed and implemented by the Canadian Wildlife Service, the Government of Yukon, the Teslin Tlingit Council, and the Teslin RRC. A moose harvest strategy for the portion of Kluane National Park and Reserve within CAFN Traditional Territory was developed by Barichello (1996) to provide advice and recommendations to Parks Canada, CAFN, the Alsek RRC, and the KNPMB. Co-management recommendations included within the strategy emphasised the benefits which arrangements for co-management would afford the park moose population:

A co-management agreement may better accommodate multiple interests, including native and non-native hunters, and commercial and non-commercial viewing activities, and would include components of protection and enhancement over the entire moose range... Cooperation would also facilitate the gathering, exchange and application of information, as it pertains to moose and moose hunting (Barichello, 1996, 57).

In 1996, the YDRR, the Champagne/Aishihik Department of Renewable Resources and the Alsek RRC invited other management authorities to cooperate on the preparation of a moose management plan for the "Alsek Area" (Alsek RRC, et al., 1997). A management planning workshop in 1997 was attended by the above stakeholders, the remaining plan "partners" (Kluane National Park, KNPMB, British Columbia Parks, and British Columbia Environment), and invited participants. A representative of the Alsek RRC explained that

“this Alsek Moose Management Plan does include the park but not when it comes to harvest. Park Harvest Strategy is totally separate.”

Parks Canada reached agreement with YDRR to implement a “no-kill” buffer zone between Kluane National Park Reserve and the surrounding region, thereby mitigating the impacts of a wolf control program on park wolves. The interagency agreement set out “mechanisms to reduce the potential conflict between the two agencies different management objectives” (Government of Yukon and Canadian Parks Service, 1992). A Parks representative indicated that the agency will become increasingly involved in “*transboundary harvest management*” in order to take areas surrounding the Park and Park Reserve into account. One respondent stated that a need exists for “*a bear co-management agreement, for consistency in management within and outside of the park.*”

4.2.6 Is cultural understanding being promoted or enhanced by the management system?

Responses associated with this attribute indicate clearly that cultural understanding is being enhanced by the provisions for protected area management contained within the UFA. Several First Nations, including Champagne and Aishihik and Vuntut Gwitchin, have established heritage branches in their Land and Resource Departments. One representative of Parks Canada stated that, as a result of the UFA, the agency has “*direct contact and involvement in cultural history - there had been no forum for this before.*” A second respondent, also associated with the federal government, indicated that his responsibility is:

To facilitate communication on issues of cultural heritage - for example, training people to interview elders. [Government] needs to negotiate cultural accommodation - the ownership of heritage resources is an expression of cultural identity and preservation... The UFA is part of a greater process of cultural accommodation and acknowledgment... In my opinion, cultural accommodation is of national significance.

As outlined in 4.2.3, management plans for a number of First Nations' Heritage Sites, established through provisions of Final Agreements, are now being developed. For example, the TdHFN Final Agreement, completed in 1997, includes two heritage sites in the Dawson vicinity: the previously mentioned Tr'on ju wech'in Heritage Site (on settlement land, and to be managed under a plan developed by the TdHFN and Parks Canada), and Forty Mile, Fort Cudahy and Fort Constantine Historic Site (to be jointly managed by the First Nation and YTG's Heritage Branch).

The 1995-1996 Annual Review of UFA implementation notes that the agreement "obliges the Department of Canadian Heritage to work toward equity in program delivery between the culture and heritage of Yukon Indian people and Yukon at large" (Government of Canada, 1997, 15). A Yukon-wide investigation into potential First Nation national historic sites, including support for First Nations' oral history and heritage research projects, was undertaken by Parks Canada in 1993. One result was the establishment by Parks of community-based cultural research projects with six First Nations; these projects have contributed to "interpretive and cultural resource management programs" at Chilkoot Trail NHS, Kluane National Park Reserve, and Vuntut National Park (Government of Canada, et al., 1995, 25). The Parks Canada search recognised identification of a Yukon First Nation national historic site(s) "*as a priority for heritage site representation, because they are currently underrepresented - but this [search] is not completely driven by the land claim.*" As part of this selection process, the agency provided money to the TdHFN for selecting historic sites, and Parks Canada archaeologists and historians have been working with the Tr'on dek Hwech'in. Both Carcross/Tagish First Nation and the Champagne and Aishihik First Nations also received Parks funding for researching the human history of their

Traditional Territories (Government of Canada, 1997).

As a result of both organisational restructuring and provisions contained within the UFA, changes are also being initiated in the manner in which Parks Canada presents information to the public. The Scoping Document for Kluane National Park and Park Reserve identifies Public Appreciation, Understanding and Enjoyment of Park and Reserve Values as a “fundamental issue.” The document states that:

Reductions in department program resources have impacted on the Park and Park Reserve interpretation and information programs and consequently the services and facilities to support public appreciation, understanding and enjoyment of Park and Reserve values. In light of these reductions, interpretation and information programs are in need of revised strategic objectives to guide what services and facilities are required for the Park and Park Reserve (Parks Canada, 1995, 8).

The first objective (Section 1.1.1) of CAFN Final Agreement Chapter 10, Schedule A (Kluane National Park) is “to recognize Champagne and Aishihik First Nations history and culture... in the establishment and operation of the Park”; an additional Schedule A objective (Section 1.1.7) is “to recognize the interest of Champagne and Aishihik People in the interpretation of aboriginal place names and Heritage Resources in the Park directly related to the culture of Champagne and Aishihik People” (Government of Canada, 1993a, 109). The Heritage Communications Department at Kluane National Park and Park Reserve is therefore beginning the process of changing the park’s four interpretive themes “used to categorize the stories associated with the park’s resources” (Environment Canada Parks Service, 1990, 10). (The four themes were “The Icefields”, “Man in the St. Elias Mountains”, “Life on the Edge of the Icefields” and “Origins of the Landscape”.) Now, *“Champagne-Aishihik and Kluane [First Nations] have involvement in planning, presentation, and evaluation; it is all done in conjunction with them.”* A respondent

associated with Parks Canada acknowledged that Heritage Communications “*needs to communicate the benefits of the service, to change with the times - a big change.*”

4.2.7 Ecological and Cultural Protection Summary

The ecosystem focus of the UFA and subsequent Final Agreements will provide for more holistic protected area management over larger geographical areas. Specifically, Chapter 10 of the UFA “provides a means of protecting land from specified activities through designation as a Special Management Area” (Alsek RRC, et al., 1997, 18). The needs and goals of governmental agencies that have traditionally been responsible for protected area and species management - including Parks Canada, CWS, and the Government of Yukon Departments of Renewable Resources and Heritage Resources - are becoming more integrated with the needs and goals of the RRCs and First Nations’ governments. Integration is occurring through increased levels of direct local contact, input, and levels of involvement. The literature suggests that such co-management initiatives will lead to a better information base with which to manage resources, through measures such as information sharing, integration of TEK with scientific data, and more effective usage of budgets (Nesbitt, 1997).

Clearly, there is now widespread recognition that the survival of a protected area is heavily dependent on local interests’ support for, and understanding of, the area’s mandate.

As stated by Beazley (1997, 37, *author’s emphasis*):

Parks and similar (traditional) protected areas alone will not serve to maintain ecological integrity and levels of native biological diversity we have now. Protected area planning needs to go *beyond parks* and into the broader landscape: to sustainable regional landscape planning and integrated management of adjacent lands through partnerships and cooperative arrangements.

Nesbitt (1997) concluded that the UFA and Final Agreements have clearly led to the

protection of critical habitat through creation of new protected areas. They also have had a significant impact upon co-management of protected areas within the territory. Success over the long-term, however, will necessarily be measured in terms of maintenance of resource sustainability and ecosystem preservation.

Table 4.1: Ecological and Cultural Protection Ratings

Attribute	Rating
A. Is an ecosystem approach to protected area management being adopted?	yes
B. Is critical wildlife habitat being protected through creation of new protected areas	yes
C. Do local users gain an official ownership voice in the management of resources on which they depend?	yes
D. Does the agreement lead to improved data collection and therefore a better information base with which to manage protected area resources?	yes
E. Are regional species management plans being developed and implemented?	yes
F. Is cultural understanding being promoted or enhanced by the management system?	yes

4.3 Clearly Defined Boundaries

4.3.1 Are the biophysical and cultural boundaries well-defined?

A rating of “somewhat” was assigned to this attribute, thus indicating a weak consensus relating to the positive impact of the UFA on well-defined boundaries. For example, one respondent viewed the UFA as being *“in the field, not the object [with provisions to be advanced]. It establishes the boundaries for discussion.”* A second interviewee felt that the claims *“could provide certainty in defining the boundaries of [Kluane Wildlife] Sanctuary”*, once Kluane and White River First Nations complete their respective claim negotiations.

During the negotiation phase, *“everyone [First Nations] wanted the same land areas - for example, highway corridors.”* However, once a claim is settled, the boundaries of a

First Nation's Settlement Land and Traditional Territory⁴ become fixed and definite: "*the parcel boundaries are surveyed, so this should solve most of the problems in river valleys and along roads.*" An interviewee predicted that several years will be required to complete this task:

It may take up to ten years to get it all surveyed and in some cases the survey will only be by GPS [Global Positioning System] readings, not a physical cut line. Thus there will not be any physical line for the general public to reference. But this will happen mainly on the large rural parcels in remote areas.

Although overlap in land selections is required "*to be settled by the First Nations prior to the Effective Date⁵ of their claim*", a degree of overlap will remain in Traditional Territory boundaries after all claims have been settled. A respondent highlighted a possible ramification of an area being within two Traditional Territories:

The main problem this is likely to cause is in the areas of projects or problems that have to be reviewed by boards or committees. It would end up being reviewed twice and each First Nation may have a different idea about what would be an acceptable use of a particular area.

The individual further noted that First Nations do not necessarily consider boundaries of Traditional Territories to correspond with those of provincial or international borders: "*they [may] overlap into other jurisdictions which then require negotiation of claims. For example, the Champagne and Aishihik First Nations are now negotiating with British Columbia on its claims into British Columbia.*"

Issues related to boundaries - both physical and cultural - have received increased

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These terms are defined in UFA Chapter 1- Definitions (Government of Canada, 1993d, 7).

5

"Effective Date" is defined in UFA Chapter 1 as "the date on which a Yukon First Nation's Final Agreement takes effect" (Government of Canada, 1993d, 3).

recognition by Parks Canada in recent years. At the 1993 territorial Forum on Northern Protected Areas and Wilderness, representatives of Parks stated that “original compromises reflected in protected area boundaries must be mitigated by changed priorities and approach on our part.⁶ We must practice management on an ecosystem basis” (West and Brenneman, 1994, 154). The past difficulties in attracting public support were attributed, by an agency representative speaking at the 1996 territorial Workshop on Conservation Biology, at least partially to “the boundary mindset... keeping decisions to ourselves has been an issue” (Lewis and Paish, 1997, 168).

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Due to serious depletion of game which was related directly to construction of the Alaska Highway (Coates, 1991), a large tract of land in the Kluane region was removed “from entry or alienation” by the federal government in December, 1942 for the purpose of creating a national park in the future. However, the order in council which established the reserve covered only “the land feature” of the area; it completely lacked jurisdiction over wildlife. As a result, the Yukon Territorial Council created the Kluane Game Sanctuary in April, 1943, “along the same boundaries as the proposed park reserve to bring a wildlife management component to the new reserve at Kluane.”

Although the federal and territorial governments initially proceeded cooperatively in establishing the new reserve, in September, 1944 the federal government unilaterally decided to alter the boundaries “to exclude potentially mineral-rich areas from protection.” The territorial government followed suit, revising the Kluane Game Sanctuary boundaries to maintain consistency. One of the changes was the removal of a strip of land running adjacent to the Alaska Highway from the reserve (following considerable political maneuvering, the strip was reincorporated into the sanctuary in 1947), resulting in the boundary being much more difficult to recognise on the ground. The boundary change, in combination with a decline in off-road law enforcement due to the advent of automobile transportation, had a disastrous result: “poaching in the sanctuary became rampant.”

Only one month later, the federal government learned that “some of the richest mineral deposits of the Kluane region” were contained within the recently-added reserve lands. This dilemma was rectified by the passing of a new order in council which opened *the entire reserve* to prospecting - and, by extension, to illegal hunting of protected wildlife by hungry prospectors (but not by local First Nations’ people). The impact of the decision was devastating for conservation in the region. Clearly, it was the beginning of an era when “wildlife management catered to economic priorities, which in this case were controlled by the mining industry, not First Nations’ people (Lotenberg, 1995, 7-10).

In his study of Native Access to Resources in the Yukon, Coates (1991, 186) concluded:

Although much has changed in the lives of Yukon Indians since the building of the Alaska Highway, the demand for continued and preferential access to game remains very much in place. Indeed, Native harvesting has persisted in the face of tremendous pressures to abandon what non-Natives see as an out-dated, non-industrial and uneconomic way of life... For the Natives in the territory, the land claims process offers a vital - and perhaps final - opportunity to regain the rights and access to resources that they enjoyed before 1942.

Designation of protected area boundaries continues to provoke heated debate among Yukon interest groups. A May, 1997 panel discussion - part of a Yukon government workshop launching the territorial Protected Areas Strategy - resulted in a polarised stalemate between representatives of CPAWS and the Yukon Chamber of Mines over the acceptability of “fluid protected area boundaries, which could be moved to accommodate a mineral discovery” (Macleod, 1997, 32).

Certain boundary-related zoning provisions contained within Final Agreements may require greater clarity. For example, the CAFN Final Agreement establishes “No Harvesting Zones” within Kluane National Park; a respondent felt that a need exists *“for a clear, simple, defined, No Harvest Zone map, for harvesters and visitors - the current one is not clear.”*

4.3.2 Are ownership and allocation of resources clearly identified?

Responses indicate that the UFA is leading to clear identification of resource ownership and allocation - attributes central to both co-management theory and practice (Haugh, 1994). One respondent felt that resource use conflicts will be reduced because *“this situation provides certainty - the claim serves to confirm interests. For example, [creation of] Vuntut National Park provided local level certainty.”* In terms of determining the success of the UFA, a respondent viewed the *“establishing of management rights over fish and resources”* as an important indicator; a second respondent felt that success might be measured through *“fairness and justice - paying for poor past decisions. This might include preferential access for First Nations.”*

Preferential access to protected area resources for Yukon First Nations is guaranteed through UFA Section 10.4. Furthermore, each Final Agreement includes specific provisions outlining both First Nation Harvesting Rights and preferential Economic Opportunities. For

example, Chapter 10, Schedule A, Section 4.1 of the CAFN Final Agreement states:

Champagne and Aishihik People shall have the exclusive right to Harvest for Subsistence within the Park, all species of Fish and Wildlife for themselves and their families in all seasons of the year and in any numbers, subject only to limitations prescribed pursuant to this schedule (Government of Canada, 1993a, 112),

while Section 9.2 of the same Schedule asserts that:

Subject to any commercial horse riding operation existing in the Park at the time of the Effective Date of this Agreement, the Champagne and Aishihik First Nations shall have the exclusive opportunity to provide commercial horse riding operations that may be permitted within the Park (Government of Canada, 1993a, 123).

One respondent, speaking specifically of Kluane National Park, speculated that *“under co-management, a new set of rules for traditional use may develop in the park, as opposed to outside it - though, technically, the rules are the same.”*

Several respondents indicated that many *“critical interests”* or conflicts over resource ownership and allocation are being identified and addressed during negotiation of agreements, as in the following statement by a YTG representative: *“The majority of conflicts regard public access across First Nation lands and retention of public lands for the public’s use. This is resolved through negotiations, prior to completion of agreements.”* A second respondent admitted that *“the No Harvest Zones are difficult to negotiate”*, while a third commented that *“there are not enough resources for everyone who wants a piece.”* In looking toward the future, however, a clear sense of optimism was often evident: *“People are becoming more alike. Hopefully, eventually, residents will have to remind one another why one person can do something and another can’t.”*

4.3.3 Is there clarity in jurisdictional responsibility and regulatory authority?

Analysis of responses associated with this attribute resulted in a rating of “somewhat” - a weak response consensus indicated either that clarity exists in jurisdictional responsibility and regulatory authority, or that (as a direct result of the UFA) measures aimed at clarifying responsibilities are being taken by the federal and territorial governments to “*identify legislative and policy areas to be changed. Legislative review is ensuring that negotiated rights aren't being infringed upon.*”

A number of respondents felt that provisions contained within the land claims are clarifying governmental and community responsibilities. One respondent felt that “*a settled agreement means more certainty for investing companies - it clarifies what is or isn't settlement land, what the rules are in or outside of settlement land, and what will or can happen to land.*” Responsibilities are also being defined with regard to protected areas. A representative of Parks Canada, responding via email, wrote that “*For Vuntut National Park, the land claims clearly states that the RRC functions as our co-management body in relation to developing management plans, renewable resource issues, etcetera.*” Representatives of both the KNPMB and the Alsek RRC stated that, in future, their boards would be involved in only “*our mandate.*” Board mandates are outlined in the UFA and Final Agreements.

The 1995-1996 YFWMB Annual Report clearly delineates the respective roles of government and the Board. The report identifies the responsibilities of governments as:

day to day fish and wildlife management and enforcement of laws. They employ biologists, technicians and managers who gather information on fish and wildlife resources and propose management approaches based on their analysis (YFWMB, 1996, 7).

By contrast, responsibilities of the Board diverge from those attributed to government as

follows:

... the Board is free of day to day management responsibilities and much of the pressure that can be brought to bear by special interest groups. This means that the Board can concentrate on the 'big picture' and the 'long term'. It can focus its efforts on the policies, legislation and protective measures which will protect habitat and guide management for wildlife far into the future (YFWMB, 1996, 7).

However, the 1997 Annual RRC Workshop revealed the existence of RRC concerns relating to the relationship between the YFWMB and RRCs. The Workshop Summary indicated RRC displeasure with Board review of RRC proposals; the Summary stated further that no common agreement exists on what constitutes a local management issue, and suggested that the YFWMB and the RRCs together develop a protocol to define "local" and "territorial" (Istchenko, 1997).⁷

Other respondents were also of the opinion that the responsibilities, areas of authority, and provisions outlined within the UFA and Final Agreements continue to be open to interpretation. Several individuals felt that difficulties in decision-making had arisen for a number of similar reasons; these include: "*many on all sides don't have good knowledge of the agreements*"; "*there is unwritten tension over who will drive the process*"; and "*growing pains- figuring out which organisations have which responsibilities.*"⁸ Several

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In a presentation at the 1995 Circumpolar Aboriginal People and Co-Management Practice Workshop, YFWMB representative Gerry Couture stated that "the main issue facing [renewable resource] councils is defining council functions, linkages between councils, and council relationships with government agencies" (Roberts, 1996, 12).

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Interjurisdictional issues were cited as a "primary issue" in the Executive Summary of the 1995 Circumpolar Aboriginal People and Co-Management Practice Workshop. The summary states: Overlapping jurisdictions and responsibilities between different government (federal, territorial, provincial, state) departments, between land claimant groups, and between land claimant groups and government departments are a major difficulty of co-management. A key concern with different jurisdictions is inconsistency of laws and

YTG representatives offered more specific comments. One stated that difficulties have been encountered as a result of:

the youth of First Nations' governments. Their hierarchy and delegation of authority are not yet established - as a result, both big and small decisions go to chief and council. Also, the "catch up/keep up" clauses [UFA Sections 13.4.1 and 13.4.2] are open to interpretation. It is difficult sometimes to know which side of the First Nations/non-First Nations ledger a project should be considered to be on.

An individual speculated that difficulties may arise "when all 14 First Nations have settled claims - how will we deal with them all? There could be conflicting recommendations [from RRCs]."

Summary notes from the 1997 Annual RRC Workshop stated that "the big need is to revisit the [1982 Yukon] Wildlife Act because of the inconsistencies between it and the Final Agreements" (Istchenko, 1997). A representative of YDRR agreed that certain sections of the Wildlife Act no longer apply because they are now "contradicted" by Final Agreements:

With respect to the Wildlife Act, there needs to be amendments made because of various inconsistencies with the agreements. As the agreements are paramount, enforcement officers generally "read down" the Wildlife Act provisions until amendments are made... not all First Nations have completed agreements and there may still be some additional amendments necessary depending on the outcome of the remaining eight claims.

4.3.4 Clearly Defined Boundaries Summary

Analysis of responses associated with the three attributes making up the protected area co-management principle of clearly defined boundaries provided mixed results. The

Footnote 8 (con'd)
enforcement practices across their boundaries (Roberts, 1996, IX).

UFA and Final Agreements are providing a clear structure with which to identify various stakeholders' rights and obligations. Although some overlap will remain in Traditional Territory boundaries, the finalisation of claims will provide certainty in terms of defining areas as Settlement Lands. However, there remains a degree of uncertainty regarding jurisdictional responsibilities - and mandate for taking the lead role in the implementing of those responsibilities - outlined within the UFA. As articulated by Pinkerton (1992, 331, *author's emphasis*), "the criteria for inclusion in the agreement is not necessarily agreement on the goals, but rather the power to further *or to frustrate* the management function." Additionally, certain inconsistencies and contradictions between UFA provisions and regulations outlined in prior territorial legislation are muddling regulatory authority. Additional legislative amendments may be required.

Table 4.2: Clearly Defined Boundaries Ratings

Attribute	Rating
G. Are the biophysical and cultural boundaries well-defined and of an appropriate scale?	somewhat
H. Are ownership and allocation of resources clearly identified?	yes
I. Is there clarity in jurisdictional responsibility and regulatory authority among all relevant agencies?	somewhat

4.4 Shared Information

4.4.1 Are structures in place for consultation and cooperation in decision-making between federal, territorial, and First Nations governments, governments and communities, and within communities?

Responses indicated that structures are now in place which are contributing to an increased degree of consultation and cooperation between stakeholders than was evident

prior to negotiation of the UFA.⁹ A respondent felt that the agreements have led to increased cooperation because they *“put mutual obligations into writing - therefore people are forced to cooperate.”* This sentiment was echoed by a second individual who viewed the UFA as *“a vehicle for communication - the claim gives direction, a change from the pre-claim environment. It is a formal mandate to build bridges.”* As a result of the agreements, a representative of YDRR confirmed that there is *“more direct communication with First Nations: an increased openness, dialogue, and attempts to reach consensus. We are exploring each other’s interests of the agreements.”* A second respondent stated that government is now *“more integrated with the community. But the biggest adjustment has been increased integration of First Nations on every level.”* An individual associated with the federal government commented that

the agreements place a lot more onus on federal departments to consult with and incorporate First Nations into our activities. The concept of “adequate consultation” has probably caused the biggest concern among all parties... the biggest difficulty is matching consultation efforts with consultation expectations.

Several respondents cited specific examples of how increased cooperation is occurring. A YDRR representative wrote that *“increased levels of consultation on the preparation of management plans... and participation by First Nations in the planning and establishment of parks, heritage rivers, etcetera has occurred.”* Another respondent noted that the Yukon Protected Areas Strategy includes public service announcements, release of

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The positive rating for this attribute contrasts sharply with findings of research conducted in 1981 by geographers Gardner and Nelson. Then, the “ad-hoc approach” to Parks Canada’s interaction with aboriginal people at Kluane National Park Reserve was criticised because “neither natives nor park managers are certain of the native role in the Park”; the study concluded that “in the Yukon Territory, neither the national parks agency nor the native people are highly motivated to interact” (Gardner and Nelson, 1981, 213-214).

a discussion paper (Government of Yukon, 1997a), and two rounds of public consultation and information meetings. The individual explained that *“once the overall strategy’s principles and goals are agreed upon, it will go to the communities. This is the logical and only route to go given the land claim provisions.”*

Parks Canada respondents stated that the agreements have led to the agency *“sending out communication issues to Champagne-Aishihik and Kluane First Nations for their comment”* and that *“informal discussions”* now occur regularly between Parks, First Nations, and RRCs:

There is a willingness to sit down and discuss what is occurring; this is now sanctioned by the agreement. Informal discussions give a sense of whether a move will be greeted favourably by First Nations. There have been big changes over the last ten years.

A representative of the Alsek RRC affirmed that *“our relationship with Parks where it pertains to the park and our common interests has always been pretty good.”*

A major Parks Canada initiative now currently underway in the Yukon is the Management Plan review for Kluane National Park and Park Reserve. A Parks representative explained that *“Instead of having public meetings to present the plan, we opted for a ‘go-slow’ approach and hosted Open Houses to hear people first.”* The Management Plan Review Newsletter states that *“These Open Houses will help us to identify the key issues that need to be addressed during this review process. This is your opportunity to identify concerns, interests and to make suggestions”* (Parks Canada, 1997, 2). Parks has officially recognised the value of incorporating a public participation process into

management planning for over two decades.¹⁰ However, the agency now recognises that, until recently, its “*communications has been a weakness.*” (An article included within a recent Parks Canada Ecosystem Series publication cited failure to involve stakeholders, overreliance on “external experts” and insufficient commitment and involvement of local people as factors which can lead to unworkable plans [Davey, 1997, 3]. Similarly, at the 1993 Forum on Northern Protected Areas and Wilderness, Kluane Park and Park Reserve representative W. Brent Liddle offered the following evaluation of Parks Canada’s strengths and weaknesses:

We do a reasonably good job of trans-border protection, operations, planning and other aspects of park management. What we do *not* do quite as well is reaching out to the public to make them more aware of, and more sensitive to, the resources we are mandated to protect, preserve *and present* [Liddle, 1994, 350, author’s emphasis].)

A member of the KNPMB suggested that improving the image of Parks locally may require both effort and time:

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In 1970, Parks Canada instituted public hearings on Provisional Master Plans for national parks. In an agency document entitled “General Introduction to Public Participation”, Olsen (1976, 6) explained that “it soon became apparent that the public wished to have considerably more input into the [park] planning process, starting with the policy and goal formulation phases and continuing through to the implementation phases.” A second Parks document from that year defined participation as “an open, mutually educative process to facilitate and improve decision-making in the public interest at all key stages during the conceptualization, planning and development, use and management of a Park” (Bennett, 1976).

A 1995 United Nations Research Institute for Social Development Discussion Paper on Protected Area Management stated that the term ‘participation’

has often been used to justify the extension of control of the state... it has been used to justify external decisions... the dilemma for authorities is that they both need and fear people’s participation. They need people’s agreement and support, but they fear that this wider involvement is less controllable, less precise and so likely to slow down planning processes. But if this fear persists only stage-managed forms of participation, distrust and greater alienation are the most likely outcomes (Pimbert and Pretty, 1995, 25).

The discussion paper went on to state that, until the 1970s, participation was viewed as a “tool” for “achieving the voluntary submission of people to protected area schemes... no more than a public relations exercise, in which local people were passive actors” (Pimbert and Pretty, 1995, 25).

In Haines Junction people are quite cynical about the park, particularly the business types; the park has not spent a lot of effort in meaningfully involving the public before so they don't really think this time will be any different; it will be hard to give the park a better image - it will take some time.

A minority of respondents felt either that structures for consultation and cooperation are not yet in place, or that structures which have been established are not being adequately utilised. A board member felt that *"cooperation is mostly yet to come"*, while provision of adequate consultation was mentioned by a second board member as a difficulty: *"DIAND still consults when it feels like and how they feel like... The government provides what they think you need to know - but things are improving."*¹¹ At the 1997 Annual RRC Workshop, dissatisfaction was evident in the RRCs' relationship with DIAND in terms of the present forestry process. Concerns expressed included lack of recognition by DIAND of UFA Chapter 17 (Forestry) as "the new operating manual for forest management in the Yukon" and, accordingly, of the agreements' requirements for forestry management on a Traditional Territory basis, with RRCs involved through a partner relationship with DIAND (Istchenko, 1997).¹²

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Caulfield (1988, 55) determined that the process of establishing public boards for co-managing northern resources and protected areas "is not without serious obstacles." In the case of Alaska's national parks, Caulfield cited both Park Service reluctance to share decision-making power and management perceptions of protecting a broader national interest against "narrower" local interests as having the potential to undermine efforts to implement co-management.

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In the Yukon and Northwest Territories, the federal government acts as a permitting agency for the mining and forest industries. Peepre (1995, 158) stated that "most Yukon lands are owned by the federal government which appears reluctant to relinquish subsurface rights for protected areas."

4.4.2 Is traditional knowledge recognised by federal and territorial governments? Is there integration of traditional knowledge and scientific knowledge in decision-making?

Responses associated with this attribute were grouped into two categories- those which stated opinions or definitions of traditional ecological knowledge, and those citing specific ways in which TEK is being utilised. The existence of TEK is clearly recognised by all governments in the Yukon - an interviewee with involvement in negotiating agreements stated that *"traditional knowledge is a big part of the negotiation process - it has to be accepted as fact, and then we deal with it."* Furthermore, responses indicate that TEK is increasingly being utilised and integrated with scientific knowledge in the management of Yukon protected areas.¹³

Definitions of TEK varied considerably, but generally related to *"an acknowledgment of local concerns, input, and knowledge."* One respondent stated that *"you can't separate*

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Recent literature indicated both concern over the failure to incorporate TEK into research and co-management decisions (Roberts, 1996), and evidence that integration of TEK with scientific information is beginning to occur in northern Canada. Duerden and Kuhn (1998, 34) identified the five most prominent contemporary applications of TEK as relating to cultural preservation, land-claim processes, resource management, land-use planning, and environmental monitoring. In specifically discussing the relation of TEK to land claims, they stated:

Indigenous geographies were used in land-claims processes as a basis for land selection and for developing systematic approaches to maintenance of native control over land... the land-retention strategies of numerous Indian bands throughout the Yukon and NWT were based on historic and current maps of land use and occupancy (Duerden and Kuhn, 1998, 34).

The literature is replete with documentation of efforts to incorporate and blend TEK with scientific knowledge in the north. For example, the NWT government has adopted a formal Traditional Knowledge Policy in an effort to situate "the policies and practices of territorial government closer to reflecting the values and needs of all northern residents"; the policy refers to TEK as "a valid and essential source of information" which "should be considered" in government program design and delivery (Abele, 1997, iii). Desjarlais (1995) highlighted ways in which geographic information systems may be utilised in Traditional Land Use and Occupancy Projects and co-management decision making, focusing specifically on issues pertaining to Alberta. Explanations also exist which describe how TEK has been incorporated into scientific research within the Yukon. For example, TEK significantly expanded the information base in an ecosystem maintenance indicators study which was mapping the Mackenzie River basin: the traditional knowledge data filled gaps in historical information and identified historical trends, such as the disappearance of key habitats, through interviews with community elders (Kanomata, et al., 1996).

information from people - people's knowledge is traditional knowledge." A second described it as being *"mixed with cultural expression - interpretation biased by worldview."* To one interviewee, TEK is *"more a philosophy than specific knowledge... Aldo Leopold had traditional knowledge, and there are people like that in every culture. We need to get away from the view that it is race related."* Several other respondents agreed that *"local knowledge"* would be a more appropriate term because *"you don't need to be a First Nation member or elder [to possess it]"* and in order *"to not disenfranchise non-First Nations members of local communities."*¹⁴ All responses bore at least some resemblance to the following definition of TEK taken from the literature:

A cumulative body of knowledge and beliefs handed down through generations by cultural transmission about the relationship of living beings (including humans) with one another and with their environment (Gadgil, et al., 1993).

There are a number of ways in which the federal government is both recognising TEK and integrating it with scientific knowledge in the management of protected areas. A respondent representing the Canadian Wildlife Service stated that *"traditional knowledge is incorporated routinely in our projects, although there is no agreed upon methodology of collecting and utilising such knowledge, however - thus 'formally' [recognised] might be too*

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A review of TEK scale, context, and application cautioned against making TEK-related "inferences" beyond the immediate geographic context at which the information was collected; the review concluded that "the primary validity of TEK is with describing and explaining detailed local geographies and prescribing locally appropriate resource-management strategies" (Duerden and Kuhn, 1998, 31,37). Corsiglia and Snively (1997) indicated that TEK could improve the effectiveness of resource management strategies through means such as helping to locate and identify rare and endangered species and aiding in the defining of protected areas. Similarly, a United Nations Discussion Paper on Protected Area Management concluded that participation of local people in management is most effective and appropriate at the local, or meso-level (rather than at the macro or micro-level) because "the collective knowledge that rural people have of their watersheds, forests... wetlands gives them distinct advantages at the meso-level at which the protected area management schemes are ultimately aimed" (Pimbert and Pretty, 1995, 30).

strong a word.” A representative of Parks Canada stated:

for my job, I need to support the expression of traditional knowledge, and to work with park managers to have a more useful presentation of the scientific framework. Traditional knowledge is looking at experience and knowledge; it is important for bringing together cultural accommodation.

In terms of oral history, the respondent explained that “*adjustments within the system*” are occurring:

For oral history, sole sourcing is to First Nations. This means that its presentation is not up for bids, because no one else can legitimately do it - so sole sourcing must somehow be made to 'fit the rules'... In terms of ownership: generally, the Crown expects to own what it pays for - but in these cases, it is paying to support the opportunity to bring out information.

One respondent summarised the effect which the UFA has had upon the expression of TEK within the territory’s national parks: “*for Kluane [National Park and Park Reserve] traditional knowledge must now be dealt with - for Vuntut [National Park] it can initially be acknowledged and addressed.*” A Parks Canada representative stated that in investigating the existence of TEK relating to Kluane National Park, “*Champagne and Aishihik First Nations are taking the responsibility and lead - more research is required, allowing it to be incorporated through consultation.*” However, although the park’s recognition of TEK means “*incorporating thoughts and ideas into programming when appropriate*”, a Parks Canada respondent stated that this is not happening “*at this point.*”

Representatives associated with the territorial government also indicated that use is being made of TEK in managing protected areas. One respondent answered that YDRR interpretive programs involve “*consultation with First Nations- programs are possibly interpreted from a First Nations’ perspective*”, while a second stated that “*nearly all*

[Department of] Heritage Resources First Nation research is oral history.” Representatives of both the territorial government and the Alsek RRC cited the AMMP as an example of a plan in which TEK is “*recognised and becoming incorporated*”; one individual explained that “*traditional knowledge is a valuable source of information for harvest monitoring.*”

4.4.3 Does the public have increased accessibility to information?

Analysis of results led to a rating of “somewhat” for this attribute: associated responses indicated that although the public does have increased accessibility to information, widespread public ignorance of the processes and structures now being instituted remains a source of difficulty for many respondents. Kutay (1991) stressed the importance of ongoing relations between national park administration and surrounding communities in order to ensure public knowledge of the objectives, resources, programs, and benefits of the protected area; improve communication; and ease conflicts between park administrators and local residents.

A number of factors contribute to the increased availability of information to the public. For federal and territorial governments, UFA provisions for the establishment of public boards have resulted in “*more public review in the regulation process.*” For example, the KNPMB holds “*monthly meetings, usually in Haines Junction*”, and has sent out two information letters to interested parties. Federal government interviewees stated that the agreements have led “*from government decision-making to a very public process, with more obligations [for government]*”, and to “*increased understanding of Parks’ mandate by the public as a result of boards.*”

Public understanding and support is particularly crucial for Parks Canada, in light of the organisation’s significant funding reductions: between 1994-95 and 1999-2000,

government appropriations are being reduced by over 25% (Borbey, 1997, 49), translating to approximately a 20% budget reduction for each national park within the system (Payne, 1997, 90). Although these reductions will be partially offset by a plan to increase revenues from 10% to 25% of total budget (Payne, 1997, 90) through “cost recovery initiatives”, the overall result is “a lot less money than we had before” (Borbey, 1997, 49). The relevance of this reduced funding in terms of public access to information is summarised by Bourque (1996, 69): “as budgets shrink, stakeholder information is crucial. Stakeholders may have the ability to identify gaps that parks staff are unable to fill at a given time.”

In terms of protected area management planning, the public process being adopted by YDRR includes:

public meetings, conducted in the appropriate city, town or community depending on the program’s impact or relevance. There is no general communication strategy in place; however when specific initiatives such as an area being developed as a park [are initiated] a specific communications strategy is developed.

A number of respondents indicated that communication strategies are being or will be developed to increase the public’s accessibility to information - for example “*to describe Heritage legislation to Yukoners*”, or to facilitate “*communication about the UFA’s implications for users, First Nations, non-First Nations, and visitors.*”

Several respondents mentioned experiencing difficulties with limited public awareness. Comments included “*people don’t realize that the RRC is here because of the UFA - they don’t understand the extent to which [the UFA] affects them*”; “*people don’t attend meetings unless they are directly affected*”; “*ignorance is a source of frustration for the board*” and “*First Nations need to educate their members as to what’s in the agreements.*” One respondent suggested that the public’s limited knowledge might result from “*the agreements*

[having] went through so many stages, over nearly 15 years, that people became 'immune' to them. Now that changes are occurring that affect them, public awareness is increasing - and we must deal with the impacts."¹⁵

4.4.4 Is there recognition of an equal relationship between First Nations' governments and federal/territorial governments?

Responses indicate that there is recognition of an equal relationship between First Nations' governments and federal/territorial governments, although "*a great disparity in resources*" continues to exist. Government of Yukon representatives stated that "*First Nations are approached as governments*" and that the agreements are leading to "*a level of legislated respect.*" The development of co-managed protected areas (such as Vuntut National Park, Tr'on ju wech'in Heritage Site, and Sha'washe Historic Site) "*recognizes their importance to both governments.*" Consequently, a steering committee for heritage site management plan development is funded through cost sharing; the committee is composed of equal representation of First Nation and territorial governments.

Representatives of Parks Canada indicated that management of national parks within the territory is now subject to "*a government to government relationship, rather than First Nations being just another stakeholder*", and that Parks - First Nations working arrangements now begin "*firstly, by viewing them as partners.*" One federal respondent stated that the agreements have led to "*more structured, formalised relations - First Nations have been elevated to a new level, there is more to the process than in the past.*"

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Pinkerton (1992) identified five distinct stages involved in the implementing of co-management arrangements: negotiating posture, negotiations, producing agreement, implementing agreement, and institutionalising procedures.

4.4.5 Is there networking between structures created through agreements and other resource management agencies?

A rating of “somewhat” was assigned to this attribute following review of responses. Although some networking is occurring, both between boards and between boards and government departments, a number of responses indicated that effective co-management of protected area resources would benefit from increased departmental interaction. For example, “*a lack of coordination between departments leads to independent initiatives, which all arrive, overwhelmingly, at the First Nation at once.*” A similar comment was made at the 1997 Annual RRC Workshop: “how can you do a Protected Areas Strategy without land use planning? [There are] too many segments of land planning but nothing is co-ordinated” (Istchenko, 1997).

Several respondents offered specific examples of networking. A board member stated:

I feel that conversations are now occurring regarding cooperation amongst and between boards. The Yukon Land Use Planning Council planted the seed to have the boards look at holding joint meetings and to begin discussions regarding issues which affect all boards such as information sharing, director's liability, etcetera.

A territorial government respondent indicated that a positive relationship exists between the YFWMB and YDRR:

The Fish and Wildlife Management Board is definitely advantageous in many ways to YTG Renewable Resources department when they support initiatives and sponsor public reviews, encourage progressive action and generally provide broadly based input to departmental actions; to government when they provide broadly based input to elected members on which they may base policy and specific decisions; and to the public whom they represent.

. The 1995-1996 YFWMB Annual Report stated that “under the Final Agreements [UFA

Section 16.7.15], the Board is required to meet annually with the Chairs of the Renewable Resources Councils. A meeting took place in March of 1996 and focused on developing a protocol for dealing with wildlife issues” (YFWMB, 1996, 15).

Interaction is also occurring between boards and non-governmental organisations. A representative of CPAWS stated that as a result of the agreements, *“we are working cooperatively with First Nations on a CPAWS campaign”*; he added that *“CPAWS hopes to show that protected areas are a viable option - so we need to engage the RRCs to achieve our objectives... It is most effective to work directly with First Nations.”*

4.4.6 Shared Information Summary

A substantial majority of respondents indicated that more direct communication, increased accessibility to information, and increased levels of consultation between communities, First Nations’ governments, and federal and territorial governments is occurring, along with some integration of traditional knowledge. Much of the improvement may be attributed to the structure, direction and objectives provided within the UFA and Final Agreements. The agreements led to First Nations being approached on a government level. They have also contributed to a greater willingness by all parties to initiate informal contacts, important both for sharing information and ensuring smooth working relationships (Government of British Columbia, 1990). Concerns cited include the difficulty in defining a level of “adequate consultation” acceptable to all affected interests, and the widespread public ignorance of the structures and processes now being implemented.

Table 4.3: Shared Information Ratings

Attribute	Rating
J. Are structures in place for consultation and cooperation in decision-making between government and First Nations, government and communities, and within communities?	yes
K. Is traditional knowledge recognised by all stakeholders? Is there integration of traditional knowledge and scientific knowledge in new structures and working arrangements?	yes
L. Does the public have increased accessibility to information?	somewhat
M. Is there recognition of an equal and cooperative relationship between First Nations governments and federal-territorial governments?	yes
N. Is there networking between structures created through agreements and other resource management organisations?	somewhat

4.5 Continuity and Dedication

4.5.1 Is there a dedicated core group consistently applying pressure to advance the process of agreement implementation?

Analysis of responses associated with this attribute revealed a rating of “somewhat”: a weak consensus indicated that pressure is being exerted to advance agreement implementation. Much of the remainder of the data highlighted respondents’ concerns regarding a shortage of involved people, especially in smaller communities.

Respondents who believed that a core group is applying pressure to advance agreement implementation were divided on the question of whom that group is made up of. Answers ranged from “[there is] a core group from the government level” to “principally within the First Nation - the board [KNPMB] is also trying hard” to “I do feel the pressure is being exerted mainly by internal organisations, both First Nation and public interest groups. They are supported, however, by large national and international organizations such as CPAWS.” One respondent felt that “most people seem committed and motivated to change the process and learn new protocol”, while a second stated that “the process is

moving - remember that there are no precedents for the UFA to follow; it is new and open to interpretation.” Other interviewees offered more specific examples of how agreements are being implemented, as in *“the Alsek RRC is on schedule and coming together - things just take time.”* A respondent associated with the Vuntut Gwitchin First Nation noted that two implementation coordinators had been hired by that First Nation. Finally, two respondents pointed out that implementation of Final Agreements is evaluated by the tripartite - federal, First Nations, and territorial governments - Implementation Working Group (IWG). The IWG met five times during the first year of UFA and final agreement implementation (1995-1996) *“to monitor the implementation of the agreements and to address implementation issues”* (Government of Canada, 1997, 3).

The major concern expressed by respondents related to overworked people, and to an overall lack of capacity - especially a shortage of people, or *“bench strength”* - in the smaller communities and First Nations. One individual stated simply that *“in the communities, the average Joe isn't going to think about [the agreements]. There are other things to worry about in their day to day lives.”* Local involvement, however, is central to the agreements' success, as articulated by Bailey (1994, 96):

Regardless of how structured [co-management] is in a Land Claim, or by some other paper process, it still takes the commitment of government agencies, land claim beneficiaries, and when you get right down to it, to individuals and people, they have to have a real sincere belief that it's going to work, in order to make it work.

Similarly, an interviewee noted, *“it all comes down to individuals, regardless of what's in the agreement”*, while a second added that *“the intent is to bring decision-making to the local, human level - so personalities are important.”* The presence or absence of a single individual can determine whether an entire board is able to function. For example, a

respondent stated that “*KNPMB needs an alternate who knows the issues and comes to all meetings.*” This opinion was shared by a board member:

The first actual recommendation [made by the board] is one made recently about what might seem like a relatively small issue: we recommended that an alternate be appointed for both ‘sides’ of the co-management board. The reason is the long delay in replacing [an original board member] and the present delay in finding a replacement for [a current board member] who announced in summer her desire to resign. This delay... essentially shut down the board for almost 9 months. Secondly, an alternate would serve as a good apprenticeship-type training. Some boards and councils had provisions to cover this question of alternates. No one knows why this board was overlooked. Possibly because when Kluane First Nation signs [its Final Agreement] there could be significant changes.

Lack of personnel has also hampered government initiatives. A Parks Canada representative, speaking specifically of Vuntut National Park, stated that “*the biggest difficulty has been the lack of a person dedicated solely to the park, due to organisational restructuring (which is done now).*” Witty (1994, 26) viewed the presence of committed government staff as being essential to the successful implementation of co-management initiatives; he stated specifically that “field and headquarters staff support is especially important, since these individuals have the resources, knowledge and connections necessary to convince various interests of the opportunities presented by co-management.”

4.5.2 Is there continuity of knowledge, skills and interest in key actors?

Responses revealed a number of concerns related to this attribute, with the result being a rating of “no”, indicating that continuity of knowledge, skills and interest in key actors - or a shortage of key actors - is problematic at this time. A territorial government respondent both commented on the necessity of reorganisation following completion of negotiations and provided an example of an UFA provision which now is being widely misunderstood:

The big difference between negotiation and implementation is that in many cases the players have changed. Those responsible for implementation are not the same as those who were involved in negotiation. As a result, there is a learning curve, and during the interim some different perspectives on the provisions in the Final Agreements. As one example, the application of a new wildlife harvesting regime that applies to beneficiaries of Final Agreements is not clearly understood. A beneficiary of a First Nation with a Final Agreement no longer has an unrestricted ability to hunt for subsistence throughout the Yukon. This ability is limited to their specific Traditional Territory and, with the consent of other First Nations, in other First Nation Traditional Territories. In the absence of consent, the laws of general application apply.¹⁶

The same respondent also offered one explanation as to why there have been so many changes in the key individuals involved with territorial protected area and wildlife management:

Much First Nation expertise has been from outside [the Yukon]. People come and go when the negotiations are complete, or the negotiator has been retained in a new capacity, but now more [people] are required - for example, harvest, social issues, education. These are all areas for expertise, slots that need to be filled...

Other interviewees echoed the sentiments expressed above, through statements such as “Native political institutions are fragile”, “the government speed of demands is perhaps too fast for communities”, and “First Nations organisations are not ready to meet [implementation] deadlines, which were too optimistic. They need more experience.”

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The Action Agenda for the Alsek Moose Management Plan draft expresses concern regarding the fact that “harvest monitoring for CAFN and other First Nation harvesters in the Alsek Area does not currently exist” (Alsek RRC, et al., 1997, 9). One proposed solution is to issue permits to other First Nations’ harvesters hunting any species on Champagne/Aishihik Traditional Territory. The plan elaborates on the problem:

A popular (but not universal) interpretation of the UFA is that section 2 of the Yukon [Wildlife] Act has been repealed [-] which means that any other First Nation hunter can either get consent to hunt in the traditional territory from [its respective] First Nation and be subject to that government’s laws, or the hunter can buy a territorial hunting licence and hunt under the laws of general application for Yukon residents. A definitive interpretation of these relationships is urgently required (Alsek RRC, et al., 1997, 10).

Nevertheless, changes in the identity of key actors is not necessarily problematic: a representative of Parks Canada stated that *“there’s been a change in key players, but progress has been made on different fronts. It’s different with each First Nation.”*

4.5.3 Continuity and Dedication Summary

Responses revealed a rating of “somewhat” on the question of whether a core group is advancing the implementation of agreements. Respondents indicated that continuity of knowledge and skills among key actors is problematic, resulting in a rating of “no” for that attribute.

The intent of co-management is to bring decision-making to the local level - to have “as much local-level control and responsibility as possible, and only so much government regulation as necessary” (Berkes, 1994, 20). This means that individual personalities assume roles of critical importance. Ultimately, all co-management agreements, regardless of provisions, depend upon relationships between people (Pinkerton, 1989). To advance the pace of the implementation process, an increase in the number of involved local people is needed, which may be difficult for small communities. Individuals are also needed to fill specific and essential capacities - for example, an alternate for the KNPMB, and a representative of Parks Canada dedicated solely to Vuntut National Park. Nevertheless, the majority of respondents remain very optimistic about the processes that have been initiated. A sense exists of a commitment to change and to learning new processes, a sense that *“things are just beginning.”*

Table 4.4: Continuity and Dedication Ratings

Attribute	Rating
O. Is there a dedicated core group- originating from government, First Nations, or communities- consistently applying pressure to advance the process of agreement implementation?	somewhat
P. Is there continuity of knowledge, skills, and interest in key government, First Nations, and community actors?	no

4.6 Management Flexibility and Responsiveness

4.6.1 Are adaptable and situation specific management regulations and procedures being developed and implemented?

Analysis of responses resulted in a positive rating for this attribute. However, it is clear that at this time the majority of new management regulations and procedures are being developed, as opposed to being implemented. Although an Implementation Plan exists for the UFA, one respondent described it as being *“in general, not a very specific plan, and it does not deal with administration and enforcement issues very well.”* Nevertheless, a Parks Canada representative confirmed that *“priorities have shifted due to implementation timelines.”* A number of respondents made statements to the effect that *“regulations haven’t really changed at this point.”* These included representatives of Parks Canada (*“no regulations [at Kluane National Park and Park Reserve] have changed yet as a result of the board”*), the territorial government (*“no park management has been undertaken pursuant to a Final Agreement yet - we are still in a consultation stage”*), and a First Nation (*“[UFA provisions] haven’t yet contributed to improved park management - they haven’t had the opportunity to implement them yet.”*) Although these responses may reveal that few new management regulations are yet being implemented, they do not indicate the extent to which new regulations are being developed.

There are now some protected area management regulations in place that have been developed subsequent to the UFA, such as the NRDNWA Management Plan, developed in order to address Chapter 10, Schedule A, Section 7.0 of the TTC Final Agreement. A respondent described the process utilised in developing the plan:

the Nisutlin River Delta National Wildlife Area Management Plan was based on the input provided by the RRC, the First Nation [Teslin Tlingit Council], and the Community in a very focused two day workshop. This same format was also followed in Mayo for the Horseshoe Slough Habitat Protection Area Management Plan... The workshops offer an opportunity to set out all the issues for discussion and to reach consensus on making a recommendation concerning each item.

Several federal and territorial government respondents indicated that they are, as a result of the agreements, “*implementing post-claim management plans*” and that the UFA has “*forced government to review management plans and policies - it focuses government more internally on how things are working, or not working.*” A representative of Parks Canada attributed partial responsibility to the UFA for “*a broader understanding of how regulations can be applied.*” However, the individual elaborated by citing the broader economic context in which provisions of the UFA must be implemented:

This [broader understanding] is also partially due to cutbacks - which are a healthy thing, in that it makes people more receptive to listening to others, because they can no longer do all the same things with their own shrinking resources.

Although initiation of the management plan review for Kluane National Park and Park Reserve did not occur as a result of the UFA, the CAFN Final Agreement requires that revisions be made to the management plan. For example, Chapter 10, Schedule A, Section 4.1 of the CAFN Final Agreement recognises the exclusive right of Champagne and Aishihik people “to Harvest for Subsistence within the Park” (Government of Canada, 1993a, 112).

Section 7.2.2 of the same chapter states that the Park management plan shall “provide for the protection of Fish and Wildlife habitat as a first priority” (Government of Canada, 1993a, 121). A Parks Canada representative described Kluane as currently being “*a site without a management identity*” and indicated that the Scoping Document contains the “*terms of reference to run a [management plan review] process.*”¹⁷

A number of further examples of regulations and procedures affecting protected area management which have arisen directly due to the UFA were offered by respondents. One interviewee stated that his job description - “*to develop the YTG mandate, and participate in [Final Agreement] negotiations*” - is intimately tied to the UFA. Various public boards - also formed through the agreement - will affect, to greater or lesser degrees, the management of protected areas. A board member affirmed that “*now UFA Chapter 11 [Land Use Planning] is beginning to be implemented: planning boundaries are being designated, linkages are being made.*” A YDRR representative summarised the UFA-related revisions to the department’s field operations:

The majority of changes relate to information or education, but there are also enforcement-related differences. There are numerous changes in operational policies- for example, hunting licences are not required by a First Nation beneficiary if they are on their Traditional Territory, or if they have permission to hunt on another Traditional Territory.

Several respondents did not feel that adaptable (or “*progressive*”) protected area management regulations are currently being developed. One board member stated that “*what Parks says and talks about is not what actually occurs. It’s becoming a lost*

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The introduction of the Scoping Document explicitly states that its purpose is “to establish the parameters of the Kluane National Park (Park) and Kluane National Park Reserve (Park Reserve) management plan review program” (Parks Canada, 1995, 1).

opportunity - nothing new is occurring because of downsizing"; a second respondent described Parks Canada as *"a long-established institution with set ways of doing things."* A Parks representative confirmed that in the case of Vuntut National Park, *"we haven't started park management yet - haven't yet created the interim management plan. It will be a year and a half until things will get going."*

4.6.2 Is a commitment being demonstrated by federal and territorial government departments to new structures, processes, and working arrangements?

A weak majority of responses indicated the existence of a commitment by federal and territorial governments to the new structures and working arrangements. The rating for this attribute is, therefore, "somewhat".

Several Yukon government respondents, particularly those employed by the Department of Renewable Resources, stated that the existence of their own job could be directly attributed to the UFA. These included the Head of Regional Biologists (*"my job is new, created four years ago in preparation for the new situation"*); the Habitat Protection Coordinator (*"my job was virtually invented with land claims"*); and the Land Claims Coordination Manager (*"I coordinate implementation of the agreements - monitor claims, ensure that YTG obligations are met... What's negotiated becomes my mandate."*) A respondent from the Department of Heritage Resources stated that, as a result of the agreements, *"we have created a position - Implementation Coordinator - to ensure that obligations are met, and evaluate how much is required to equalise funding."* Additionally, responsibilities associated with YTG positions also now acknowledge the commitment of the territorial government to requirements set out within the UFA.

Federal respondents also confirmed that the agreements have had impacts upon their

job descriptions. A Parks Canada representative described his viewpoint on how the agreements have affected his employment duties:

not everything is driven by the land claim, but it makes for an explicit process in the Yukon. I was hired in 1986 as a Historical Researcher. My job description definition hasn't changed so much as my self-definition of the job has changed... My interpretation of my mandate has broadened - more is now seen as being relevant.

The Government of Yukon appears to be recognising UFA requirements in the development of new territorial legislation. For example, the Yukon Historical Resources Act calls for the establishment of an advisory Yukon Heritage Resources Board, of which “at least half [of the members] shall be chosen from people nominated by governing bodies of Yukon First Nations or by the coordinating body for Yukon’s First Nations” (Government of Yukon, 1996, 4-5). One respondent wrote that *“this dovetails with the Heritage Chapter (13) of the UFA which also calls for a board of that name [Section 13.5.1].”*

Other responses focused upon specific examples of how government departments had adapted to the new working arrangements. A respondent from the YTG Department of Renewable Resources explained that the YFWMB and the Mayo RRC were formed *“preemptively”* - both had operated as “pre-implementation pilots” (YFWMB, 1996, 15) prior to the UFA - and that, as a result, *“we started adjusting service delivery four to six years ago - therefore, we had made most adjustments before the claims were signed. Now we are working within the provisions of the agreements.”* The respondent added that his primary links with the UFA-created boards are through the YFWMB Director and the YDRR Regional Biologists (who work directly with the RRCs). A representative of the Canadian Wildlife Service described the following example of the territorial and federal governments meeting UFA obligations:

The Environmental Protection Board [EPB] has cooperated with DIAND to provide training related to environmental emergency response for most of the Yukon First Nations. A two day training course was provided by EPB staff in February, 1997. EPB has written to all Yukon First Nations and met with representatives of some First Nations to discuss their interest in becoming involved as a participant in the Letter of Understanding Concerning Government Response to Spills in the Yukon. This has been done as a result of the self-government agreements which provide First Nations with environmental management responsibilities.

This attribute incorporated a number of responses from representatives of Parks Canada. One individual stated simply that *"Parks will be at the table until all claims are settled."* Other respondents indicated ways in which Parks has been meeting new commitments. For example, in accordance with Chapter 10, Schedule A, Section 9.1 of the VGFN Final Agreement, Parks had an Impacts and Benefits Plan (W.J. Klassen and Associates Ltd., et al., 1997) prepared relating to the establishment, development, and operation of Vuntut National Park, *"to show the community what potential impacts will be, and how negative impacts might be mitigated."* To illustrate No Harvest Zones within Kluane National Park, a poster entitled "Champagne and Aishihik First Nations Traditional and Subsistence Use in Kluane National Park" has been created and distributed. (A Parks respondent admitted that the poster was *"seen as communicating Parks objectives and priorities - but at least it was an attempt at interaction."*) A representative of the KNPMB felt that, originally, the perception of the board by Parks was that *"it's not so important, just there to serve Park's purposes and not a strong entity of its own."* This criticism was supported by admissions made by a Parks representative:

Parks didn't invest enough time and energy into the board. One explanation is that the Champagne and Aishihik appointees are ex-Parks employees, and were therefore not so interested in [receiving] basic board knowledge and training. The board had bad luck and bad timing - there hasn't been a worse time to work with Parks Canada [due to organisational restructuring]. Northern parks had the most change at the park level, because they first went away from site management for economies of scale, but now, after the agreement, we are leaning back toward site management.

The KNPMB member further stated, however, that “[the original perception of Parks] is already changing”:

First off, everyone is simply being more open, more forward with their thoughts and positions - there is more communication as a function of people knowing each other better and where each is coming from. Specifically, the Park actually completely rewrote its newsletter announcing the Plan review... We explained that [the original] was completely inappropriate for the local audience and was also much too long and boring even for its intended audience. We also have argued that the [management plan review] meetings be initially very informal and interesting to get people [to attend]. We gave a whole list of suggestions - we will see how much is followed... This may seem minor but is indicative of a change in their attitude. [Parks] realizes that we want people to come and say whatever they want. Parks staff would prefer not arousing too much potential criticism. They are not afraid to talk about this and we are not hesitant about our very open, welcoming approach to the Public.¹⁸

A number of respondents were of the opinion that in some way (possibly relating

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A request to be provided with both the original unsent newsletter and the rewritten version resulted in both being provided by Parks staff, as well as the following email explanation:

The original newsletter was changed based on the change in approach for the management plan... The first newsletter was drafted for an entirely different target audience than what we needed. Staff and management board members alike felt that a more informal and short mailout was needed to start. We will still be going with a more formal newsletter in January [1998].

As well, the first [newsletter] draft was completed two years ago and then the management plan review stalled out. Several things had changed since then, including the members of the board, [Park] superintendent, and the approach we wanted to take with the review. So, I guess I just add this, as it is not necessarily a matter of the board's comments on this one, however, they are influencing the process in more concrete and important ways.

only to one specific issue or department, for example) a commitment to the new structures and processes is not being demonstrated by government. Some of these responses were of a general nature, as in *“the entrenched views of bureaucracy change slowly”*, *“sometimes it is necessary to remind [people and institutions] of the character and issues of the other interests that are around them and affected by their actions”*, and *“the biggest difficulty is internal [within government]. People need to at least make a decision to maintain the respect of others - and there needs to be a way to avoid bashing after a wrong decision.”*

More specific difficulties were also cited. For instance, one respondent stated that the Canadian Wildlife Service *“has no one who is directly responsible for the claims.”* Another claimed that *“government is the obstacle to completing the [territorial] protected areas system... government claims to be supporting SMAs, but are digging in their heels. Certain proposals have gone through First Nations but have stalled.”* (The respondent did feel, however, that in terms of protected area policy the territory had recently experienced *“a refreshing change”* of government; the Protected Areas strategy and the steps taken toward designating Tombstone as a territorial park were cited as positive developments.) A board member felt that *“Parks is honouring their commitments, but not coming out with new initiatives - being forced to change, rather than doing it willingly.”*

One interviewee noted that *“the Vuntut Gwitchin [First Nation] are leading the charge to ensure that government honours the UFA terms.”* This statement may be explained by referring to a June, 1997 commentary submitted to the Whitehorse Star by the VGFN government. The piece commented on the approval, by DIAND, of a land use permit application submitted by Northern Cross for an area within the VGFN Traditional Territory. The approval followed an environmental screening report completed under the Canadian

Environmental Assessment Act [CEAA]; this report determined it unlikely that “adverse, significant, environmental effects” would result from the project (Government of VGFN, 1997, 7). The article noted, however, that concerns raised over the application’s approval - by resource management boards, RRCs, environmental organizations, and the VGFN government - were dismissed by the CEAA screening process as policy issues and subsequently ignored.

The article went on to state that the VGFN government has rejected the CEAA screening process, considering it to be not only “confusing and ineffective” but also contrary to the VGFN Final Agreement’s implementation agreement to create and use the Development Assessment process (DAP) outlined in Chapter 12 of the UFA.¹⁹ DIAND was able to use the CEAA process for the Northern Cross application because implementation of the DAP has yet to occur. However, the VGFN government noted that it had passed a resolution in 1995 requesting a moratorium on the granting of permits and licences: “until the development assessment agreement is in operation and the process allows for the Vuntut Gwitchin First Nation to have equal participation in the review process, [it is requested] that all further exploration and development cease” (Government of VGFN, 1997, 7). The newspaper article draws the following conclusion:

Clearly, this resolution has been ignored outright by the decision-making bodies of this country. We have tried to get the federal government to understand that we are now self-governing and must be heard. Yet, our words are not listened to (Government of VGFN, 1997, 7).

¹⁹

Among the objectives of this chapter is Section 12.1.1.2: to initiate a DAP process that “provides for guaranteed participation by Yukon Indian People and utilizes the knowledge and experience of Yukon Indian People in the development assessment process” (Government of Canada, 1993d, 101).

4.6.3 Is there an ability to respond quickly to local community or resource concerns, conflicts, or crisis situations?

The responses as a whole did not clearly indicate an increased ability to respond quickly to local concerns. As a result, a rating of “no” was assigned to this attribute.

Respondents’ primary concern was the “*consultation requirement, [which] means increased time considerations.*” A number of individuals noted the time required for consultation; additional responses related to claim negotiation and implementation (which requires “*additional resourcing [people], but instead it usually falls to those already there*”), and the fact that the UFA “*fragments rather than consolidates bureaucracy*”- with the inevitable result being that “*more people involved equates to a slowing of the decision-making process.*” A YDRR representative elaborated on his specific situation:

the government now has more responsibilities and expectations placed upon them, but the same number of people are responsible for solving the problems and consulting. The expectation was for increased standards of management, leading, presumably, to more resources. But there may actually prove to be a decline in resources because of the inordinate amount of time required in the consultation phase - it's difficult to get things done in an expedient amount of time due to the number of structures (although not all of them were created through the UFA)... With consultation, big issues become so horrendously difficult that no one wants to deal with it- there are First Nation rights relating to settled claims, Aboriginal rights, federal and territorial rights...

Not all respondents, however, felt that the increased consultation requirements could not be justified. A federal interviewee stated that “*the UFA is forcing the public to be involved. The process is cumbersome - it takes more time, but seems to be worth it.*” A representative of the territorial government estimated that “*it takes four to seven months to implement a recommendation*”; he then added that “*the claims provide for a rigorous process of accountability. Although more time is required, the result is a better plan, one*

with increased acceptance by those most affected - so it is a trade off."

A main objective of the UFA is to involve Yukon First Nations and local communities in managing the resources on which they depend. For example, the objectives of UFA Chapter 16 (Fish and Wildlife) include Section 16.1.1.4, "to ensure the equal participation of Yukon Indian People with other Yukon residents in Fish and Wildlife management processes and decisions", Section 16.1.1.8, "to develop responsibilities for renewable resource management at the community level", and Section 16.1.1.11, "to enhance and promote the full participation of Yukon Indian People in renewable resources management" (Government of Canada, 1993d, 153). Involvement in management is accomplished primarily through the creation of public boards, including the YFWMB, the KNPMB, and the Renewable Resource Councils. The comprehensive claim is not, however, the only process being initiated that is attempting to bring (or return) the level of management closer to affected local interests. For example, Parks Canada is now moving away, to an extent, from district management - adopted originally "*to reduce the number of management positions and reduce duplication of management structures in every Yukon park and site*" - by returning to site level management in areas such as Heritage Resources Management and Communications. A Parks representative explained:

in the District model managers had to cover an awful lot of ground, both in distance and in range of issues in the areas under their functional control. There seemed to be some breakdown at the site level, particularly in operational areas. Stakeholders also noted that they often had a hard time identifying whom could speak for Parks Canada of a particular matter at a site. The approach that is being implemented now is a hybrid.

4.6.4 Management Flexibility and Responsiveness Summary

Responses associated with the attributes within this section revealed that development of specific management regulations and procedures is occurring, and in some cases, implementation has begun. A weaker consensus indicated that commitment is being demonstrated by the federal and territorial governments to the new working arrangements. Strong government commitment is vital to ensure effective implementation of co-management provisions (Robinson Consulting and Associates Ltd. and Gary Schaan Consulting, 1995). In the Yukon it is particularly apparent through the creation of new UFA-related positions pertaining to development of governmental mandates, coordination of implementation, and monitoring of compliance. Finally, respondents as a whole did not feel that provisions for protected area co-management allow for quick responses to local concerns. This negative response was a reflection of both the greater number of government structures (resulting in a slowing of information turn-around), and of increased responsibilities (in particular, UFA requirements for consultation and public review) which now are expected of, in many cases, the same number of individuals.

Nevertheless, experience elsewhere in planning and establishing protected area systems has indicated the necessity of holding short-term expectations to a realistic level. For example, in reflecting on the Protected Areas Strategy being implemented in British Columbia, Thompson (1997, 12) cautioned that “there are numerous tenures, alienations and resource uses in many of the new protected areas. These will require a generation to resolve, but public expectations are that they can be settled immediately.” Similarly, a report by the IUCN Inter-Commission Task Force on Indigenous Peoples concluded that collaborative research relationships and decision-making “may require a time frame longer than

conventional approaches” (IUCN, 1997, 89).

Table 4.5: Management Flexibility and Responsiveness Ratings

Attribute	Rating
Q. Are adaptable and situation specific management regulations and procedures being developed and implemented?	yes
R. Is a commitment being demonstrated by government agencies to new structures, processes, and working arrangements?	somewhat
S. Is there an ability to respond quickly to local community or resource concerns, conflicts, or crisis situations?	no

4.7 Conflict Resolution

4.7.1 Is there a prescribed method of negotiating conflicts among local resource users, or between users and government representatives?

Responses indicate that several methods of negotiating conflicts between resource users and government are either included within the UFA or have arisen as a result of the agreement; the result is a rating of “yes” for this attribute. A respondent stated succinctly that “*provisions of the UFA and First Nation agreements have provided a tool to resolve land conflicts.*” The IUCN’s Inter-Commission Task Force on Indigenous Peoples concluded both that equitable relationships require the establishment of appropriate means for managing conflict, and that the initiating of joint management institutions for land and resource management is one method of conflict resolution (IUCN, 1997).

As referred to in UFA Section 10.4.3 (stated in Table 2.3), UFA Chapter 26 outlines the dispute resolution process. Sections 26.1.1.1 and 26.1.1.2 state that the objectives of the chapter are “to establish a comprehensive dispute resolution process for resolving disputes which arise out of the interpretation, administration or implementation of Settlement Agreements or Settlement Legislation” and “to facilitate the out-of-court resolution of

disputes under 26.1.1, in a non-adversarial and informal atmosphere” (Government of Canada, 1993d, 271). A Dispute Resolution Board, “comprising three persons appointed jointly by the Council for Yukon Indians and Government” is established through Section 26.5.1 of the same chapter (Government of Canada, 1993d, 273).

Nevertheless, one interviewee asserted that “*if the parties go to court over [agreement] terms, the goodwill is already lost, and the agency will not obtain its objectives.*” A territorial government respondent felt that the UFA has meant that “*there can be an attempt to resolve or mitigate conflicts outside of formal debates.*” Similarly, a First Nation government representative viewed the agreement as providing “*a greater ability to reduce conflicts, which is the intent.*”

In the opinion of one respondent, SMAs were “*generally established to resolve a conflict between the First Nation, government, and the public over lands - joint management is called for, that meets both the needs of the public and of the First Nation.*” The literature supports the contention that protected area conflicts often relate to inadequate attention being accorded to the process of involving local people in decision-making and management. For example, Lewis (1993, 126) concluded that “including people gives them a sense of ownership, which is a precursor to stewardship. When people’s interests are unknown and ignored, and when they lack any sense of ownership, the predictable outcome is opposition and conflict.” A YDRR representative illustrated how views on both “*wildlife viewing*” and “*wildlife use*” are being incorporated into the management provisions of SMAs:

In some protected areas it may be possible to ask the First Nation not to exercise their aboriginal right to hunt. In Kluane, zones were negotiated prior to completion of the Final Agreement with Champagne and Aishihik [First Nations] which delineate areas for hunting/ no hunting. In Kluane Wildlife Sanctuary, parts of which will probably become a Yukon Park, aboriginal hunting is allowed. This aboriginal right to hunt will remain and be affirmed by the White River and Kluane First Nations Final Agreements.²⁰

The ability of the UFA to mitigate conflict is perhaps manifested most clearly through provisions for establishment of public boards. A KNPMB member explained:

Informal comments, rather than formal complaints, are passed on [to the board]. The board is a channel for decision-making and information from Kluane Park staff to someone who is not their boss. They [Park employees] are the local knowledge in the park.

The board member added that “*conflict has been limited thus far - but most Canadians are unaware that hunting and trapping could be occurring in the park.*” (Parks respondents indicated that “*constant meetings help to avoid difficulties*” and acknowledged the possibility that “*perhaps some day there will be harvest regulations within the park, like Wood Buffalo National Park, but they are not needed now.*”)

4.7.2 Have the structures created through the agreements fostered increased trust, respect, or understanding between government and resource users?

The rating for this attribute is “somewhat”: a slim majority of responses indicated that structures created through the agreements are fostering greater trust and understanding between governments and local resource users - a “vital prerequisite” to reducing conflict (Hough, 1991, 280). As articulated by one respondent, “*the UFA defines where we are. It is a milestone showing that consensus was achieved.*”

²⁰

The Environmental Evaluation for the proposed Alsek Pass Project noted that First Nations have voluntarily restricted hunting activities in Kluane Wildlife Sanctuary (Axys Environmental Consulting Ltd., Inukshuk Planning and Development, 1996).

Respondents who replied affirmatively offered a number of explanations in justification for their opinions. One board member felt that conflict should ultimately be reduced *“because all parties have to agree to [protected area] management plans.”* Also in reference to management planning, a territorial government respondent stated that *“the process is important and shows that the ultimate aspirations are the same.”* A representative of the CWS predicted that *“with the finalization of a management plan [for Vuntut National Park], respective roles and expectations should be clearly outlined.”* Similarly, other respondents stated more generally that the agreements *“provide certainty as to the ground rules in an area - what can or can't happen to an area”,* and that they will *“help resolve a number of potential conflicts and should clarify the rights of all interested parties.”* A RRC member stated that the board *“must always refer back to the mandate, which is clearly defined.”*

Several respondents viewed the UFA as contributing to greater understanding because the document *“leads to communication - the most important thing.”* One individual saw increased opportunities for those concerned with protected area management to *“talk through issues, not talk against one another - involvement out of a general concern to maintain places they care about.”* For example, a KNPMB member felt that trust *“will come. The structure of the board is breaking down the reluctance to come forward, for First Nations, non-First Nations [people], and Parks staff - in small increments.”* A YTG Regional Biologist felt that the agreements' importance could be measured not only in *“reduced and improved conflict”* but also *“just in identifying conflict.”* A Parks Canada representative, although sensing that *“conflict remains under the surface”,* described the UFA as *“a forum, or tool, for discussion. Any discussion is reducing conflict, but people*

don't live their politics - instead, they wait for it to be resolved. But actually, it's the process that's just as important." A second Parks respondent felt that stakeholders were still in "a *feeling out period*", but that trust would increase "in the long term."

A significant number of responses, however, indicated that the agreements have not contributed to increased trust and understanding between stakeholders, or that "the opportunity is there, but we haven't seen [reduced conflict as a result of the UFA] yet". One respondent stated simply that "as a rule, local people don't trust government." Two recurring themes which emerged were the fact that the claim "has increased expectations" and the difficulties associated with "trying to get a common understanding of agreement provisions."

The issue of greatly increased local expectations (arising primarily from local involvement in the management process) was articulated by respondents representing both the federal government- "the local community wants management dominantly in the local interest - consultation leads to expectations" - and the territorial government: "will the increased demands be achievable?" One respondent commented that "expectations are sometimes too high - an agreement is supposed to be a balance, not a 180 degree shift."

Achievement of a common understanding of the agreement was cited by several interviewees as a difficulty. One territorial respondent elaborated:

The challenge is to develop an understanding of the agreement by Renewable Resources staff. This is not required by many yet; as a result, they may not understand how they need to change current practices.

The intent of the agreement isn't what's being articulated now. The negotiation process wasn't a broad process - people were hearing what they wanted, and now there is considerable misunderstanding of the agreement. The misunderstanding may be partially due to the fact that the Northwest Territories has different structures - boards with more authority, with government staff on the boards, as opposed to the situation here.

The government briefed the YFWMB, but not the councils. They have had to come to their own - not always accurate - understanding of the agreement.

A YDRR respondent felt that the territorial government, First Nations governments and RRCs are “*still far apart in understanding of the agreement... There is a lot of posturing going on now. A departmental workshop revealed wide differences in interpretation of the agreement.*” This opinion was shared by a board member. The individual stated that “*keeping the spirit and intent [of the UFA] foremost is a shift in thinking*” and later explained why she viewed the situation as being in “*a state of flux*”:

Things are changing very quickly and sometimes it appears that things aren't changing at all. I would say that implementation of agreement provisions is moving along. There certainly is a learning curve for everyone. The flux I was talking about is the ongoing change and the newness of legislation. There are now six First Nation governments and with this comes the spreading of wings and turf dancing. It also means that new intergovernmental relationships are being built. As one who is watching the process, I see each government working with the UFA and I see three interpretations occurring on some matters.

The possibility that the “*agreements might cause more conflict*” was mentioned by several respondents. A territorial government representative explained that, in terms of protected area establishment, “*conflict reduction is dependent largely on the level of protection being proposed, the type of designation, and the existing knowledge - for example,*

[existence of] mineral deposits. In his opinion, the more open and public process of establishing protected areas such as Vuntut National Park and Tombstone territorial park “increases the potential for conflicts to surface and become issues.” A second respondent speculated that there could be “increased conflict with non-First Nations - for example, due to [UFA Sections which guarantee] preferential treatment.”

4.7.3 Conflict Resolution Summary

The UFA and Final Agreements provide for a greater ability to reduce conflicts and serve as tools for stimulating discussion. Additionally, a small majority of responses indicated that increased trust and understanding - leading, presumably, to a greater ability to mitigate conflicts - is now being exhibited between government and resource users. This is in large part due to UFA stipulations requiring agreement by all affected interests on protected area management plans. Differences and misunderstandings continue, however, between stakeholders. These differences are concerned primarily with the issues of increased expectations resulting from the agreements and varying interpretations of the UFA itself.

Table 4.6: Conflict Resolution Ratings

Attribute	Rating
T. Is there a prescribed method of negotiating conflicts among local users or between users and government representatives?	yes
U. Have the structures created through the agreement fostered increased trust, respect, or understanding between government and resource users?	somewhat

4.8 Enforcement

4.8.1 Do the agreements have the necessary legal and community support?

Responses indicated that the agreements have both legal and community support. Legal protection is assured because “the agreements are constitutionally entrenched,

whereas legislation is changed more easily.” At the 1993 Forum on Northern Protected Areas and Wilderness, CAFN Band Councillor Lawrence Joe asserted that “This claim in Yukon gives us the security in knowing our rights are constitutionally entrenched” (Joe, 1994, 259). Referring specifically to protected areas, Joe articulated the implications of aboriginal title having never been extinguished:

This is an issue that must be addressed up front, this is not a burden, but it can facilitate the process of having protected areas... within northern areas where our title is intact, the most effective way to establish a park or protected area is as a part of land claim legislation. We have seen that happen, be it with North Yukon [Ivvavik] Park back in 1984, Kluane National Park, Vuntut Park, Tatenshini Heritage River Nomination, and Bonnet Plume Heritage River Nomination. All of these parks or protected areas have gone forward strongly supported by the aboriginal people... These areas are strongly supported because we have had an opportunity to reconcile our rights with government goals and government objectives (Joe, 1994, 262).

Similarly, a Parks Canada respondent stated that “*now, [national parks] are doubly protected: through the Parks Act, and the land claim. There are two communities of support, both agree that it is a special place - each has cultural biases, but still are committed to protecting the area.*” A second Parks representative, referring specifically to Vuntut National Park, noted that the agency’s obligation “*is for joint development of the national park, communicated under both the Parks Act and the [VGFN] land claim.*” The individual added that “*[local] people see the park as positive, for increased employment.*”

A number of respondents were convinced of the existence of considerable community support for the agreements; several cited “*community acceptance*” as a way of ultimately measuring the UFA and Final Agreements’ success. One YTG representative surmised that “*with a negotiated claim, presumably there is both First Nation and government acceptance,*

*because agreements have already gone through tests of public consultation.”*²¹ Additional interview comments included: *“more people are on-side, there is more support”*; *“the silent majority are pro-heritage”*; and *“if you engage people meaningfully, they are more willing to share [protected area] benefits and costs.”* A CWS respondent felt that for the NRDNWA, a long-term resource commitment had clearly been exhibited by the Teslin Tlingit Council. The commitment may be seen both in the creation of the protected area, and through a willingness to share its resource benefits: *the community did not take the view that this was their private hunting domain, although they could have taken that position.”*

A minority of responses indicated a need for increased support from local communities. One interviewee felt that although the UFA had reduced community polarity, *“it is hard for many non-Natives to accept First Nations as [resource] managers.”* The respondent added that now, *“First Nation governments are governments, and must sell the land claim platform to their people.”*

4.8.2 Enforcement Summary

Both legal and community support exist for the agreements. The UFA and Final Agreements are constitutionally secured which guarantees that they cannot be altered by legislation or eliminated by Cabinet orders-in-council (Peepre, 1995). The current implementation of joint management structures through use of a legal framework is providing “a basis upon which indigenous peoples can take part in land use management and

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Berkes (1994) felt that co-management agreements should lead not only to acceptance by both government and communities, but also to *benefits* for both stakeholders: lower enforcement costs and a higher degree of compliance with regulations for government; an outlet for articulating community concerns, protecting local economies, and the safeguarding of rights against threats to the land and resource base for communities.

conservation” (Craig, 1992, 140). One respondent felt that *“just the fact that there is an agreement is a success. It’s legal recognition.”*

Several interviewees viewed public acceptance and reaction as being an appropriate way of measuring the ultimate success of the agreements. At the 1995 Circumpolar Aboriginal People and Co-Management Practice Workshop (held in Inuvik, NWT), concerns were raised which related to community involvement in wildlife management, including the existence of adequate community capacity to handle co-management responsibilities, and the importance of allowing adequate time for both the establishment of co-management structures and for people to adjust to working within the new structures (Roberts, 1996).

Table 4.7: Enforcement Rating

Attribute	Rating
V. Do the agreements have the necessary legal and community support?	yes

4.9 Governmental Support

4.9.1 Is there provision of adequate financial and technical support resources to handle logistics and implement protected area or board mandates and agreement provisions?

The majority of responses indicated considerable uncertainty regarding whether adequate provision of financial and technical support resources exists for implementing agreement provisions relating to protected areas. Because co-management implementation can be slowed due to government hiring processes and policies related to funding (Robinson Consulting and Associates Ltd. and Gary Schaan Consulting, 1995), a rating of “no” has been assigned to this attribute.

Several territorial government interviewees made comments similar to the following:

“the assumption was that there would be money to do what was agreed to - but YTG received way too little money. Expectations cost money.” One respondent felt that *“it will be a battle to live up to our responsibilities”* for the YTG Department of Heritage Resources; he explained that the department is *“short on implementation funding: with cost sharing [between territorial and First Nation governments], it is considered as, for example, \$25 000 x 2- but we can’t predict what a First Nation will allocate.”* Representatives of YDRR stated that there is *“too little funding to deliver our land claim obligations”* and that *“operating budgets are being reduced while programs are becoming more diverse.”* A respondent from that department elaborated on how the availability of financial resources for agreement implementation affects protected areas:

Generally, to implement the entire claim’s spirit and intent, more resources are needed. YTG didn’t get the figure it requested or required from the federal government... Implementation funding is limited, as a result specific obligations of the land claim agreement will be identified as a priority based on various factors. In regard to protected areas, the Final Agreements to date contain obligations that the management plans be developed and areas designated as protected areas under applicable legislation. These protected areas are identified in the Final Agreement as “Special Management Areas”. The specific obligations are subject to defined time-frames (for example, within 18 months a management plan is to be prepared. Work is proceeding on many of these SMAs at this time...

Federal government representatives were generally more positive with regards to their level of funding. A Parks Canada respondent stated that the agency is *“ok, in terms of money”*; Parks representatives explained that funding made available for operations in the Yukon falls into two categories: stream funding (*“money from headquarters, in Ottawa - they want, foremost, to enhance the ability of Parks to represent Canadians”*), and implementation funding (*“from Parks and Heritage Sites in Haines Junction - they want, foremost, to fulfill obligations of the land claim.”*) Provision of *“sufficient budget to sustain*

a dedicated staff and fund the necessary studies and consultations, as well as to implement the area proposals discussed” (McComb, 1997, 30) was cited by staff from Parks Canada’s Park Establishment Branch as a “Lesson Learned” in a recent Parks publication.

Difficulties were, however, expressed by Parks’ respondents; these related particularly to a need for additional personnel. One individual felt that “*Parks needs to hire a Vuntut Gwitchin Communications Liaison Officer, to be responsible for working to get the [Vuntut National Park] Impact and Benefits Plan ratified*”, while a second stated that the agency “*can’t currently fill positions for planner and ecologist. The agency needs to solidify after this period of down-sizing and reorganising.*” (The district ecologist position was later filled.) Also referring to the “profound structural modifications” which Parks Canada is experiencing due to “integration within [Department of] Canadian Heritage and the down-sizing of the Canadian federal government” (Payne, 1997, 91), a Parks respondent explained that “*as a rule of thumb, Parks Canada’s program was cut by about 25%. In the national parks in Yukon it has translated as a considerable reduction in support staff, clerks, tradespersons, and interpretation staff.*” Responses from representatives of the Canadian Wildlife Service indicated that although the agency is adequately funded, *[protected area] “management plans are extra work - money is available to create plans, but not to implement them.”*

A respondent representing the Alsek RRC felt that funding for the board was “*ok - but the council can’t dedicate themselves fully to it. We need someone to do research - an intermediary between information coming in and going out. Some issues are complex.*” Over email, the respondent elaborated on this difficulty:

The role the RRC plays is to comment and/or recommend on issues pertaining to Champagne and Aishihik Traditional Territory. Without adequate and easy to read/understand background information it is hard to make quality decisions - we find we don't comment on some issues simply because we don't have adequate background information. Hunting issues are a good example: when looking for solutions to issues it would be nice to look at other areas (provinces or Alaska or what have you) for information to see what they have done, however the RRCs don't have the resources to do all this.

Comments made at the 1997 Annual RRC Workshop indicated that the territorial government is now asking boards and committees to have greater involvement in the instituting of new strategies than was originally determined in the UFA; the increased government reliance upon RRCs is resulting in heavy time demands upon RRC members. As a consequence, additional resourcing may be required by RRCs (Istchenko, 1997).

4.9.2 Government Support Summary

Responses indicated that federal government stakeholders involved with protected area management in the Yukon are, despite current vacancies in key management positions, more adequately funded than territorial government departments. Because the YTG did not receive the amount of implementation funding which it requested, departments such as Renewable Resources and Heritage Resources must primarily concentrate on meeting specific UFA obligations, rather than attempting to fulfill the claim's "spirit and intent."

Table 4.8: Governmental Support Rating

Attribute	Rating
W. Is there provision of adequate financial and technical support resources to handle logistics and implement protected area or board mandates and agreement provisions?	no

4.10 Community Economic Development

4.10.1 Are the agreements creating new and appropriate economic opportunities, such as economic benefit flows from protected area resources, for local communities?

A strong majority of responses indicated that economic opportunities for local communities are being created through the agreements. The appropriateness of ensuring the existence of such opportunities is obvious, as stated by Davey (1993, 201): “Implicit in the need to gain the active support of local communities and involve them in planning a protected area is the need to ensure that people actually benefit in some way.” Several respondents cited employment for both agreement beneficiaries and non-First Nation residents and “*getting involved formally in all decisions*” as being priorities for local communities; in terms of priorities, a KNPMB member stated that “*the economy is uppermost, and also equitable distribution of resources.*” Witty (1994, 22) viewed resource co-management as an appropriate community development tool because “unlike many other community development models, co-management relies on the traditional association of remote communities with their resource base.” The economic support which local northern economies receive from subsistence harvesting means that, in the Yukon, systems of wildlife management and approaches to economic development are “intimately linked” (Kofinas, 1993, 9).

An interviewee representing CPAWS contended that “*ties between parks and community will both benefit the community and increase support for parks. Protected areas add \$10 million per year to the Yukon’s GDP [Gross Domestic Product]. If the territorial system is completed it will add another \$17 million.*” A CPAWS Research Paper identified “potentially significant economic impacts and benefits of protected areas in the Yukon”: a

mid-range scenario revealed an annual increase to Yukon GDP of \$12.7 million based only on a territorial system of protected areas, in addition to the economic impact resulting from already existing federal parks, estimated at about \$5 million in annual GDP (Campbell, 1994, 1).

A number of respondents noted the inclusion within the UFA and Final Agreements of provisions guaranteeing preferential access and right of first refusal for certain economic activities to First Nations; such provisions are intended *“to level the playing field.”* For example, Chapter 10, Schedule A (Kluane National Park), Section 9.2 of the CAFN Final Agreement states:

Subject to any commercial horse riding operation existing in the Park at the time of the Effective Date of this Agreement, the Champagne and Aishihik First Nations shall have the exclusive opportunity to provide commercial horse riding operations that may be permitted within the Park (Government of Canada, 1993a, 123).

Section 9.3 of the same Schedule guarantees CAFN the right of first refusal *“to accept any contract offered by the Canadian Parks Service for the use of horses in the Park...”* (Government of Canada, 1993a, 124). Other Sections of agreements- such as Section 16.9.1.3 of the CAFN Final Agreement - allow for the Government of Yukon to establish quotas on species’ total allowable harvest, in which case the First Nation is guaranteed a stated percentage of the harvest. A YDRR representative felt that although such provisions *“may eventually provide economic benefits”*, no clear impacts have resulted from their inclusion thus far:

In terms of the clauses for preferential access, the First Nation Final Agreements specify a number of economic opportunities on a preferential basis, or guaranteed share of permits. The benefits from such opportunities are not yet identifiable from a Renewable Resources perspective as these benefits/provisions take effect when there is a limitation or quota (i.e. an established limit on the number of commercial freshwater fishing permits at which time the First Nation would be granted first right of refusal, until the First Nation is allocated 25% of the quota). There have been no renewable resources related quotas established to date to give effect to these opportunities.

Increased First Nation protected area employment and training opportunities which have resulted from the agreements were cited by several respondents. In Old Crow, two Vuntut Gwitchin warden trainees were hired by Parks Canada, while CWS “*provided information for the management planning process for the Old Crow Flats SMA. This activity involved specialised training for Vuntut Gwitchin band members.*”²² A Parks Canada respondent noted that “*a few jobs makes a big difference in a small community*” and added that “*service contracts, such as for the [Vuntut National Park] visitor centre, will be mostly local hire. There is also the potential need for facilities in Old Crow.*” (A VGFN representative revealed that “*two bed and breakfasts already exist.*”) Two interviewees explained that the agreements will benefit both First Nations and non-First Nations people, because “*if the First Nation community can’t do everything there are spin-off benefits to the local community.*”

In terms of the Yukon-wide impact of the agreements on First Nation employment in national parks, a Parks respondent wrote that “*in a period of reduction of the numbers of*

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The 1995-1996 Annual Review of UFA implementation states that “two Vuntut Gwitchin band members were hired and trained in habitat studies, waterfowl banding and waterfowl survey methods” (Government of Canada, 1997, 14).

overall staff, the number of First Nations employees in the Yukon has increased. At Kluane [Park and Park Reserve] it's been stable or possibly a slight decrease." The respondent further noted that a *"process of targeting jobs"* had arisen as one result of the agreements. Through this process of developing *"long-term First Nation training plans"* - which included *"working with and through"* the Champagne and Aishihik First Nations *"both in designing of the competition and in ranking candidates"* - protected positions are being created for First Nations:

By protected positions I would mean positions reserved in the organisation for a target group, in this case First Nations, that would be available when a candidate is qualified at that level. In some cases we recruit at the level we can find a qualified candidate, and then classify the position upward as the individual progresses through a training plan.

A small minority of responses indicated a belief that the agreements may not create economic opportunities for local communities; it was noted that *"for communities, predictions [of economic benefits] have never come to fruition- there has been slow progress."* One respondent questioned whether Kluane would receive *"enough visitors"* to increase benefits for the local community, while a second had questions about the type of development which might be required to generate economic gains: *"Is the park a wilderness, or a Banff-type?"*

4.10.2 Community Economic Development Summary

Respondents as a group felt that the agreements are creating economic opportunities for local communities. Specific agreement provisions which guarantee preferential access and right of first refusal for undertaking economic activities to First Nations were viewed as having considerable potential for providing economic benefits. Hiring and training initiatives have been undertaken by Parks Canada. These affect both the previously

established Kluane National Park and Vuntut National Park, created through the VGFN Final Agreement. The establishment of Vuntut also has indirectly contributed to local economic benefits through development of facilities and infrastructure. Similar economic impacts may result from the establishment of territorial protected areas through Final Agreements.

Berkes, et al. (1991) viewed co-management as being at the core of community social and economic health and self-government. Social and economic needs take precedence in the negotiation of Yukon land claims. Support for protected areas, which are “ancillary to the negotiations” varies (Peepre, 1995, 157). However, linking protected area management with the economic activities of local communities is clearly a priority throughout the territory. It is a priority which can be justified based on a simple equity argument: local people should neither have to make economic sacrifices to protect areas which have been established to provide regional, national, or even global benefits (Wells and Brandon, 1992), nor should they be expected to support the completion of protected area systems unless such systems further local interests and contribute to local economic development (Fenge, 1994).

Table 4.9: Community Economic Development Rating

Attribute	Rating
X. Are the agreements creating new and appropriate economic opportunities, such as economic benefit flows from protected area resources, for local communities?	yes

Conclusions and Recommendations are presented in the final chapter of this thesis. The chapter opens with a summary of the results discussed in this chapter. Chapter 5 then suggests contributions of the normative model for protected area co-management research. The thesis concludes by reviewing research limitations, presenting recommendations, and discussing future research opportunities.

CHAPTER 5

5.1 Conclusions and Recommendations

The final chapter of this thesis has three parts. Section one summarises the results obtained through the data analysis. The second section suggests practical and theoretical research contributions of the normative model for protected area co-management. The chapter concludes by reviewing limitations of the research, presenting recommendations for co-managing Yukon protected areas, and discussing future research opportunities.

5.2 Summary of Results

Protected area co-management in the Yukon was evaluated by using the normative model outlined in Chapter 2 and ratings described in Chapter 3. The model contains nine principles representing four broad categories deemed necessary for co-management implementation. Results outlined in Chapter 4 are representative of a particular sample; as such, the data were subject to certain spatial and institutional biases. These are discussed in more detail in 5.4.1. A strongly positive consensus was achieved for fourteen of the twenty-four co-management attributes. Responses for seven attributes indicated only a weak positive consensus; thus, those attributes were assigned the rating of “somewhat”. Consensus was not achieved for the remaining three attributes and a rating of “no” was therefore assigned. Table 5.1 summarises the Chapter 4 ratings for the twenty-four co-management attributes associated with the nine principles making up the normative model.

Table 5.1: Summary of Attribute Ratings for Protected Area Co-Management Principles

Principle	Rating		
	Yes	Somewhat	No
1. Ecological and Cultural Protection	6	0	0
2. Clearly Defined Boundaries	1	2	0
3. Shared Information	3	2	0
4. Continuity and Dedication	0	1	1
5. Management Flexibility and Responsiveness	1	1	1
6. Conflict Resolution	1	1	0
7. Enforcement	1	0	0
8. Governmental Support	0	0	1
9. Community Economic Development	1	0	0
Totals	14	7	3

Rating the attributes associated with the nine protected area co-management principles reveals the extent to which each principle is deemed to be present in the Yukon. Thus, general conclusions may be drawn regarding the probability of protected area co-management goal achievement. Table 5.1 indicates that of the nine principles, Ecological and Cultural Protection, Enforcement, and Community Economic Development are most satisfactorily addressed by provisions for protected area co-management, while Clearly Defined Boundaries, Shared Information, and Conflict Resolution are being addressed fairly satisfactorily. Some concerns pertaining to the principles of Continuity and Dedication and Management Flexibility and Responsiveness are evident. The principle with the lowest rating is Governmental Support.

Distribution of protected area co-management attribute ratings within the four broad

categories making up the normative model are summarised in Table 5.2.

Table 5.2: Distribution of Protected Area Co-management Attribute Ratings by Normative Model Categories

Normative Model Categories	Ratings		
	Yes	Somewhat	No
Community Development	1	0	0
Environment	7	2	0
Government	3	2	2
Information	3	3	1
Totals	14	7	3

Table 5.2 shows clearly that attributes exhibiting the highest degree of positive response consensus were those included within the normative model categories of Community Development and Environment. As shown in Figure 2.1, three protected area co-management principles are incorporated within these categories: Ecological and Cultural Protection, Clearly Defined Boundaries, and Community Economic Development. The two “somewhat” ratings included within this category relate to the principle of Clearly Defined Boundaries. Responses associated with this principle revealed a need for both increased clarity in the delegating of jurisdictional responsibility and further YTG legislative amendments in order to eliminate regulatory contradictions.

Response consensus was considerably weaker for attributes included within the normative model categories of Government and Information. Six protected area co-management principles are included within these categories: four of these principles are associated with the category of Government (Management Flexibility and Responsiveness,

Conflict Resolution, Enforcement, and Governmental Support), with the remaining two (Shared Information and Continuity and Dedication) being grouped under the category of Information (Figure 2.1). Of the fourteen attributes encompassed by these two normative model categories, eight were assigned ratings of either “somewhat” or “no”. The three “no” attributes - for which no response consensus was achieved - are most indicative of respondents’ concerns. These concerns relate primarily to perceived shortages in support resources for the implementation of board mandates and agreement provisions relating to protected areas; to the perception that the increased number of structures, and the requirements for consultation with those structures, are reducing the ability of governments to respond quickly to community or resource conflicts and concerns; and, finally, to the perception that continuity of knowledge in key actors has been insufficient in moving from negotiation of agreements into the current stage of agreement implementation. The five attributes assigned ratings of “somewhat” within the normative model categories of Government and Information relate to government agencies’ commitment to new working arrangements, trust and understanding between government and resource users, public accessibility to information, networking between structures created through agreements, and the existence of a core group applying pressure to advance agreement implementation.

Overall, results indicate that the initial stages of implementing protected area co-management in the Yukon may be viewed as a tentative success. Caution should be exercised, however, in interpreting early success as being indicative of long-term prospects for the implementation of protected area co-management, of which little is known (Hawkes, 1995). At the very least, the co-management initiatives undertaken thus far offer stakeholders both valuable lessons in cross-cultural negotiation and land management (Sultan, et al.,

1997) and “the prospect of new institutions, knowledge and a greater commitment to equitable cross-cultural policy development and land use management” (Craig, 1992, 137).

5.3 Research Contributions of the Normative Model

Analysis of interview data was facilitated through use of the normative model for protected area co-management. The model has a number of merits. Its development resulted from the review of literature pertaining primarily to northern protected areas and co-management regimes. As a result, the final model is comprehensive, incorporating principles and attributes fundamental to the achievement of both goals of protected area managers and co-management stakeholders. The “three-pronged” approach of the model (ecological, social, and economic measures) corresponds with criteria developed by Wells and Brandon (1992) for evaluating integrated conservation-development projects. It was their contention that a project must be judged not only on its contribution to the conservation of biological diversity - by “improving the prospects for survival of the targeted protected area” - but also on its effectiveness in “eliciting the participation of local people in project activities and in promoting institutions to facilitate local decision-making” (Wells and Brandon, 1992, 30). For Yukon protected areas to attain these goals requires that they not be viewed as being mutually exclusive.

The model provides a means of evaluating a wide spectrum of attributes required to identify what facilitates or impedes co-management structures - which may or may not be explicitly concerned with protected areas - in the early stages of implementation. Although the model was developed to evaluate a co-management process in the early stages of implementation, its utility may be viewed as equally applicable for the evaluation - or

comparison - of co-management structures at any stage between negotiation of agreements and full implementation. Attributes rated poorly may be viewed as areas with the greatest potential to become increasingly problematic. Thus the normative model provides a means of tracking the process of co-management implementation as it is unfolding. This is particularly applicable to the situation in the Yukon, which in all probability will become considerably more complex once all First Nations within the territory have completed Final Agreement negotiations and provisions contained within those claims are brought “on-line”.

5.4 Research Limitations, Recommendations, and Opportunities

5.4.1 Research Limitations

Certain limitations to the evaluation of Yukon protected area co-management are not addressed by the model. Three such impediments, identified by Reed (1990) in a study of Inuvialuit Final Agreement implementation, apply equally to this study:

- 1) The agreements are still recent, and their implementation has been slower than was originally anticipated. As a result, all observations must be considered to be preliminary and indicative only of the study period; the results do not take into account the ongoing efforts of stakeholders to improve implementation procedures.
- 2) Time spent by the researcher in the study area was limited; this may unwittingly have lent bias to the data organisation and interpretation of results. Had additional time in a northern setting been feasible, greater familiarity with the region would have resulted. As well, more data could have been gathered. The limited representation of First Nations’ governments is a limitation of the sample. Specifically, because of the considerable number of respondents associated with Kluane National Park and Park Reserve, the study would have benefitted

greatly with the inclusion of input from representatives of the Champagne and Aishihik First Nations. Additionally, temporal and economic constraints limited the spatial distribution of respondents to individuals based in either Whitehorse or Haines Junction (with the exception of one interview which was conducted over telephone).

3) The potential for bias implies that study results may not be replicable. The grouping of interview responses into categories (principles) and sub-categories (attributes) occurred through a series of decisions made by the researcher. It is quite possible that in the carrying out of this analytical process, other individuals would choose to pursue different themes through the adoption of different categories. However, it is presumed that the knowledge inherent to the responses would remain relatively consistent.

5.4.2 Research Recommendations

A number of constraints to effective protected area co-management have been identified by the normative model. The adoption of provisions suggested below might facilitate the overcoming of such constraints.

1) Regulatory contradictions between the UFA and Government of Yukon legislation could be eliminated through legislative amendments. Such amendments would aid in providing for a more consistent interpretation of UFA provisions by government departments, boards, and councils. As articulated in a DIAND review of government implementation of the Inuvialuit Final Agreement, “a certain amount of flexibility is required if implementation is to be effective, but too much flexibility leads to confusion” (KPMG, 1987, 111.9).

2) Increases in funding are needed for Yukon protected area co-management structures - particularly RRCs - created through the UFA and subsequent agreements. Greater budgetary allocations for resource management boards would serve as clear recognition that the

structures are now being relied upon by government and becoming more involved in decision-making than was originally determined in the UFA - for example, in development of the Yukon Protected Areas Strategy (Istchenko, 1997). On a more fundamental level, adequate resources are required not only for implementing specific co-management provisions, but also for aboriginal self-government in general - in order to ensure successful establishment, financial accountability, and the ability to deliver a full array of effective programs. The small populations of Yukon First Nations, combined with the large size of most Yukon Traditional Territories, will undoubtedly make efficient program delivery a significant challenge.

3) Because of the number of structures now in place for managing Yukon protected areas, the requirements for consultation, the fact that board establishment and claim implementation remains in its early stages, with many councils and boards still in the process of developing rules and procedures, and the widely differing cultural backgrounds of the various stakeholders, the exercising of considerable patience by all involved will undoubtedly be necessary. As stated by Schneider (1990, 5):

movement from confrontation to participation can be maintained only if a flexible attitude is maintained throughout the initial process of implementing the land claims' terms. It is, after all, a new process which will require the inevitable process of tinkering with the system in order to establish a comfortable fit between the people and their institutions.

The ability of governments - federal, First Nations' and territorial - to respond quickly to community concerns may decline, at least until greater familiarity exists with the new structures and processes. In the case of Parks Canada, difficulties in meeting agreement implementation deadlines have been exacerbated by the ongoing organisational restructuring process.

The current period should be viewed as one which incorporates a relatively steep learning curve in the “culture of co-management” - defined by Nesbitt (1997, 23) as “the accepted rules, procedures and behavioural norms by which the parties interact in co-management”. Implementation success will be dependent upon not only agreement provisions, but also upon less immediately tangible variables, such as whether relationships and procedures (regarding verbal interchanges, consensus, confidentiality, conflict of interest, etcetera) developed by co-management boards are able to accommodate the differing cultural values of their various members. For example, key actors in First Nations’ governments may be required to exhibit distinctly different qualities of leadership on the “outer stage” - matters involving interaction between the First Nation government and non-aboriginal governments - than on the “inner stage” - matters internal to the specific First Nation whom they represent. This duality in responsibilities was elaborated upon by Cruikshank (1997, 57):

The major challenge facing indigenous leaders as they work out practical implications of binding legal obligations is how to move ahead in ways that will both satisfy their constituents and facilitate partnerships with non-indigenous Yukoners who outnumber First Nations by a ratio of two to one.

The dichotomy in leadership roles for First Nations’ governmental representatives exists primarily because “Aboriginal ideals, values, norms and culture are not coincident with those of non-Aboriginal society” (Wolfe, 1993, 17). First Nations’ may have different priorities, cultural values, and lifestyles than those expressed by and most familiar to non-

aboriginal populations.¹ Because of these differences, “cultural and structural barriers” can prevent aboriginal participation in the wage sector economy, which is “organized and controlled under forms of management which are alien to a large number of Native people” (Schneider, 1990, 3). In discussing co-management implementation and culture, Nesbitt (1997, 23) stated that “it is in unquestioned procedural (and cultural) assumptions that co-management is most commonly undermined... At every step, co-management boards must examine the cultural assumptions they carry with them”.

4) In completing the remaining post-UFA claim negotiations, and moving from the negotiation into a stage of agreement implementation, considerable efforts should be made to maintain continuity of knowledge in key actors from all parties. This includes actors involved with the co-management settlement structures: for example, until recently the KNPMB has been hampered by personnel matters, resulting in it being unable to address issues directly related to its mandate. The designation of alternate members should be made a priority by all boards and councils.

The agreements make significant demands on Yukon Native people in terms of both skills and time. The large number of structures established by the UFA and Final Agreements have meant that many local people have had to become involved in joint boards and councils. Because of the small population of Yukon communities, some residents serve on two or more structures. However, few had prior experience with such structures and

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Similarly, it should not be assumed that Yukon First Nations themselves will - or should - exhibit homogeneity in their priorities and values. For example, Cruikshank (1997, 57) noted the “cultural, linguistic, historical, and material disparities” of Natives within the territory; she further explained that “Native Yukoners come from 14 dispersed communities and speak 8 distinct languages belonging to 2 different language families.”

therefore had not had opportunities to develop the skills required. As a result, considerable efforts are needed in education and training. This training is imperative if, in the future, the UFA and Final Agreements are to be managed and administered exclusively by Yukon people, rather than (as is currently often the case) by “non-native southerners” (KPMG, 1987, 111.7). Presumably, a more educated northern resident population would also result in greater continuity of knowledge in key actors.

5) In order to facilitate the creation of trust between governments and local communities, all federal and territorial government departments need to exhibit clear commitments to making operating within the new working arrangements a priority. For example, early, full and regular provision of information will serve to maximise public opportunities for involvement in creating, influencing, and reviewing protected area management plans. If co-management agreements are to be successful, mutual trust must exist. In the Yukon there appears to be a high degree of commitment to making the agreements work, but, in general, trust between stakeholders appears to be lacking. There did appear, however, to be broad consensus among interview respondents that trust is increasing.

6) Interaction between co-management structures created through the UFA and Final Agreements should occur as frequently as possible. By scheduling frequent forums for dialogue, small issues may be promptly addressed, rather than allowing such conflicts to fester, grow larger, and become more complex.

5.4.3 Research Opportunities

Because the research was conducted in the early stages of implementing provisions for Yukon protected area co-management, interview responses represent only progress made as of the study period. Recommendations are thus based only on the data collected.

However, the process is continuing to evolve as both negotiations of comprehensive claims for the eight remaining Yukon First Nations proceeds, and implementation of the provisions contained within negotiated Final Agreements continues. Future research into the achievement of protected area co-management goals may be warranted once all Yukon First Nation claims have been settled and implementation is well underway. It will in all likelihood be a decade or more before a final verdict can be reached regarding the success or failure of co-managed protected areas in the Yukon.

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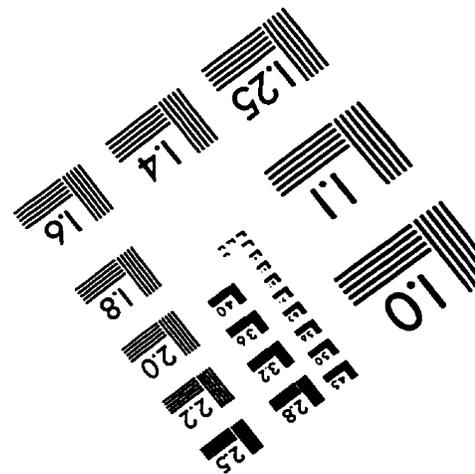
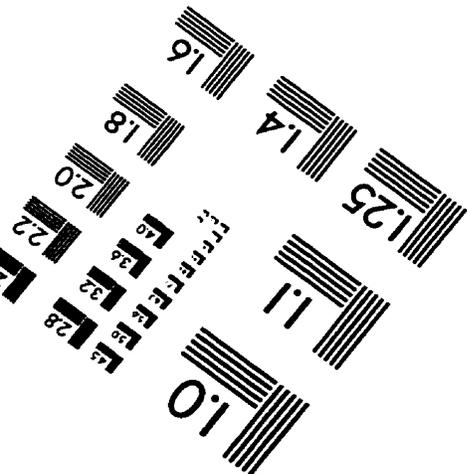
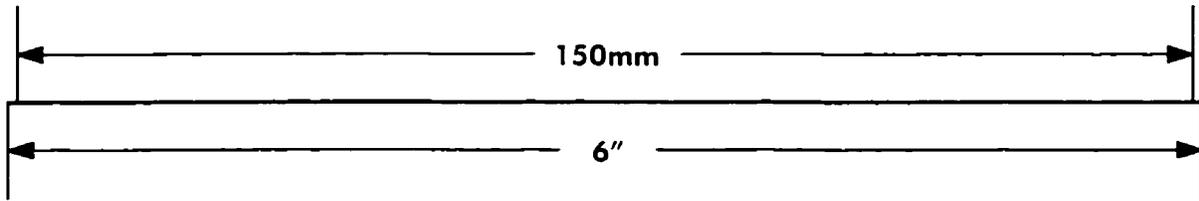
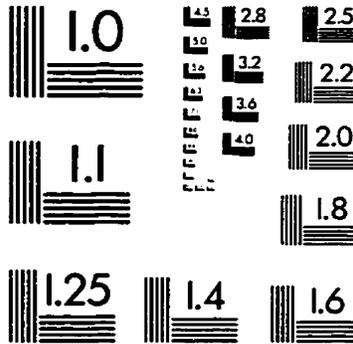
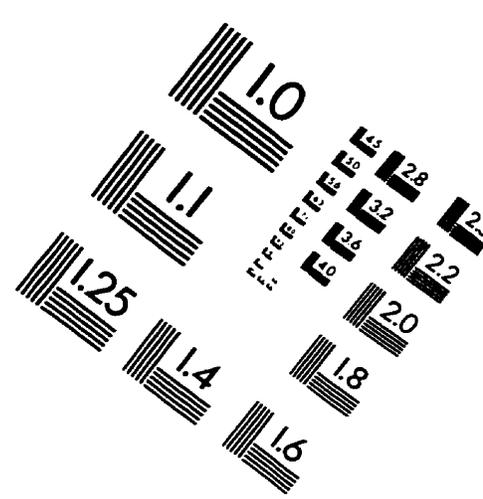
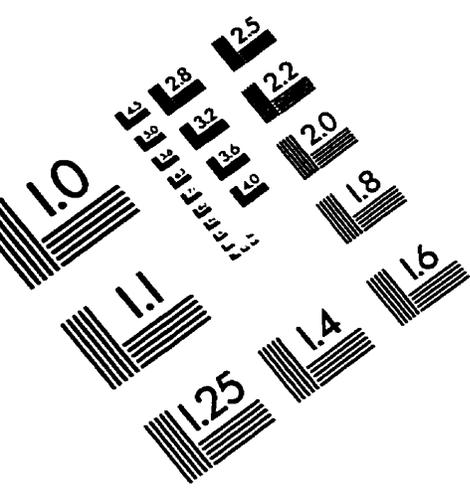
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IMAGE EVALUATION TEST TARGET (QA-3)



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