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Indigenous Peoples' Governance of Land and Protected Territories in the Arctic

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Preface

The Arctic encompasses nearly 30 million km² of marine and terrestrial ecosystems and is home to many indigenous societies, each having its own culture, traditions and way of life, who have developed long and enduring relationships with the natural environment through knowledge systems and practices. Arctic territories are since two decades the object of major initiatives aiming to protect the environment. As a result, it is in the Arctic that we find the greatest concentration of large National Parks.

Yet, the accelerating and interrelating forces of climate and socio-environmental changes are altering fragile Arctic ecosystems more rapidly than any other area of planet Earth; they are also leading to profound socioeconomic and societal-cultural transformations in the Arctic. To maximise the benefits of protected areas to people, it is important to have governance systems in place that engage local communities to give them a voice in the protection of values important to them. It is now a priority to explore the adequacy of current governance arrangements of protected areas in the Arctic, to innovate these systems or to create new ones to address the challenges and the opportunities arising from the important and rapid changes in a way that maintains sustainable use of Arctic natural resources and enhances the well-being of the Arctic communities living in and around protected areas. Arctic indigenous, aboriginal peoples, with their knowledge and approaches, are playing increasingly important roles in responding to needs for Arctic governance in an era of transformative change.

In several countries like Canada, Alaska, Norway and Sweden, aboriginal populations are now contributing to the governance of these protected areas. For example, in Canada, an Aboriginal Affairs Secretariat was created in 1999 within Parks Canada (the national institution responsible for the creation and administration of protected areas) to facilitate the participation of aboriginal people in the governance of Canada's natural and cultural heritage places. Since they are increasingly involved in the planning and governance of protected areas, aboriginal communities take advantage of this situation to bring forwards new initiatives that aim at promoting their cultural heritage and that demonstrate the relationship that exists between their territory and their way of life.

In this collective multidisciplinary book, we will frame critical questions, analyse key issues and draw the picture of the different approaches adopted by the Arctic States to include (or not) aboriginal people in governance of the protected areas.

Thus, *Indigenous Peoples' Governance of Land and Protected Territories in the Arctic* brings together 34 authors from various disciplines (e.g. ethnology, law, geography, history, archaeology and arts) and backgrounds (indigenous peoples, scientists and researchers and members of the policy community) to (i) document indigenous approaches to governance of land and protected areas in the Arctic at the local, regional and international level; (ii) explore new territorial governance models that are emerging as part of the indigenous governance within Arctic States, provinces, territories and regions; (iii) analyse and document the recognition or lack of indigenous rights regarding self-determination and local control relevant to the Arctic; and (iv) examine how traditional decision-making arrangements and practices can be brought together with governments in the process of good governance of land and protected territories.

Indigenous Peoples' Governance of Land and Protected Territories in the Arctic adopts a multidisciplinary approach with contributions from different perspectives and world views, from various geographical scales and governance levels. Contributions are cross-regional and based on case studies in 5 Arctic countries (Finland, Norway, Canada, USA (Alaska), Denmark (Greenland)). Our book contains a total of 12 chapters.

Modern-day land claim agreements and protected area agreements can create an opportunity to help reconcile the interests and world views of aboriginal and non-aboriginal societies. Authors in the first three chapters are analysing this issue. Thus, Jacobson, Manseau, Mouland et al., in the first chapter of our volume, offer an interesting analysis of the Auyuittuq National Park established in 2001 under the Nunavut Land Claims Agreement (NLCA). Park governance is a cooperative management in accordance with the NLCA, the Inuit Impact and Benefits Agreement and the National Parks Act. In practice, this has been a transformation in organisation from informing/liasing to active participation/engagement of adjacent communities. In fall 2012, the authors met with elders, park staff and Field Unit staff to explore Inuit aspirations for the park and to examine the ways in which the objective of knowledge gathering and sharing was being applied as part of management operations. Their chapter explores Pagnirtung Inuit perspectives on the park and identifies issues in the application of indigenous knowledge as part of its ongoing management. The authors contrast this against shifts in processes for implementing management, through analysis of policy and planning negotiations. They explore the implications of a western management system for Inuit directly involved in day-to-day operations of park management.

Taking the case of the Finnmark Estate, Josefsen, Sørensen and Selle, in chapter "Regional governance and indigenous rights in Norway: The Finnmark Estate case", investigate how a regional political and administrative co-management reform in Norway, established to arrange for dialogue and cooperation between the indigenous Sámi and the state, faced resistance from the local population. The Finnmark Estate established in 2006 for implementation of indigenous rights in the

management of land and natural resources operates in areas where the population is ethnically mixed and the indigenous people are a minority. The authors explore the public's attitude towards this new regional governance body that shall secure indigenous rights along with other obligations and ask compelling questions: Has the opinion changed its positions since 2006 so that we now find less deep conflict? Under what conditions could a co-management structure, which includes regional government and indigenous representatives, gain public legitimacy? The authors highlight the complex interplay between legally adopted indigenous rights which are formalised in the regional governing system and the informal norms and barriers for change institutionalised in the surrounding society.

In three protected area and cooperative management agreements – the Saoyú-Pehdacho Agreement (2008), the Tuktut Nogait Agreement (1998) and the Gwaii Haanas Agreement (1993) – aboriginal authorities and the government of Canada have agreed to use the aboriginal concept and practice of consensus decision-making in their cooperative management of the vast protected land pursuant to these agreements. Tom Nesbitt, in chapter “Increasing cooperation and advancing reconciliation in the cooperative management of protected areas in Canada's north”, discusses these agreements through the lenses of reconciliation, consensus decision-making and cooperative management of protected areas.

Numerous issues facing individual protected area agencies reach beyond park and national boundaries and also affect neighbouring protected areas or countries. Issues of common concern provide opportunities to work collaboratively on a continental scale, such as the transboundary protected area network in the Barents Euro-Arctic Region, or on a regional scale to improve protected area management. Lemelin, Johnston, Lough et al. in chapter “Two parks, one vision – collaborative management approaches to transboundary protected areas in northern Canada: Tongait KakKasuangita SilakKijapvinga/Torngat Mountains National Park, Nunatsiavut and le Parc national Kuururjuaq Nunavik”, address this question and study how collaborative management strategies have been implemented at the regional level by applying the Indigenous Stewardship Model to the Tongait KakKasuangita SilakKijapvinga/Torngat Mountains National Park (TMNP) and Kuururjuaq Parc National (KPN), Canada's newest polar transboundary protected area along the Labrador Peninsula of Northern Quebec and Newfoundland and Labrador. The adaptive management approach used in this transboundary protected area nurtures regionally based approaches to protected area management and promotes regional collaborative developments. These regional initiatives are facilitated through an all Inuit Co-operative Management Board for the TMNP and a harmonisation committee overseeing the management of the KPN. Their analysis shows that although the mandate of each park committee is to provide advice and guidance for the management of their respective parks, each has also become an important forum for facilitating more regionally based governance and management approaches through protected areas.

Developmental pressures are increasingly exerted on the Arctic and challenging the way of life of its many indigenous peoples. Against this background, there seems to be a growing need for measures to protect special areas in the North. This

is the focus of chapter “Conceptual and institutional frameworks for protected areas, and the status of indigenous involvement: considerations for the Bering Strait Region of Alaska”, by Raymond-Yakoubian. Looking at the Bering Strait region of Alaska, she argues that, from the perspective of indigenous people, additional protected areas – particularly in relation to the marine ecosystems – are needed in this region in light of the rapid and dramatic changes, both climate- and development-related facing the area, such as commercial fishing, increasing marine traffic, climate change and resource development. The author reviews some of the existing protections that are in place and the status of indigenous involvement in them and suggests paths for extending beyond typical western understandings of the nature, to include indigenous residents of the region in the development, creation and maintenance of protected areas. If agencies and governments take the time to develop relationships with tribes and tribal members in the Bering Strait region, it will not only enhance support for protections, but collaboration with tribes and their traditional knowledge base will lead to better decision-making regarding the need for protected areas and determining what form protections could most effectively take.

Ecological, cultural, spiritual, aesthetic, recreational and economic values of protected areas across the Arctic are undoubtedly immense, and the following three Chapters are exploring these.

The interaction of spiritual elements, indigenous peoples and protected areas in the Arctic is considered in chapter “Protecting the ‘Caribou Heaven’: a sacred site of the Naskapi and protected area establishment in Nunavik, Canada”, which puts the emphasis on Sacred Natural Sites – the world’s oldest protected places in the Arctic. Mameamskum, Herrmann and Füleki look at the recognition and conservation of sacred natural sites located within the boundaries of legally established protected areas, in Nunavik (Canada). Taking the case of the Caribou Heaven, a spiritually and culturally important site for the Naskapi First Nation situated within the limits of this Kuururjuaq National Park, the authors describe how Naskapi ecological knowledge was used to designate this sacred site as an area of extreme protection within the Park, to ensure its preservation and integrity. They describe how cultural and spiritual values have formed the basis of indigenous management models of nature conservation in this park.

Tommasini in the following chapter “The governance of protected areas in Greenland: the Resource National Park among conservation and exploitation” presents an example of protected area costs and benefits to indigenous well-being, specifically within the sectors of tourism. She focuses on the world’s largest and most northerly protected area – the Northeast Greenland National Park. This park is strictly regulated for its access and allowed activities, e.g. recreational and outdoor activities are not authorised, and permission is needed, except for the population living adjacent to the Park, to be in the region, but other activities, for instance, mineral pits, are allowed. She explores the role of the local population in the governance of this national park seen from the local point of view as a resource for the socioeconomic revitalisation of the adjacent community of Ittoqqortoormiit.

Ecological concerns for wildlife species lie often at the heart of the protective impulse that drives the establishment of protected areas in the Arctic. Policies

relating to wildlife co-management can create opportunities but are also often accompanied by conflicts between indigenous and nonindigenous attitudes towards resource use. In Canada protected areas cover over 250,000 ha within the polar bear range. The co-management of polar bears between scientists and the Inuit in Nunavut has been fraught with tension. Vaudry, in chapter “Conflicting understandings in polar bear co-management in the Inuit Nunangat: enacting Inuit knowledge and identity”, explores the Inuit’s perspective by highlighting where the bear fits within Inuit cosmology and how it influences their relationships with the animal, with respect to hunting. Since 2005, environmentalists have tried to ban polar bear hunting on an international scale and to get the animal put on the list of species threatened with extinction. This has had a major impact on already fragile northern economies, as it discourages sport hunting, which many Inuit count on for needed income. The author urges that the debate surrounding the regulation of polar bear hunting in the Canadian Arctic cannot be settled without the Inuit point of view being considered or without Inuit being part of the decision-making process.

Incentive towards protected area reconciliation and rights-based reform in protected area design and governance comes also from greater attention to international legal mechanism. Of particular relevance are the International Labour Organization (ILO) Convention No. 169 concerning indigenous and tribal peoples in independent countries and the United Nations Declaration on the Rights of Indigenous Peoples (DRIPS). The following three chapters discuss aspects of indigenous rights and legal instruments regarding self-determination and local control relevant to the governance of lands and protected areas in the Arctic. Thus, Martin, in chapter “Beyond the protection of the land, national parks in the Canadian Arctic: a way to actualized and institutionalized aboriginal cultures in the global”, offers a comprehensive approach to aboriginal governance of protected areas by examining national parks located in the Canadian Arctic, mainly in Inuit territory. Whereas Parks Canada long excluded aboriginals from the governance processes of protected areas, today indigenous peoples, as signatories to political agreements, have legal tools to access equality on park management councils. Yet, notwithstanding these legal progresses, not all co-management models give the same space to indigenous communities, and, as this chapter reveals, the management councils express more or less satisfaction with the management model in which they are involved. Martin underlines co-jurisdiction as the form of co-management favoured by aboriginal people as it creates legal conditions for an egalitarian partnership based on recognition of their land rights and knowledge.

In chapter “Recognition of indigenous lands through the Norwegian 2005 Finnmark Act: an important example for other countries with indigenous people?”, Oyvind examines the commitment to identify and recognise indigenous people’s lands and natural resources in relation to the indigenous Sámi in the Nordic countries. This commitment applies in particular to Norway, which is the only country with a Sámi population who has ratified the ILO Convention. The commitments imposed to Norway thus raise several key issues regarding identification of indigenous people’s lands, including to what extent the Sámi laws and customs have

significance as legal sources in such processes and how the state must involve the indigenous party in the process.

In international law, a fundamental shift is currently occurring in state-indigenous relations, which can be seen as culminating in the adoption of the UN Declaration on the Rights of Indigenous Peoples and at its endorsement of the rights of indigenous peoples to self-determination and a free, prior and informed consent (FPIC) in the decisions that concern them. Heinämäki, in chapter “Global context – Arctic importance: free, prior and informed consent, a new paradigm in international law related to indigenous peoples”, analyses FPIC in the light of developments that have prepared and pushed states to slowly accept that indigenous peoples must be recognised as serious actors and as “partners” with and within the nation states. When implemented, the right to FPIC can have positive effects on the important issues such as indigenous peoples’ land use and governance. This is of a particular importance in the Arctic that is the homeland for a great number of indigenous peoples.

Positioning Arctic Canada as central to its political platform, the current federal government has set itself up to be one of Canada’s most northern focused federal regimes in decades. Sinclair in the last chapter “Untouched and uninhabited: conflicting Canadian rhetoric on the protection of the environment and advancing northern economies” offers an interesting examination of the ways that the Prime Minister’s policy speeches portray and frame the Canadian Arctic’s environment and land use and the extent to which these statements incorporate broader ideas and premises about Arctic Canada. In particular, this involves an examination of the effects of policy portrayals in speeches of Arctic Canada as an untouched and uninhabited wilderness. This feeds into a tension between resource extraction in “isolated” areas as justifiable and the impulse to protect pristine places and the interests of northern residents, leading to a possible exclusion of northern, and in particular Inuit, priorities.

The 12 chapters taken as a whole provide strong and compelling evidence for the recognition of the rights of indigenous peoples, equitable cost and benefit-sharing and new forms of governance to protected area management in the Arctic. Together, they:

- Provide an interdisciplinary overview of key issues regarding indigenous peoples and governance of land and protected areas in Arctic regions
- Explore new territorial governance models that are emerging as part of the indigenous governance within Arctic states, provinces, territories and regions
- Discuss aspects of indigenous rights regarding self-determination and local control relevant to the Arctic
- Forge a new understanding of how traditional decision-making arrangements and practices can be brought together with governments in the process of good governance of land and protected territories in the Arctic at the local, regional and international level
- Identify key principles, lessons learnt, that are useful to address issues of Arctic governance of land and protected territories today and that could be relevant for future governance arrangements

Through the diverse contributions, our book *Indigenous Peoples' Governance of Land and Protected Territories in the Arctic* aims to offer the right balance between locally, regionally and internationally focused and thematic chapters. We adopted a multidisciplinary and multi-scale approach and hope this approach makes the book enjoyable to read. Producing this book has been an interesting and valuable experience for us. We have learnt from each other's practices and methods and have broadened our perspectives.

Indigenous Peoples' Governance of Land and Protected Territories in the Arctic is aimed at environmental and social scientists, local communities, policymakers and planners. We hope that scientists in environmental conservation, cultural geography, sociology, political sciences and law will find this book insightful. We particularly hope that practitioners working in the area of protected area planning and management will find our book useful. Conservation professionals might also benefit much from the comprehensive case studies and the experience they contain on how to establish co-management arrangements of specific areas in a way that is adequate to the well-being of Arctic communities. It is our wish that our book makes a valuable contribution to the emerging literature on aboriginal governance, especially in that it offers a regional perspective and direct experience and case studies from Arctic aboriginal communities.

We are now in the Second International Decade of the World's Indigenous People (2005–2015) with the theme “Partnership for action and dignity”. As such, we like our book to be a concrete contribution towards a more equitable and effective governance and management of protected areas in the Arctic. These areas are an important tool for the conservation of biocultural diversity in the North, a cornerstone of sustainable development strategies in Arctic regions and a means for preserving the rich Arctic heritage of the land and local cultures to future generations.

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Part I

**Modern-Day Land Claim Agreements
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Co-operative Management of Auyuittuq National Park: Moving Towards Greater Emphasis and Recognition of Indigenous Aspirations for the Management of Their Lands

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and Davidee Koonelieusee

Abstract Auyuittuq National Park (Nunavut, Canada) was first established in 1976 as a national park reserve under the National Parks Act of Canada. It was subsequently established as a national park in 2001 pursuant to the Nunavut Land Claims Agreement (NLCA). Park governance is currently a co-operative management framework in accordance with the NLCA, the Inuit Impact and Benefits Agreement and the National Parks Act. In practice, this has been a transformation in organisation

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