EXPLORING GOVERNANCE MECHANISMS AND MI'KMAW VALUES AND
ASPIRATIONS FOR INDIGENOUS PROTECTED AND CONSERVED AREAS
(IPCAS) IN NOVA SCOTIA

by

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Dalhousie University is located in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq. We are all Treaty people.

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Abstract

Indigenous Protected and Conserved Areas (IPCAs) have been framed as an opportunity for Indigenous peoples to reclaim stewardship of their territories, create space for Indigenous resurgence and cultural revitalization, and transform approaches to protected areas in Canada. This project was developed in partnership with the Confederacy of Mainland Mi'kmaq (CMM) and the Unama'ki Institute for Natural Resources (UINR) – two Mi'kmaw organizations that serve the 13 Mi'kmaw communities in Nova Scotia (NS). This project contributes to knowledge generation around IPCA governance in NS and to literature relevant to Indigenous-led conservation initiatives in Canada more broadly. The objectives of this research project were to: 1) Identify the key factors that have created space for IPCAs in Canada and Nova Scotia; 2) Interpret and analyze protected areas governance models to identify potential desirable governance arrangements in this context; and 3) Explore Mi'kmaw aspirations and perspectives on IPCAs. Through the application of a qualitative participatory toolkit involving a critical document review, participant observation, and semi-structured interviews, the results from this project identify governance tools and arrangements that could be used to advance IPCAs as well as institutional change that the Mi'kmaq of NS could mobilize through IPCAs. Further, the results of this project illustrate how the Mi'kmaq of Nova Scotia and the partner organizations to this project have established strong working relationships, collaborative approaches, and adaptive planning strategies to effectively build, assert, and strengthen capacities that support their efforts to advance Mi'kmaq-led IPCA governance.

List of Abbreviations Used

ANSMC – Assembly of Nova Scotia Mi'kmaq Chiefs

CBD – Convention on Biological Diversity

CBPR – Community-Based Participatory Research

CMM – The Confederacy of Mainland Mi'kmaq

CRP – Conservation through Reconciliation Partnership

ECCC – Environment and Climate Change Canada

EFWC – Eskasoni Fish and Wildlife Commission

ICE – Indigenous Circle of Experts

ICCAs – Indigenous and Community Conserved Areas

ILI – Indigenous Leadership Initiative

IPCAs – Indigenous Protected and Conserved Areas

IPO – Indigenous Peoples Organization

IUCN – International Union for the Conservation of Nature

KMKNO - Kwilmu'kw Maw-klusuaqn Negotiation Office/Mi'kmaq Rights Initiative

MEK – Mi'kmaw Ecological Knowledge

MK - Mi'kmaq Kina'matnewey

NAP - National Advisory Panel

NCC – Nature Conservancy of Canada

NSECC – Nova Scotia Environment and Climate Change

NSNT – Nova Scotia Nature Trust

OAA – Office of Aboriginal Affairs

OECMs – Other Effective Conservation Measures

PA – Protected Area

TRC - Truth and Reconciliation Commission

UINR – Unama'ki Institute of Natural Resources

UNDRIP - United Nations Declaration of the Rights of Indigenous Peoples

WPC – World Parks Congress

Statement

I descend from an immigrant family whose ancestry is traced to southern Greece and the southern Balkans in eastern Europe. I was born as a first-generation Canadian in a city called Waterloo, Ontario which is situated on the Haldimand Tract and Treaty 3 territory. These lands are the ancestral and unceded homelands of the Anishinaabe, Haudenosaunee, and Neutral Peoples. These are the lands and waters that nourished me from birth to adulthood. I grew up in an environment where my identity was conceptually associated with my European heritage, but I consider myself a Canadian and part of the newcomer society that is sometimes amalgamated with, sometimes separated from, those who descend from the first European colonizers. It is important to recognize and acknowledge where I come from, where I have been, and the benefits and privilege that my position as descending from a newcomer family to Turtle Island grant me. As such, when I embarked on this journey to Mi'kma'ki, I came as a visitor. I have no history associated with these lands other than that which I developed through this master's work. I feel a strong responsibility to contribute to making the future of the country recently proclaimed as Canada but known as Turtle Island as something that I feel proud to claim relation to and identify with since these are the only lands and waters that have served as my tangible home. As a result, I view this project as a starting point for learning about the past and present of Turtle Island and for exploring ways I can make contributions to building an equitable and resilient future in partnership with the Indigenous peoples who have lived with these lands and waters since time immemorial. As a treaty person, I am bound to the responsibility to honour the agreements that those who came to these lands before me made with Indigenous peoples across Turtle Island. I view it as my role to ensure that these commitments are upheld, and wrongdoings are addressed, in the ways that I am capable. Further, I have always felt a strong sense of responsibility to protect, restore, and revitalize respectful and reciprocal relationships with territories of life across our shared planet and I feel strongly that there is no future without relationships grounded in respect, humility, creativity, and open hearts and minds. To move forward in a good way, we need to share stories of what has happened in the past, what is happening in the present, and co-create new stories that will foster a positive shared future for all.

Acknowledgements

I would like to first acknowledge and express my sincere gratitude to my partners from the UINR and CMM – Lisa Young, Trish Nash, Allie Rivers, and Ashley Childs – for welcoming me as a visitor to Mi'kma'ki and for being willing to create, enter, and maintain a collaborative and Ethical Space together. I feel that I was truly gifted to work with a team that was so understanding, engaged, and willing to work with open hearts and minds. I would also like to express my gratitude to the IPCA Advisory Committee and all participants who engaged in the project and shared their knowledge, experience, and perspectives with me. Wela'lioq.

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Thank you to the land that is Mi'kma'ki, which nourished me while I completed most of this work, taught me to listen differently, and showed me that I have much more to learn.

Chapter 1: Introduction

1.1 Study purpose and objectives

The focus of this master's research project was initiated by an interest in exploring the development of Indigenous Protected and Conserved Areas (IPCAs) across Turtle Island[1]/Canada. IPCAs are a newly recognized title of protected area in Canada initiated by the rise of a new conservation paradigm and the desire to pursue more socially robust area-based conservation targets that has created space for Indigenous communities to lead conservation initiatives and protected areas development while simultaneously asserting their position as governance leaders and stewards of their traditional territories (ICE, 2018; Zurba et al., 2019). The province of Nova Scotia is part of Mi'kma'ki, the traditional territory of the Mi'kmaq who have lived with these lands since time immemorial. There are no standard guidelines for implementing IPCAs in any one Indigenous nation or community. This is in part because the concept of an IPCA is new in title and the exploration of Indigenous-led protected areas in Canada is quite recent, but also because IPCAs may look very different depending on the context and community or nation seeking to establish them.

In Mi'kma'ki, two Indigenous Peoples Organizations (IPOs) – the Confederacy of Mainland Mi'kmaq (CMM) and the Unama'ki Institute of Natural Resources (UINR) – provide programs and services relating to areas such as culture, Mi'kmaq Ecological

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[1] Turtle Island is the name that many Indigenous peoples – largely in north eastern parts of the continent – refer to the lands that cover what is globally known as the North American continent. The origins of the name emerged from creation stories that vary between Indigenous peoples but are centered around a story of a turtle who holds the world on its back to support other forms of life.
(https://www.thecanadianencyclopedia.ca/en/article/turtle-island)

Knowledge (MEK), and resource management to all 13 Mi'kmaw communities across the province of Nova Scotia. These organizations have been actively engaged with the development process of IPCAs in Canada and are interested in assisting Mi'kmaw communities in establishing IPCAs in Nova Scotia. These organizations are engaged with the Indigenous Circle of Experts (ICE) and are partners in a Canada-wide research project called the "Conservation through Reconciliation Partnership" (CRP). I was accepted to contribute to this process through my master's thesis through the CRP wherein I explored governance mechanisms for establishing IPCAs in the province as well as Mi'kmaw values and aspirations for these areas.

The overarching purpose of this master's thesis (herein "the project") was to share, build, and mobilize knowledge around IPCAs in Mi'kma'ki to contribute to the CMM's and UINR's planning and establishment processes for IPCAs. There were three guiding objectives for this research project:

1. Identify the key events and policy changes that have created space for the development of IPCAs in Canada and Nova Scotia;

2. Interpret and analyze protected areas governance models to identify structures capable of facilitating as yet undetermined but potentially desired governance arrangements of IPCAs; and

3. Explore Mi'kmaw aspirations and perspectives on IPCAs in Mi'kma'ki

Ultimately, this project intends to contribute to advancing the IPCA goals of the CMM and UINR with hopes that the development of IPCAs can allow for conservation

and reconciliation objectives to be addressed effectively and for Mi'kmaw communities to lead the protected area governance trajectory in their traditional territories of life.

This thesis is organized into six chapters. The first chapter outlines the context and critical actors important to this research and to IPCAs more broadly. The second chapter outlines the theoretical framework guiding this project as well as the conceptual approaches. The theoretical framework consists of three theories: governance theory, institutional change theory, and commons theory. The conceptual approach for the project is rooted in decolonizing approaches to conducting community-partnered research that are accessible to me – as a non-Indigenous researcher – but that align with the views of my organizational partners, the CMM and UINR. The conceptual approach consists of community-based participatory research methodologies and boundary approaches to research. Also, within this chapter I outline three principles that guided this master's thesis and the partnership with the CMM and UINR: Two-Eyed Seeing, Ethical Space, and relational accountability. The third chapter of this thesis describes the methods for data collection – a critical document review, participant observation, and semi-structured interviews – as well as the qualitative analysis process for these methods. Together, the theoretical framework, conceptual approaches, guiding principles, and methods form a "participatory toolkit" that was informed by the partners to the project, the CMM and UINR, as well as scholars who have been mobilizing decolonizing research within the academy (e.g. Wilson, 2008; Smith, 1999).

The remaining three chapters address the three objectives for the project by unpacking the results of the data collection process with a comprehensive analysis. The three data collection methods were not separated and are discussed together since the

nature of the content is intimately connected. Chapter four addresses objectives one and two for this project. The chapter first outlines and discusses the main results from data collection and then engages in a discussion about these results using Jan Kooiman's (2003) governance theory. Through the application of governance theory, chapter four describes the critical factors that have created space for IPCAs as well as critical opportunities and challenges related to advancing Mi'kmaw-led IPCA governance in NS. The fifth chapter applies Elinor Ostrom's (1990) institutional change theory and embeds common's theory in the analysis of how Mi'kmaw aspirations for IPCAs may be fostering institutional change within NS. It also highlights areas where institutional change may need to occur to create more space for Mi'kmaw worldviews and goals to be achieved related to IPCAs in the future. The final chapter of the thesis highlights key findings and areas that may need further research as the CMM, UINR, other Mi'kmaw organizations, and their partners advance IPCAs.

1.2 History of Protected Areas Policy and Indigenous Peoples in Canada

To understand the conflicts and opportunities associated with IPCAs in Canada, it is critical to understand the history of protected areas in Canada and how it has impacted the Indigenous peoples of these lands and waters. Indigenous peoples in Canada have historically been displaced, marginalized, and suffered great losses due to the creation of protected areas (PAs) (Agrawal & Redford, 2009; Brugnach & Ingram, 2012; ICE, 2018; IUCN, 2003). Initially, PAs emerged as a way to provide spaces for people – mainly the elite of settler society – to engage in tourism and recreational activities (e.g. sport hunting) that helped to pay for railways being built across the recently proclaimed settler state of Canada (Kalamadeen & Gillson, 2007). These areas were initially conceived of

as areas that were separate from the rest of "wild" nature (Goyes & South, 2019). The establishment of these "protected" places gave colonial governments an excuse to displace and force the relocation of Indigenous peoples onto reservations to open up more space for economic opportunities that could maximize on tourism through the railway system, creating landscapes that were managed for aesthetic appeal to attract the settler "elite" (Goyes & South, 2019). This initial incentive to "protect" areas for tourism and economic gain allowed colonial governments to rename, re-story, and recategorize Indigenous territories of life – erasing histories and displacing communities that had been living with these lands and waters since time immemorial and to entice settlers who wanted to vacation in "nature" with narratives that were more aligned with European ideals (Goyes & South, 2019). Protected areas in this vein expanded in the 1890's and often served as a colonial tool that barred Indigenous peoples from accessing their homelands as well as forcefully relocating them in places such as Banff National Park, Algonquin, Quetico, and Riding Mountain National Park (Sandlos, 2008).

Over time, the development of such tourism destinations and the establishment of a hunting culture among the settler elite led to areas previously known as "vast wilderness" to become degraded and species (especially those being hunted) to become threatened (Kalamadeen & Gillson, 2007). This led to a conservation ideology around protected areas to emerge that was focused on protecting this "fading wilderness" that was being destroyed through development across the recently established settler-states in North America (Sandlos, 2008). PAs in Canada evolved at this stage along two different narratives: one focused on preserving these landscapes that were being impacted by the tourism and resource extraction industry and another that was focused on regulating use

to maximize the utility of nature for human use through "resource management" (Callicott & Mumford, 1997; Kalamadeen & Gillson, 2007).

The preservation-oriented protection ideology was focused on preserving landscapes and "wilderness" and was rooted in the belief that humans are separate from the natural world and that nature needs to be protected from the ills of modern society (Corson et al., 2014; Dahlberg, Rhode & Sandell, 2010). These preservation-oriented rationales for PAs were embedded in notions of restoring and preserving "pristine" landscapes and "wild places", charismatic animals, and sustainable tourism industries (Dahlberg et al., 2010). This narrative was popularized by naturalists and philosophers such as John Muir (Kalamadeen & Gillson, 2007). These perspectives, however, also ignored the fact that these "pristine" landscapes were and have been a result of human interactions and interventions by local, Indigenous populations for millennia (Dahlberg et al., 2010).

The second narrative focused on "wise use" was popularized by individuals such as Gifford Pinchot who was the first Chief of the United States Forest Reserve System (Kalamadeen & Gillson, 2007). This conservation narrative was focused on "resource management" and viewed protected areas that barred resource use by people as wasteful, while acknowledging that human use needed to be regulated for these areas to be enjoyed in perpetuity (Kalamadeen & Gillson, 2007). This view resulted in privileged access to places (e.g. hunting and resource extraction licenses) and barred Indigenous peoples from practicing customary use of landscapes and seascapes and accessing their territories (Goyes & South, 2019; Kalamadeen & Gillson, 2007). Although these two protection ideologies are different in that the preservation-oriented approach is focused on intrinsic values of nature while the wise-use approach is centered around sustaining the utility of

the environment for human use, both ideologies positioned humans as separate from the natural world and contributed to mainstreaming the separation of society from the environment while striving to impose this view on Indigenous peoples through the colonial agenda – advancing the reserve system and forcing Indigenous children into the residential school system (Goyes & South, 2019; Kalamadeen & Gillson, 2007).

The establishment of protected areas throughout Canadian history has largely been associated with the displacement and dispossession of Indigenous peoples and their traditional lands which has uprooted the very fabrics of these communities whose identities, histories, and cultures are rooted in their ancestral landscapes (Agrawal & Redford, 2009; Anaya & Santo, 2018; Brechin et al., 2003; Moola & Roth, 2019; Shultis & Heffner, 2016). Historically, protected areas were most often established through state and provincially-led programs and initiatives as well as some privately funded trusts or reserves that did not include or consider the impacts that the creation of these protected spaces imposed on Indigenous peoples whose rights and sacred relations with land were often ignored (Agrawal & Redford, 2009; Berkes, 2010; Shultis & Heffner, 2016; Wolfe-Keddie, 1995).

Over time, the motivations for establishing protected areas in Canada have expanded in light of the implications of and threats posed to the earth's socio-ecological systems by climate change and biodiversity loss which has emphasized the need to develop protected areas to protect ecological integrity and to enforce sustainable use of resources (Brechin, Murray & Mogelgaard, 2010; Corson et al., 2014; Dahlberg et al., 2010). With this being said, these calls for the protection and preservation of biodiversity and maintenance of ecological integrity did not simply replace those initial ideologies that were rooted in

western utilitarian-oriented science and preservationist perspectives, but instead added an additional layer of publicly accepted legitimacy to the protected areas agenda. This was especially true when it came to sustainable extraction of natural resources and capitalizing on profits of protected areas through tourism wherein the benefits and burdens of establishing these areas were often unclear and unjustly distributed (Brechin et al., 2003; Corson et al., 2014; Stevens, 2014). As such, the implications of establishing and imposing regulations around protected areas continued to negatively impact Indigenous populations across Canada and, in many ways, became another mechanism to serve the colonial agenda and contribute to the ongoing erasure of Indigenous histories and relationships to lands and waters that impact not only Indigenous peoples today, who are striving to heal and revitalize their communities and cultures, but also future generations of Indigenous peoples who may not have access to their histories and ancestral territories as a result (Zurba et al. 2019; Artelle et al. 2019).

Throughout this thesis, the terms "protected areas" and "conservation" are used and applied in specific ways. The definition of a "protected area" that is employed in this thesis aligns with the definition provided by the IUCN which states: "A protected area is a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values" (IUCN, n.d). Key elements of this definition include "recognised", "legal or other effective means", and "cultural values". Recognition – as applied to this project – consists of recognition by the actors that have designated such areas as protected (e.g. Indigenous Nation). However, in this thesis, there is mention of recognition of IPCAs by the provincial and/or federal government. The

distinction here is that recognition by a Canadian governmental body as a protected area may or may not provide different resources such as funding to support the protection of these areas. Additionally, recognition by governments may also involve applying existing provincial legislation to IPCAs. The implications of such recognition by Canadian governments will be discussed in later chapters of the thesis. The phrase "legal or other effective means" in the description of a protected area is also important to this project because it creates space to include areas that have been designated as protected by actors without necessarily requiring legislation associated with the areas. This will be important when considering different governance arrangements for IPCAs that will be discussed later in this thesis. "Cultural values" are important to associate with protected areas because it indicates that the values of the actors who are protecting a specific area are both informing the creation as well as being protected through the designation of "protected area".

The term "conservation" is noted as a key outcome of protected areas in the IUCN – although not necessarily the exclusive outcome. Based on the IUCN definition of a protected area, conservation is tied to the maintenance and protection of the integrity of ecosystems (IUCN, n.d.). The IUCN defines conservation as: "The protection, care, management and maintenance of ecosystems, habitats, wildlife species and populations, within or outside of their natural environments, in order to safeguard the natural conditions for their long-term permanence." (IUCN, n.d.). The author of this thesis will apply this definition of conservation in this context.

The way that conservation and protected areas may be applied in the IPCA context of NS will be dependent upon the actors involved and how the Mi'kmaq choose to define

such terms. For this reason, the author views it as important to state that these definitions are how protected areas and conservation is understood by the author and applied in this thesis specifically. The current state of the IPCA development process in NS may elicit definitions of protected areas and conservation different from the ones stated here in the future, as defined by the Mi'kmaq.

1.3 Global Environmental Governance Agreements and Conventions

In recent years, there have been calls at the global scale to recognize and address the injustices that exclusionary, top-down, western approaches to conservation and the establishment of protected areas have caused Indigenous peoples around the world (Davies et al., 2013; Dudley et al., 2018; Shultis & Heffner, 2016; Stevens, 2014; Kothari, Brown & Camill, 2013). In addition, there have also been global agreements and commitments that highlight and assert the rights that Indigenous peoples around the world have to their ancestral lands (e.g. United Nations Declaration on the Rights of Indigenous Peoples, the Durban Accord). These agreements and commitments highlight the need for acknowledgement and efforts to be made within nations to meaningfully recognize Indigenous peoples' inherent rights and responsibilities to land as well as begin decolonizing land and resource management through more inclusionary approaches to conservation that incorporate and respect different types of knowledge (Brugnach & Ingram, 2012; Kothari et al., 2013; Shultis & Heffner, 2016; Rathwell, Armitage & Berkes, 2015). There have been several shifts in global governance arenas that have influenced approaches to protected areas management, however there are three key events that are highly relevant to increased leadership and acknowledgement of rights of, responsibilities to, and the impacts of protected areas on Indigenous peoples which

include: the adoption of the Durban Accord (IUCN, 2003), the United Nations Declaration of the Rights of Indigenous Peoples (UN, Resolution 61/295, 2007), and the establishment of the Convention on Biological Diversity's Aichi Biodiversity Targets (UNEP, 2010).

1.3.1 The Durban Accord

In 2003, a critical paradigm shift occurred when the formulation and adoption of the Durban Accord was agreed upon at the International Union for Nature's (IUCN) Vth World Parks Congress (WPC) in Durban, South Africa (Stevens, 2014; IUCN, 2003). The IUCN is the world's leading conservation organization dedicated to improving and generating knowledge around effective and equitable approaches to land conservation and resource management that brings together a diverse range of actors such as federal governments, Indigenous organizations, researchers, and non-government agencies (Stevens, 2014; Zurba et al., 2019).

The 2003 World Parks Congress was the largest gathering – up to that point – of conservationists and land and resource managers and actors (Kothari et al., 2013; Stevens, 2014). This event led to the establishment of the Durban Action Plan, which called for a paradigm shift in how nations and peoples around the world pursue and implement the management and protection of lands and resources (Kothari et al., 2013; Stevens, 2014). Indigenous communities and their allies played a large role in shifting the conservation and protected areas paradigm through active involvement and advocacy at the WPC in Durban (Kothari et al., 2013; Stevens, 2014). This demonstrated their achievements in asserting themselves as critical actors and leaders in protected areas

governance and the need for global governance organizations and nations to acknowledge this through action within nations (Kothari et al., 2013; Stevens, 2014).

This WPC was the first time in history that a significant number of Indigenous peoples participated in discussions at the global scale about the impacts and legacies of protected areas (Corrigan et al., 2018; Corson et al., 2014; Stevens, 2014). This highlighted the need for a shift from traditional, western-science based methods of protected areas management and governance to approaches that are more community-oriented, inclusive of different types of knowledge, and reflects power sharing arrangements that consider the systemic injustices that have been institutionalized in many protected areas programs and policies (Corrigan et al., 2018; Corson et al., 2014; Rathwell et al., 2015; Stevens, 2014). The adoption of the Durban Accord by many nations around the world illustrated the readiness for these nations with Indigenous populations to begin to make changes and begin acknowledging the negative historical legacies of protected areas (Fukunaga, 2013; Stevens, 2014; West, Igoe & Brockington, 2006).

The Durban Accord called for a recognition of Indigenous and Community Conserved Areas (ICCAs) which were endorsed as being a key form of rights-based conservation approach (Kothari et al., 2013; Murray & Burrows, 2017; Stevens, 2014). The Durban Accord highlighted the importance of giving voice to Indigenous peoples in decision-making to address issues associated with power-sharing, the distribution of burdens and benefits, and the inclusion and respect for diverse knowledge systems to ensure protected areas are pursued equitably and through collaborative mechanisms (Kothari et al., 2013; Murray & Burrows, 2007; Rathwell et al., 2015). It is important to

acknowledge that the ways that governments integrate the recommendations and guidelines set out through these types of accords are ultimately up to the governments and so the implementation can and does look different depending on the context. Nonetheless, the adoption of the Durban Accord served as a critical turning point for conservation initiatives around the world because it pressured governments to address the ways in which they were currently pursuing protected areas within their borders and encouraged them to evaluate and assess the management and governance arrangements in place that have historically displaced, marginalized, and abused the rights of Indigenous and local populations.

1.3.2 United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission's Call to Action (TRC)

In 2007, the United Nations General Assembly passed the resolution called "the United Nations Declaration of the Rights of Indigenous Peoples" (UNDRIP) (United Nations General Assembly, 2015). This resolution is an international agreement that affirmed and called upon nations around the world to acknowledge the inherent rights that Indigenous peoples have to land and implement policies, programs, and protocols that acknowledge these rights in a participatory, just, and impactful manner (UN, Resolution 61/295, 2007). UNDRIP was a significant step in acknowledging the need to address the injustices and traumas that Indigenous peoples have faced and continue to face around the world, however it was perhaps most impactful in settler-colonial states such as Canada, South Africa, and Australia since the circumstances that Indigenous communities in these countries face are a direct legacy of settler colonization.

For Canada, the decision to adopt and endorse UNDRIP was not readily accepted or agreed to by the government when it was initially proposed in 2007. The conservative government in parliament at the time, in 2010, accepted the Declaration with specific qualifications and viewed the endorsement as more of an aspirational endeavour rather than an actual commitment (Nichols, 2018). However, as part of its efforts towards reconciliation, the Canadian government, in 2008, endorsed the creation of the Truth and Reconciliation Commission of Canada (TRC) to address the impacts and legacy of Canada's residential school system (TRC, 2015). Out of this Commission came 94 Calls to Action that included a need for building stronger nation-to-nation relationships that fully recognize the implications of treaties and the rights of Indigenous nations across Canada (TRC, 2015; Zurba et al., 2019).

In 2015, the newly elected Prime Minister of Canada, Justin Trudeau, announced that his government would be implementing UNDRIP and asked its Ministers to begin making plans to implement the resolution and articulated its commitment to addressing the 94 Calls to Action set out by the TRC (Government of Canada, n.d.). In 2016, the Federal Minister of Indigenous and Northern Affairs Canada announced Canada's official support of the Declaration - without qualification - and announced that the government would begin planning for the implementation of UNDRIP through the establishment of an implementation framework in partnership with Indigenous peoples in Canada (Government of Canada, n.d.; Nichols, 2018). Consequentially, these efforts to rebuild relationships between nations in Canada and the commitment that Canada has made to implement the principles of UNDRIP also necessarily impact the ways in which protected

areas are established, managed, and understood moving forward (Artelle et al., 2019; Zurba et al., 2019).

In supporting UNDRIP, Canada committed to also acknowledging the inherent rights and relationships that Indigenous peoples have with land and water. For example, Article 25 of the Declaration explicitly notes the sacred relationships that many Indigenous peoples around the world have with water and that this should be recognized, acknowledged, and considered when making any decisions about water use and management (UN, 2007; Craft, 2018). In addition, the endorsement of the Declaration illustrated Canada's commitment to reconciliation and consideration for the relationships that Indigenous peoples have to land and water as well as the importance of and commitment to protecting these sacred relationships (Benjamin, Preston & Leger, 2010; Knockwood, 2018). Furthermore, in a chapter of a special report on UNDRIP written by Mi'kmaw lawyer, Cheryl Knockwood (2018), the importance of land remaining central to commitments of reconciliation as well as the importance of engaging in dialogue about mechanisms for these relations to be revitalized, restored, and re-imagined was further emphasized. Overall, the implications of this for protected areas in Canada is that the Canadian government now has put itself in the spotlight to actively create space for Indigenous leadership in the governance and management of their traditional lands and to recognize, incorporate, and respect the knowledge, relationships, and histories of these lands that the legacy of top-down, exclusionary approaches to conservation and protected areas has largely ignored (ICE, 2018; Knockwood, 2018; Zurba et al., 2019).

1.3.3 Convention on Biological Diversity (CBD): Aichi Biodiversity Targets

A third key shift at the global scale that has influenced the protected areas landscape in Canada is the development of the Aichi Biodiversity Targets (herein referred to as "the targets") which were established by the Parties to the Convention on Biological Diversity (CBD) in 2010 (UNEP, 2010). The targets were developed as part of the Strategic Plan to Address Biodiversity after a publication from the CBD addressed the failure of the signatories – Canada being one of these signatories – to achieve the biodiversity protection goals they had agreed to for the year 2010 (MacKinnon et al., 2015; UNEP, 2010). As such, the Aichi Biodiversity Targets – of which there are 20 – were established to be achieved by 2020.

The most famous of these targets is Target 11, which states that: "By 2020, at least 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscape and seascape" (UNEP, 2010). The critical element of this target is the notion of "other effective area-based conservation measures" (OECMs) which highlights the opportunity for non-state actors to put forward protected areas that may contribute to conservation objectives but may also have other objectives such as cultural protection and revitalization (ICE, 2018; UNEP, 2010). The OECM designation was initially acknowledged to create space for Indigenous and locally conserved and stewarded areas (Dudley et al., 2018; ICCA, 2017). Since this notion of OECMs was put forward, many groups within a diverse range of nations were exploring what new types of protected areas might look like such as through

IPCAs (MacKinnon et al., 2015; Zurba et al., 2019). Target 11 has been taken up by many nations across the world because it is more easily measurable and quantifiable than some of the other targets, however there are three other targets that were established in the Strategic Plan that are also directly relevant to this thesis research (Table 1).

Table 1: Summary Table of Aichi Biodiversity Targets Most Relevant to the Study

Aichi Target	Description	Key Elements of Relevance to Project
Target #11	"…at least 17% of terrestrial and inland water, and 10% of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscape and seascape"	• Equitable management • Well-connected systems • Other effective area-based conservation measures • Integrated into wider landscape and seascape
Target #14	"…ecosystems that provide essential services, including services related to water and contribute to health, livelihoods and well-being, are restored and safeguarded, taking into account the needs of women, indigenous and local communities, and the poor and vulnerable"	• Livelihoods and well-being restored and safeguarded • Plans and strategies that consider the needs of women, Indigenous, and local communities
Target #17	"…each Party has developed, adopted as a policy instrument, and has commenced implementing an effective, participatory and updated national biodiversity strategy and action plan"	• Effective, participatory strategies and plans
Target #18	"…the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of Indigenous and local communities, at all relevant levels"	• Respecting and reflecting Indigenous perspectives, knowledge, practices, and customary use of resources • National legislation & international obligations • Full and effective participation

Targets 14, 17, and 18 are often overlooked in Canada, however they deserve more attention given the circumstances and history of resource and land management in Canada, as a settler-colonial state (UNEP, 2010; Zurba et al., 2019). These targets assert the importance of nations adopting equitable, respectful, and participatory approaches to biodiversity conservation that acknowledge and respect the traditional practices, knowledge, and customary resource uses of Indigenous peoples, which emphasizes the need to ascertain what these targets mean on the ground, in the context of each Indigenous community and/or nation, that are diverse in their own right. As such, the

need to identify the necessary conditions for equitable management of land and natural resources to be effectively implemented, as well as exploring the elements of customary practices, traditional knowledge, and well-being that may be protected and revitalized through IPCAs will be of critical importance for this project.

1.4 Current Protected Areas System and Governance Arrangements in Canada

Canada has many different types and levels of governance arrangements and protected areas. There are protected areas that are nationally managed, provincially or territorially managed, Indigenous managed, privately managed, or managed through land trusts (Zurba et al., 2019). This diversity in protected areas creates a protected areas landscape in Canada that is highly complex and ever evolving. However, the definition of protected areas is generally informed by the CBD and IUCN's definitions and classifications (Corson et al., 2014; MacKinnon et al., 2015). Central to these definitions is the notion that protected areas are one of the most effective mechanisms for curbing the impacts of climate change and protecting biodiversity (Corson et al., 2014; MacKinnon et al., 2015).

With respect to Indigenous involvement in protected areas through IPCAs, it is important to consider 'how' to mobilize them effectively. Evaluating the types of governance arrangements that existing protected areas are facilitated through and determining the strengths and weaknesses of these arrangements is one way to generate more knowledge about ways to advance IPCAs. Indigenous peoples in Canada have been calling for a transformation in the way conservation and lands are governed and managed as part of the process of reconciliation and the need to restore and revitalize Indigenous

lifeways, worldviews, and cultural protocols (Corson et al., 2014; Mantyka-Pringle et al., 2017; Shultis & Heffner, 2016; Zurba et al., 2019).

Central governments such as the national and provincial or territorial governments of Canada have historically been seen as the only vehicle for establishing and managing protected areas but the aforementioned conventions and declarations that have come out of global governance arenas illustrate that these approaches are not necessarily effective and call for governments to support and implement a devolution of power to address these ineffective and unjust elements of protected areas governance (Berkes, 2010; Dahlberg et al., 2010; Mitchell, 1995; Zurba et al., 2019). As such, delving deeply into the diverse range of governance arrangements and the associated management practices that exist will be important as Indigenous communities consider establishing IPCAs.

1.5 Canada's "Pathway to Target 1" and The Indigenous Circle of Experts

In response to the Aichi Targets and the calls for a paradigm shift in conservation approaches that arose out of the Durban Accord, the Canadian government established its own targets for 2020, naming a revised target similar to Aichi Target 11 – which involved setting aside 10% of the marine environment and 17% of terrestrial lands for protection – as its Target 1 (UNEP, 2010; ECCC, 2016; NAP, 2018). Simultaneously, the Government of Canada also declared its commitment to the Truth and Reconciliation Commission's (TRC) Calls to Action which are guided by the United Nations Declaration of Rights for Indigenous Peoples that they also publicly endorsed in 2016 (TRC, 2015; United Nations, 2015). To bridge these commitments, the Canadian government created the "Pathway to Target 1" which consists of three different bodies striving to address conservation and reconciliation commitments in tandem.

One of these bodies, the Indigenous Circle of Experts (ICE), which consists of Indigenous, provincial, territorial, and local governments as well as other non-state actors, wrote a report in 2018 titled "*We Rise Together: Achieving Pathway to Canada Target 1 through the creation of Indigenous Protected and Conserved Areas in the spirit and practice of reconciliation*". In this report, the description and definition of IPCAs was developed to encourage Indigenous nations across Canada to propose IPCAs in their traditional territories as a platform to both contribute to the resurgence of Indigenous peoples in Canada as rights holders and environmental stewards and create space for reconciliation and restoration of Indigenous culture, identity, and histories (ICE, 2018).

IPCAs are defined in the ICE report as: "…lands and waters where Indigenous governments have the primary role in protecting and conserving ecosystems through Indigenous laws, governance, and knowledge systems. Culture and language are at the heart and soul of an IPCA" (ICE, 2018, p 5). The ICE report highlights the ways in which IPCAs might vary from nation to nation but expressed three key elements as being essential to their definition, which include IPCAs: 1) being Indigenous-led, 2) representing a long-term commitment to conservation, and 3) elevating Indigenous rights and responsibilities (ICE, 2018). The ICE report asserted that Indigenous governments would be responsible for determining the conservation objectives for the areas and that they may have additional goals and priorities that should be determined by the communities that propose them (ICE, 2018). The ICE report signified the opening of a new chapter for Indigenous peoples in Canada to begin taking more control of their traditional territories and assert their rightful place as governance leaders in land and resource stewardship while also building their own, contextualized approaches to

community and cultural regeneration and revitalization and guiding the ways in which nation-to-nation relationship-building may occur in the conservation context. Ultimately, IPCAs are an opportunity for Indigenous peoples and Canadian governments to begin taking steps that address Canada's colonial past and present, while also acknowledging the rights of Indigenous peoples in Canada and advancing the protection of the environment.

This master's thesis was driven by opportunities that emerged through and in response to the 2020 Aichi Targets and Pathway to Target 1 process. The data collection process occurred during 2020 when these targets were still of focus. Since then, 2020 has ended and Canada failed to meet its projected protected areas targets. Despite this, in October of 2020, the United Nations held the first ever UN General Assembly Summit on Biodiversity (CPAWs, 2020). At this meeting, Canadian Prime Minister Justin Trudeau committed to protection targets of achieving protection of 25% of Canada's lands and waters by 2025 and 30% by 2030 (CPAWs, 2020).

Furthermore, it was announced that Canada committed to becoming a member of the intergovernmental initiative High Ambition Coalition for Nature and People (HACNP) that is being co-chaired by Costa Rica, France, and the United Kingdom (CPAWs, 2020; HACNP, n.d.). These global commitments include a re-affirmation that biodiversity protection and conservation must be done ethically and with the recognition and full endorsement of the rights of Indigenous peoples (HACNP, n.d.; UNEP, n.d.). The UN's 2030 Sustainable Development Goals (SDGs) further emphasize the need to support Indigenous peoples to continue to steward their territories and contribute to building an equitable and sustainable future (UN, n.d.). Discussions at the global level

related to the next decade for biodiversity protection will be discussed at the next CBD

Conference of Parties (COP-15) that will be held in October of 2021. The COP-15

meeting will discuss the CBD's "zero draft" plan for biodiversity for the next decade and

is focused on expanding biodiversity protection that supports "the nutrition, food

security, and livelihoods of people, especially for the most vulnerable." (CBD, 2019;

UNEP, n.d.).

Nationally, the federal government has also committed to continuing to support

Indigenous leadership in conservation and protected areas through funding. Through the

proposed 2021-2026 Budget Recovery Plan, the Trudeau government has committed

substantial investment ($11 million Canadian dollars) to supporting Indigenous

engagement with Parks Canada (Government of Canada, 2021, p. 274). Importantly, the

Canadian government has budgeted $938 million Canadian dollars to efforts under the

Chapter title "Walking the Path to Reconciliation and Self-determination" which includes

funding to support the implementation of UNDRIP, Indigenous governance and capacity-

building, and Indigenous-led data and engagement efforts (Government of Canada, 2021,

p. 261). IPCAs are not explicitly mentioned in this new budget plan; however, the

proposal to invest in such areas may include future investment into IPCAs beyond the

funding provided prior to 2021.

Chapter 2 – Study Area

2.1 Mi'kmaw Nation

2.1.1 Geographical Area

The Mi'kmaq are Indigenous peoples whose traditional territory, called

Mi'kma'ki, encompasses the provinces of Nova Scotia and Prince Edward Island, as well

as large parts of New Brunswick, the Gaspé Peninsula, Newfoundland, and some parts of

northeastern United States (McMillan & Prosper, 2016; Human Resources and Social

Development Canada, 2007) (Figure 1).
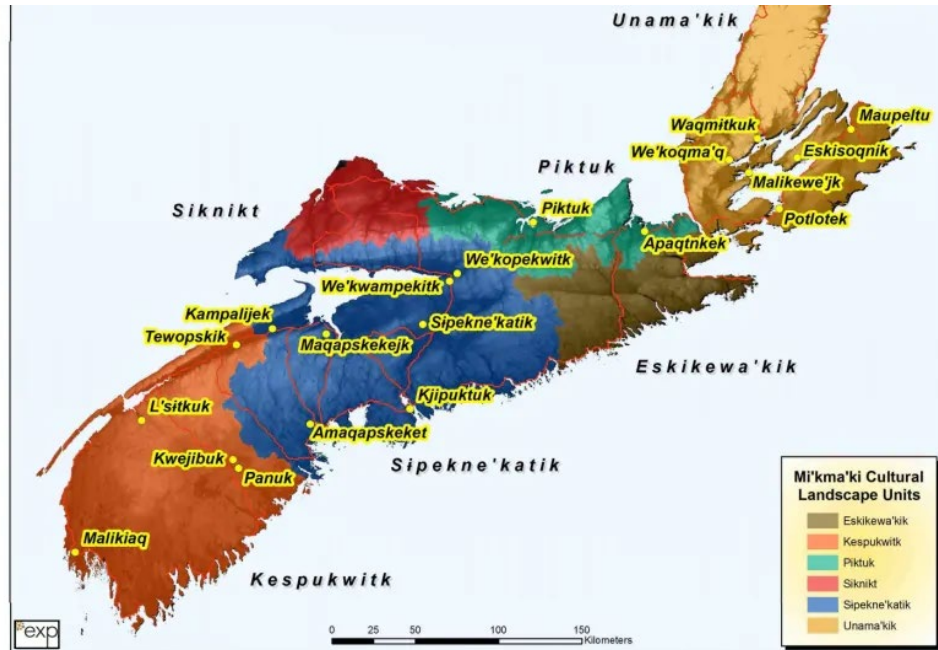
Figure 1: Map of study area with traditional Mi'kmaw districts and present day
Mi'kmaw communities (Retrieved from https://www.cbc.ca/news/canada/nova-scotia/mi-
kmaq-atlas-place-names-nova-scotia-1.3277687)

The study area for this project was limited to the boundaries of the province of

Nova Scotia. It was conducted in partnership with two Mi'kmaw organizations (referred

to collectively in this thesis for data organization purposes as "Indigenous Peoples

Organizations" or IPOs) called the Unama'ki Institute of Natural Resources (UINR),

which is located in Eskasoni First Nation on Unama'ki (Cape Breton Island, Nova Scotia), and the Confederacy of Mainland Mi'kmaq (CMM), which is headquartered in Millbrook First Nation, Nova Scotia (herein "the project partners"). The project was also informed by the work of the IPCA Advisory Committee established through the Assembly of Nova Scotia Mi'kmaq Chiefs (ANSMC) to lead the IPCA process through the Challenge Fund which consists of the UINR and CMM, as well as the Eskasoni Fish and Wildlife Commission (EFWC) and Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO). Although the global and national context of Indigenous leadership in protected areas governance informed this work, this project focused on existing and evolving relationships between the Nova Scotia Mi'kmaq and the governmental, non-governmental, and local organizational relationships that exist within this province specifically to ensure contextual factors were appropriately addressed.

2.1.2 Cultural Landscape

The cultural landscape of the Mi'kmaq is diverse and highly complex. Before contact, the Mi'kmaq lived in harmony with the land and maintained a close relationship with the lands and waters of Mi'kma'ki (McMillan & Prosper, 2016). The Mi'kmaq, whose activities have historically been guided by the seasons, moved around coastal areas in warmer seasons and moved farther inland during the colder months using well-established travel routes – often by canoe (Hanrahan, 2016; McMillan & Prosper, 2016). The Mi'kmaq hold values of sharing, generosity, inclusion, and reciprocity that have been exemplified through historical records and passed on through generations of oral storytelling and knowledge sharing (Hanrahan, 2016; Human Resources & Social Development Canada, 2007; Prosper et al., 2011). Mi'kmaw communities' subsistence

lifestyles were managed on the principle of "netukulimk," which is aimed at a peaceful

co-existence between the Mi'kmaq and the rest of creation embodied through taking only

what is needed for self-support and well-being (McMillan & Prosper, 2016; UINR, n.d.).

The Mi'kmaq are connected to their ancestral lands and waters through an originating

being named Kluscap, and their creator, Niskam, taught their people to live harmoniously

as part of the natural world, perform ceremony, and live together respectfully and

peacefully (McMillan & Prosper, 2016).

Today, the Mi'kmaq in Nova Scotia are divided into 13 communities (also known

as "bands") across the province with each community led by a Chief and Council elected

by community members (ANSMC, n.d.; Human Resources & Social Development

Canada, 2007). The 13 bands occupy areas that are known as "Indian reserves" to which

the Mi'kmaq were relocated during the establishment of treaties and the domination of

settlers over the area (Human Resources & Social Development Canada, 2007). The word

"Mi'kmaw" has been translated in English as "kin friends" and the Mi'kmaq refer to

themselves as "L'nu" (or singularly as "L'nuk") which is roughly translated into "The

People of the Same Tongue" (Young, 2016; Hanrahan, 2016). The Mi'kmaw language is

part of the Algonquin Family of languages and has been passed on from generation to

generation (Young, 2016). The language is highly interwoven with Mi'kmaw roles and

relationships to lands and waters (Young, 2016; Hanrahan, 2016; Human Resources &

Social Development Canada, 2007). The Mi'kmaw language is currently listed as

threatened, as less than 25% of the Mi'kmaq are fluent in the language in Nova Scotia,

which is a direct consequence of colonization and the residential school system

(Hanrahan, 2016; Human Resources & Social Development Canada, 2007).

The residential school system in Nova Scotia had a significant impact on the ability of Mi'kmaw children to learn their language and engage with their communities since they were forcibly removed from their families and often punished for engaging in their own cultural practices or speaking their language (Human Resources & Social Development Canada, 2007). There were over 1,000 Mi'kmaw children who were forced into the Shubenacadie Residential School in Nova Scotia between the years 1930 and 1967 (Human Resources & Social Development Canada, 2007). A government-led initiative referred to as the "sixties scoop" occurred in the 1960's where Indigenous children were taken from their parents, communities, and families – often without any consent – and placed them in the care of non-Indigenous "adoptive" parents as an extension of assimilationist policy tools that aimed to reduce transference of Indigenous culture, identity, knowledge, and customs to future generations (Niigaanwewidam & Dainard, 2016; TRC, 2015 p. 14). The residential school system and the "sixties scoop" processes not only caused great trauma to these individuals and their families, but they also impeded their ability to learn and teach their language to future generations - contributing to greater loss and disconnection from their communities (Hanrahan, 2016; Human Resources & Development Canada, 2007; Niigaanwewidam & Dainard, 2016; TRC, 2015, p.15). Today, Mi'kmaw communities are striving to revitalize their language (Young, 2020; Young, 2016). The Mi'kmaw Schoolboard in Nova Scotia, Mi'kmaw Kina'matnewey, includes the Mi'kmaw language as part of their curriculum (Human Resources & Development Canada, 2007; Mi'kmaw Kina'matnewey, n.d.).

Despite the impacts of colonization, Mi'kmaw communities across Nova Scotia continue to hold and respect principles of netukulimk and retain the perspective that the

Mi'kmaq have a sacred relationship to land that also gives them a responsibility to care

for, honour and protect these lands and waters for both current and future generations

(Knockwood, 2018). Although continuing to bear the legacies of colonization that

include the imposition of the residential school and reservation systems, the loss of

language and culture, and the dispossession of and expropriation from their ancestral

lands, the Mi'kmaq of Nova Scotia continue their efforts to revitalize their culture and

language, uphold their roles as stewards of their lands and waters, and assert their rights

as Indigenous peoples of Mi'kma'ki (Hanrahan, 2016; McMillan & Prosper, 2016).

2.1.3 Historical and Modern Governance Systems and Political Landscape

Pre-contact, the Mi'kmaq were a highly organized nation separated into seven

districts whose names were based on their geographical attributes – further emphasizing

the ways in which their culture and worldviews were rooted in the land (Table 2). Each of

the districts were managed by a District Chief who collectively made up the Mi'kmaw

Grand Council (Hanrahan, 2016; Human Resources & Social Development Canada,

2007; McMillan & Prosper, 2016).

Table 2: Seven Mi'kmaw Districts (Human Resources and Social Development Canada, 2007)

District Name	Meaning	Geographic Coverage
Unama'kik aq Ktaqmkuk	"foggy lands" "lands across water"	Cape Breton Island & Newfoundland
Epekwitk aq Piktuk	"lying in the water" "explosive place"	Pictou County & Prince Edward Island
Eskikewa'kik	"skin-dressers' territory"	Area stretching from Guysborough to Halifax County
Sipekni'katik	"wild potato area"	Halifax, Lunenburg, Kings, Hants & Colchester Counties
Kespukwik	"last flow"	Queens, Shelburne, Yarmouth, Digby, and Annapolis Counties
Siknikt	"drainage area"	Cumberland County in New Brunswick & New Brunswick Counties of Westmorland, Albert, Kent, Saint John, Kings & Queens
Kespek	"last land"	Area of North Richibucto including rivers and parts of the Gaspe Peninsula

The Mi'kmaw Nation was also part of a large political organization called the Wabanaki Confederacy which was led by several Grand Chiefs of several different tribes in eastern Turtle Island (Human Resources & Social Development Canada, 2007). All tribes in this Confederacy are members of the Algonquin family who occupied the lands east of the St. Lawrence River, the Adirondacks, and the Appalachians (Hanrahan, 2016). The Mi'kmaq took a consensus-based approach to governance of their lands and waters (Young, 2016). Despite periods of conflict, the Mi'kmaq maintained this approach and governance system with key principles embedded into their decision-making processes (Figure 1) until the arrival of European settlers (Human Resources & Social Development Canada, 2007; McMillan & Prosper, 2016; Young, 2016). The relationships that Mi'kmaw communities have with their traditional territories can still be observed in oral histories, creation stories, petroglyphs, and archival records that have documented rituals, ceremonies, and spiritual beliefs related and embedded in sustainable resource use and reciprocal relationships to land (McMillan & Prosper, 2016).

Traditional Mi'kmaw Governance Principles:

➢ Consensus-based
➢ Issues discussed in a talking circle format to elicit respect and engagement of all participants
➢ Highly engaged and respected Elders for their knowledge and wisdom
➢ Policies and procedures passed on from generation to generation
➢ Wampun Belt was kept by "Pu'tus" to keep track of knowledge shared by Elders and decisions made by the Grand Council

Figure 2: Key Features of Traditional Mi'kmaw Governance adapted from the Mi'kmaq Kekinamuek Manual (2007)

When settlers arrived in Mi'kma'ki they met a very organized and complex Mi'kmaw Nation that is estimated to have had a population of approximately 50,000 to 100,000 people (Hanrahan, 2016). With the arrival of Europeans came the impacts of colonization that have plagued Indigenous peoples around the world including but not limited to disease, trauma, conflict, and cultural and language loss (Hanrahan, 2016). Series of treaties were signed that became known as the Peace and Friendship Treaties between the Mi'kmaq Chiefs and European settlers in the 1700's that were intended to represent the recognition of the Mi'kmaw Nation and colonists living in a state of peaceful co-existence with the understanding that the Europeans would not impede on the ways of life of the Mi'kmaq (Human Resources & Social Development Canada, 2007).

Despite this, the Europeans continued their pursuits of colonization and slowly pushed Mi'kmaw communities into disadvantaged positions that caused great suffering and did not honour their commitments to the Mi'kmaq (Human Resources & Social Development Canada, 2007). The Europeans brought with them concepts of private land tenure and with the establishment of the British North American Act in 1867, which

ignored the rights and governance systems already in existence by Indigenous peoples

across Turtle Island, further marginalized and abused the Mi'kmaq (Human Resources &

Social Development Canada, 2007). Europeans quickly imposed disadvantageous

programs, laws, and policies as well as the reservation and residential school systems that

further served the colonial agenda to rid the landscapes of its Indigenous peoples and

create space for more settlers and European systems of land and resource management,

religious and spiritual beliefs, and notions of prosperity and well-being (Hanrahan, 2016;

Human Resources & Social Development Canada, 2007; McMillan & Prosper, 2016). As

a result, the traditional governance systems that had been in place for centuries were

destroyed and the Mi'kmaw communities were forced into being part of this imposed

system that framed them as "wards" of the state and continued to marginalize, abuse, and

harm the Indigenous peoples of Mi'kma'ki (Hanrahan, 2016).

Although the situation has changed significantly since the time of colonization

and Indigenous peoples across Canada now have constitutionally recognized rights –

achieved over many years of resistance and advocacy that continue to be defined and

redefined through litigation and negotiation – the way in which Indigenous peoples are

able to exercise these rights continues to be an area of contention (McMillan & Prosper,

2016). As such, Mi'kmaw organizations and communities have been working to build

capacities to contribute to and mobilize a resurgence of their communities and to hold the

Canadian government to its commitments to reconciliation and the implementation of

UNDRIP (McMillan & Prosper, 2016; Knockwood, 2018). In particular, the need for

land and resource management and governance systems and practices in Canada to begin

a decolonizing journey has been largely emphasized and articulated as critical to any

process of reconciliation in what is now called Canada (Knockwood, 2018; McMillan & Prosper, 2016).

In Nova Scotia, it has been articulated that for Mi'kmaw communities to feel that steps towards reconciling relationships and restoring Mi'kmaw culture and communities are being taken seriously will require not only the federal government but also provincial governments to commit and invest in the process of decolonizing resource management and creating systems that are more inclusionary - acknowledging the rights and respecting the knowledge of the Mi'kmaq (Denny & Fanning, 2016; Knockwood, 2018; McMillan & Prosper, 2016). It has been acknowledged that the need for investment into capacity-building and creation of spaces for Indigenous leadership are critical in this process (Denny & Fanning, 2016; Knockwood, 2018; Hanrahan, 2016).

Natural resource management and use in Nova Scotia has been an area of great conflict between Mi'kmaw and non-Mi'kmaw communities that has led to litigation, violence, and community conflicts (Denny & Fanning, 2016; King, 2011; McMillan & Prosper, 2016). Events such as the Marshall Decision (*R. v. Marshall,* 1999) that contributed to the concept of "moderate livelihood" and conflicts such as Burnt Church (Denny & Fanning, 2016; King, 2011) in New Brunswick have all elicited the realization that land and resource management conflicts in Nova Scotia are not ignorable, nor is the need to find mechanisms for Mi'kmaw communities to continue to restore their relationships to their lands and waters (Denny & Fanning, 2016; King, 2011). Alongside this realization, the need to hold the provincial and federal governments accountable to their treaty commitments of peaceful co-existence and respect has also been identified as essential (Denny & Fanning, 2016; King, 2011; McMillan & Prosper, 2016).

In light of this, Mi'kmaw communities have been highly engaged and interested in the development of the concept of IPCAs in Canada and the opportunities that they can support in the process of restoring and healing their communities and asserting themselves as governance leaders in land and resource decision-making. Community-partnered research that is focused on the development of IPCAs is one process whereby the exploration of the potential impacts and opportunities associated with IPCAs can be facilitated. It is also a way in which Mi'kmaw communities can explore their interests in the IPCA development process and identify what it may look like in the context of the Mi'kmaq of Nova Scotia.

2.2 The Project Partners: Unama'ki Institute of Natural Resources and The Confederacy of Mainland Mi'kmaq

2.2.1 History, Roles, and Activities

2.2.1.1 Unama'ki Institute of Natural Resources (UINR)

The Unama'ki Institute of Natural Resources is an organization founded in 1999 in Eskasoni First Nation on Cape Breton Island, Nova Scotia (McMillan & Prosper, 2016; UINR, n.d). This organization was created in response to concerns of the five Mi'kmaw communities on Unama'ki - often referred to as the colonial name of Cape Breton Island - regarding natural resource management and environmental issues occurring on the island. It serves the five Mi'kmaw communities on Unama'ki that include Eskasoni, Membertou, Potlotek, Wagmatcook, and We'koqma'q First Nations (UINR, n.d.). The UINR strives to integrate western science with Mi'kmaw knowledge acquisition, utilization, and protection (McMillan & Prosper, 2016). To meet its objectives, the UINR works with municipal, provincial, and federal governments as well

as other organizations. Objectives include providing resources to the Mi'kmaq to participate equitably in resource management on Unama'ki, strengthening Mi'kmaw research and natural resource management that honours and is inclusive of Mi'kmaw traditions and worldviews, and creating partnerships with like-minded groups with similar aspirations for the future of the natural resources on Unama'ki (UINR, n.d.). The UINR's Board of Directors consists of the five Unama'ki Chiefs of each of its member First Nation communities. The UINR has been highly engaged in protected areas policy and negotiations and is interested in generating more knowledge around the establishment of IPCAs and the visions that the Mi'kmaw communities have for these areas so that the organization can further support their member communities.

2.2.1.2 Confederacy of Mainland Mi'kmaq (CMM)

The Confederacy of Mainland Mi'kmaq is a non-profit organization that was incorporated in 1986 (CMM, n.d.). Their mission is to "proactively promote and assist Mi'kmaw communities' initiatives toward self determination and enhancement of community" (CMM, n.d.). The CMM is located in Millbrook First Nation and serves eight Mi'kmaw member communities on the mainland portion of Nova Scotia, including Acadia, Annapolis Valley, Bear River, Glooscap, Sipekne'katik, Millbrook, Paqtnkek, and Pictou Landing First Nations (CMM, n.d.). The CMM is a large organization with several different branches and programs and a multi-leveled organizational governance system that services its member communities in several ways. Although land and resource management are necessarily embedded in the organization as a whole, their Department of Environment and Natural Resources, which tackles programs and service related to climate action, forestry, and environmental services, is leading the IPCA

development project for their organization and is interested in developing further knowledge around what this process might look like for its member communities.

2.2.2 Involvement in the ICE and the Conservation through Reconciliation Partnership (CRP)

The ICE report (ICE, 2018) provides guidance and direction to the Mi'kmaq who have been working towards positioning themselves as governance leaders in protected areas governance in Nova Scotia as well as asserting their rights and responsibilities to their traditional territories. Lisa Young, the UINR's Executive Director, is a member of the Indigenous Circle of Experts and actively involved in the development of the ICE report. The Mi'kmaw communities at large provided guidance to the document through participation in the Eastern regional gathering which helped to shape the recommendations presented in the report (ICE, 2018; Observation #1, June 2020). Further, both the CMM and the UINR are partners in the Conservation through Reconciliation Partnership (CRP). The CRP is a Canada-wide research group that is dedicated to moving the IPCA process forward in Canada through community-partnered research endeavours (https://conservation-reconciliation.ca/). The CRP is supporting various research projects across Canada and are building a "Solutions Bundle" that is intended to build a network of practitioners in this field as well as to serve as a resource for anyone interested in Indigenous-led conservation in Canada (CRP, n.d.).

This master's project is intended to contribute to the Conservation through Reconciliation Partnership and IPCA initiatives more broadly by sharing knowledge about the IPCA development process in Nova Scotia. IPCAs are a new governance space to navigate, and any and all IPCAs in Canada will look different depending on the

context. Accordingly, the CMM and the UINR recognize that it is critical to identify the opportunities and challenges that are associated with developing IPCAs in Mi'kma'ki that are rooted in Mi'kmaw values with respect to the governance of these lands (L. Young, personal communication, 2019). In addition, documenting the historical context that has led to the development of IPCAs and the aspirations that Mi'kmaw community members have for IPCAs will be important to explore for IPCAs to be effectively established and implemented in Mi'kma'ki. As such, an opportunity was created for me to apply my skills as a researcher to produce a master's thesis in partnership with the CMM and UINR that will help to inform the IPCA development process in Mi'kma'ki.

2.2.3 The IPCA Advisory Committee, the Mi'kmaw-led Land Trust, and the Challenge Fund

The CMM and UINR, who were elected to lead the IPCA initiative by the Assembly of Nova Scotia Mi'kmaq Chiefs (ANSMC) along with the EFWC and KMKNO, are being supported through a federally funded program called the "Challenge Fund" through Environment and Climate Change Canada (ECCC)'s Canada Nature Fund (Observation #3, October 2020). This Challenge Fund was applied for in collaboration between these Indigenous Peoples Organizations (IPOs), departments from the Province of Nova Scotia, and a few ENGOs (Nature Conservancy of Canada, Ducks Unlimited, Nova Scotia Nature Trust).

Through this funding, support for advancing the IPCA initiative was acquired and the IPCA Advisory Committee was formed of individuals from the four IPOs to lead the process on behalf of the Assembly of Nova Scotia Mi'kmaq Chiefs and in support of the communities that they work with. The IPCA Advisory Committee meets bi-monthly and

discusses the work that different individuals and working groups are advancing in relation to IPCAs, programs and opportunities that may provide leverage for or overlap with the IPCA project; and, shares new information acquired through networking with other communities, Nations and organizations who have done similar work in different contexts, as well as information and discussions with provincial and federal governments.

One element of the IPCA Advisory Committee's work is leading the formation of a Mi'kmaw-led Land Trust established to hold title for fee simple lands (existing private lands without any conditions placed on them in purchase) as IPCAs on behalf of Mi'kmaw communities (Observation #3, October 2020; M. Pagniello, personal communication, 2021). In addition, the IPCA Advisory Committee has been advancing collaboration between different programs, initiatives, and processes that are emerging within and through Mi'kmaw communities to draw linkages between different initiatives supporting and advancing Mi'kmaw stewardship of the lands and waters of Mi'kma'ki. The IPCA Advisory Committee (hereafter "the Committee") is a central actor in advancing the IPCA initiative. As such, the Committee guided and influenced the objectives and direction for this project.

Chapter 3: Methods of Inquiry

3.1 Theoretical Framework

This section will describe the theoretical underpinnings of the project that helped guide the research approaches applied and informed the methods, analysis, and interpretation of results. The three theories guiding this project are governance theory (Kooiman, 2003), institutional change theory (Crawford & Ostrom, 1995; Ostrom, 1990) and commons theory (Hardin, 1968; Ostrom, 1990).

3.1.1 Governance Theory

Kooiman's governance theory frames governance in modern societies as a complex interaction of multiple actors at multiple levels that are embedded within hierarchies in relation to each other (2003). This theory is useful – and was central - for guiding this research because it speaks to the interaction between the Indigenous partners leading the development of IPCAs in Mi'kma'ki, the knowledge being shared and co-created through this research, and the impact that this knowledge generation may have with respect to policies and institutional barriers that IPCAs rooted in Mi'kmaw values may face moving forward.

In this case, it was critical to consider the broader institutional structures that may confine or create space for other governance actors, in this case the Mi'kmaq, to act as governance leaders and interpret how and why these structures exist in the way that they do. Through application of Kooiman's three orders of governance, I examined the governance structures that currently exist in Nova Scotia to interpret how the goals for, efforts towards transforming, and aspirations for governance of IPCAs in Mi'kma'ki align or misalign with existing structures and assess what aspects of existing governance

arrangements perpetuate misalignment and require change (Kooiman, 2003). Through analysis of these governance aspirations and current as well as historical governance structures, I hoped to provide insight into particular points of challenge as well as opportunities for initiating change that certain IPCA governance structures might offer.

Within this governance theory, Kooiman and Jentoft's (2009) concepts of "meta-governance" and "substantive decision-making" was also important to my analysis of the governance and management challenges associated with an IPCA achieving official protected areas designation. Kooiman and Jentoft (2009) describe meta-governance as: "the governance order where values, norms and principles are advanced according to which governance practices can be formed and evaluated" (p. 283). This is a critical concept for this research because the particular governance arrangements that are put forward through the establishment of IPCAs in Mi'kma'ki, which are intended to be rooted in the values, norms, and principles of Mi'kmaw communities, will guide the trajectory of IPCA developments in the future. As such, interpreting the implications of different governance and management arrangements for the future of IPCA development will be useful to interpret and anticipate these trajectories (Kooiman & Jentoft, 2009).

Substantive decision-making was also critical for this research and analysis because it speaks to the importance of articulating the values, norms, and principles of a governance structure for effectively informing decision-making that is "substantive" (i.e. difficult or complex) (Kooiman & Jentoft, 2009). The interaction between meta-governance and easing the difficulty of making substantive decisions was important as I interpreted the opportunities and challenges that different governance arrangements

might impose in that the spaces and opportunities for participating and leading

substantive decision-making might change depending on the arrangements pursued.

3.1.2 Theory of Institutional Change

Drawing on the work of Crawford and Ostrom (1995), I also engaged with the

theory of institutional change as a theoretical framework for the project. This was a

useful theory to help frame and conduct analysis for this project as it speaks to how

culture – and changes in culture – can impact the way institutions are structured and

created. This was relevant to this master's research because the application of a protected

areas framework rooted in Indigenous values challenges the traditional western science-

based approaches to managing protected areas in Nova Scotia, and in Canada more

broadly. The theory of institutional change offered a useful framework for interpreting

what changes need to occur to create space for the key Mi'kmaw values and aspirations

for IPCAs, how change can be facilitated through IPCAs, and the considerations that

should be made with respect to obstacles and opportunities for relationship-building that

come with institutional change (Ostrom, 1990). This theory was also useful for

interpreting the existing efforts that have been made already in Mi'kma'ki by the IPOs

working on IPCAs to mobilize institutional change.

3.1.3 Theory of the Commons

Informed by Garret Hardin's 'Tragedy of the Commons' (1968) and taking

influence from Ostrom (1990), the theory of the commons served as an underlying guide

for this research. Although not central to this work, the theory of the commons was

important to consider for this project since protected areas and Crown lands are often

framed as "commons". As such, the relationship between IPCAs to the conventional

"protected areas" label is important to consider if the CMM and UINR are to negotiate how people – both Indigenous and non-Indigenous – will interact with the IPCAs that they choose to put forward. Consideration for the commons theory will also inform the evaluation of institutional arrangements between Mi'kmaw communities and the provincial and federal governments and how these different regimes impact access and use for Mi'kmaw communities, as well as non-Indigenous peoples.

3.2 Conceptual Approach and Research Principles

In recent years, calls have been made by Indigenous peoples and their allies to shift away from doing research "about" Indigenous communities to doing research "with" these communities (McGregor, 2018; Peltier, 2018). This has led to the emergence of decolonizing approaches to research that were pioneered by Indigenous scholars such as Linda Smith and Shawn Wilson that emphasize the need to recognize Indigenous knowledge systems and worldviews as being legitimate as well as developing research projects that are co-created and co-implemented with communities based on their needs and interests (Elder & Odoyo, 2016; Jull et al., 2018; de Leeuw et al., 2012; Peltier, 2018; Springer & Skolarus, 2019). These approaches to conducting research seek to address the persistent colonial power imbalances that often marginalize Indigenous voices and create knowledge hierarchies that de-centralize and de-legitimize Indigenous perspectives, worldviews, and knowledge systems (Elder & Odoyo, 2016; McGregor, 2018; Smith, 1999; Wilson, 2008).

In alignment with these decolonizing approaches, there are two conceptual approaches that this master's thesis employed: 1) a community-based participatory research (CBPR) approach, and 2) a boundary approach. These conceptual approaches

were amplified by three research principles that include Two-Eyed Seeing, Ethical Space, and Relational Accountability. These principles guided the execution of the project and outlined the framework for how I held myself accountable to commitments to remain reflexive and adaptive throughout the entire research process. They helped me ensure that the objectives and interests of my research partners and the Mi'kmaw community members that participated in the project remained prioritized and at the forefront of the project.

3.2.1 Community-Based Participatory Research Approach

I chose to employ a community-based participatory research (CBPR) approach to my master's research because this approach is driven by the importance of breaking researcher-community boundaries that have historically resulted in negative implications for Indigenous communities (Chilisa, 2012; Smith, 1999; Wilson, 2008). Applying this approach necessitated that I conducted my research iteratively and positioned myself as a co-researcher and co-creator of knowledge with CMM and UINR partners and the Mi'kmaw participants (Elder & Odoyo, 2018; Kovach, 2010; LaVeaux & Christopher, 2009; Williams, 2012; Wilson, 2008). It entails methodologies that create space for multiple perspectives and that have been employed effectively in partnered research with Indigenous communities in Canada and abroad with positive outcomes for both communities and researchers (Minkler, 2005; LaVeaux & Christopher, 2009; Williams, 2012). This approach necessitates that knowledge is co-produced through research processes that acknowledge the expertise that different forms of knowledge rooted in different worldviews offer. Furthermore, it also creates space for collaboration between peoples of differing perspectives and worldviews that can result in new and hybrid forms

of knowledge and understanding that not only serve the interests of the communities guiding the research processes, but also set a precedent for future research (Rathwell et al., 2015; LaVeaux & Christopher, 2009; Minkler, 2005).

3.2.2 Boundary Approach

To accompany the community-based research approach, I conducted boundary work. Boundary work ensures that differences in perspectives and worldviews can be overcome by using a boundary object – which can be both conceptual or tangible – that brings research partners together and creates space for open communication pathways (Castleden, Mulrennan, & Godlewska, 2012; Zurba & Berkes, 2014; Zurba et al., 2018). Boundary work can be described as a methodology for research that allows space for collaboration, flexibility in roles and relationships, and knowledge mobilization around a particular issue or topic where there are multiple perspectives and multiple actors involved through the creation of a boundary object that is understandable to multiple social realities and communities (Dar, 2018; Zurba et al., 2018).

In this case, IPCAs, as a concept, are used as a platform for engaging in dialogue and mobilizing research through this thesis. Boundary approaches to research can create spaces for communication that cross ideological and epistemological boundaries between Indigenous and non-Indigenous perspectives (Zurba et al., 2018). In the case of IPCAs, understanding them as a boundary object offers a chance for myself and my partners to emphasize the opportunities that IPCAs may be able to offer in mobilizing change in the conservation world. Applying this approach to this research project was intended to ensure that my research was conducted in a way that contributed to the advancement of

the goals of the CMM and UINR, while also allowing me to build community relationships and produce research outcomes that I could apply to my thesis.

3.2.3 Ethical Space

Within the realm of conservation in Canada, one approach to decolonizing community-based research that has gained recognition in recent years is that of "Ethical Space" (Ermine, 2007; ICE, 2018; Jull et al., 2018; NAP, 2018). Ethical Space can be described as a concept and approach to research that charges researchers engaging in CBPR to step into a co-created, conceptual space with their Indigenous partners to do research differently. The conceptual space created through this approach frames the researchers and communities as equal partners, and thus, equally responsible for designing, implementing, and disseminating the findings of the project (Ermine, 2007; Jull et al., 2018). Ethical Space is an approach and principle that emerged out of the work of Willie Ermine (2007) who highlighted the need to bridge the divide between researchers and communities by being completely transparent and open about the intentions behind the collaboration (Ermine, 2007; Jull et al., 2018). Ethical Space charges researchers with the responsibility to remain cognizant and transparent about their intentions, assumptions, and perspectives (Ermine, 2007; Jull et al., 2018).

Importantly, Ethical Space requires the development and maintenance of strong rapport, connections, and trust through frequent engagement, dialogue, and interactions between the researchers and communities (Ermine, 2007; Jull et al., 2018). Ethical Space reinforces and adds an additional layer to the boundary approach taken in this research process. For example, it asserts that my role as a researcher is to be cognizant of my intentions and my reasons for doing this work in the first place. Building this principle

into my research approach necessitated that I openly communicate – through both my writing, data collection, and dialogue with research partners – about my intentions for this project and my desires for its impact. This was intended to allow for trust-building to occur more easily; and for me, as a master's student who is limited in both time and resources, to help build a level of rapport with the research partners and community participants to open communication pathways from the beginning.

The principle of Ethical Space was embedded in the production of the ICE report, in working together and in defining IPCAs, as well as important to future collaborations and partnerships towards IPCAs and other Pathway initiatives (Figure 3; ICE, 2018, p.17). The ICE report outlines that: "Relationships should be nurtured on multiple levels—not just on a political level—and founded on the principles that define our understanding of ethical space… The focus of ethical space is on creating a place for knowledge systems to interact with mutual respect, kindness, generosity and other basic values and principles. All knowledge systems are equal; no single system has more weight or legitimacy than another" (ICE, 2018, p. 7).

Ethical Space

As the below image shows, in an ethical space, relationships should be nurtured on multiple levels —not just on a political level—and founded on the principles that define our understanding of the space.

ORAL SYSTEMS

WRITTEN SYSTEMS

INDIGENOUS KNOWLEDGE SYSTEMS, LANGUAGES, LEGAL TRADITIONS, CULTURES, CUSTOMS, TRADITIONAL PROTOCOLS, SACRED TEACHINGS

TRUTH AND RECONCILIATION COMMISSION OF CANADA
Calls to Action and Final Report and the Royal Commission on Aboriginal Peoples

TREATIES, AGREEMENTS AND OTHER CONSTRUCTIVE ARRANGEMENTS

ETHICAL SPACE

DIALOGUE CROSS-VALIDATIONS

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

OTHER KNOWLEDGE SYSTEMS, CANADIAN GOVERNMENT, PROVINCIAL GOVERNMENTS, TERRITORIAL GOVERNMENTS, MUNICIPAL AND COUNTY GOVERNMENTS AND THEIR RELATED LEGISLATION, REGULATIONS, POLICIES, CODES OF CONDUCT AND PROCESSES

CANADIAN CONSTITUTION, CANADIAN JURISPRUDENCE
(Powley, Manitoba Metis Federation & Daniels)

Figure 3: Graphic from the ICE Report characterizing interactions in Ethical Space (ICE, 2018, p.18)

The ICE focuses on how Ethical Space operates through a system grounded in equality and mutual respect, adaptability, as well as interaction between actors rather than engagement through consultative processes (ICE, 2018, p.17; Isaak Olam Foundation, 2019). The CRP's research approach is also grounded in Ethical Space and its origins are influenced directly from the ICE report.

3.2.4 Two-Eyed Seeing

"Two-Eyed seeing", or "Etuaptmumk" as it is called in the Mi'kmaw language, is another concept that guided the approach to this research project (Kutz & Tomaselli, 2019). This concept was put forward by Mi'kmaw Elders, Albert and Murdena Marshall, and it highlights the benefits of weaving the best of western scientific knowledge in combination with the best of Indigenous knowledge in environmental management thus holding both knowledge systems as equally valid and legitimate despite their inherent differences (Bartlett et al., 2012; McMillan & Prosper, 2016). Employing this concept in research can be considered a decolonizing approach to knowledge creation, mobilization, and translation (McMillan & Prosper, 2016).

Two-Eyed Seeing is an approach to conducting research that is intended to increase the collective breadth and depth of understanding about the research area of focus in a way that acknowledges the legitimacy of multiple ways of knowing and does not place greater value on either Indigenous or Western knowledge systems or worldviews (Kutz & Tomaselli, 2019). The idea that "each eye" works better together than in isolation foregrounds an approach to research that is more generative, inclusive, and respectful (Iwama, Marshall, Marshall & Bartlett, 2009). The application and adoption of this concept in research has been successful and proven valuable in a variety of literature and contexts (Bartlett et al., 2012; Denny & Fanning, 2016; Mantyka-Pringle et al., 2017; McMillan & Prosper, 2016; Peltier, 2018; Whiting et al., 2018). It has been applied in both conservation and health research with Indigenous communities and has contributed to building processes of co-learning that require all research partners to embed humility and open-mindedness into the research process (Iwama et al., 2009;

Mantyka-Pringle et al, 2017; Whiting et al., 2018). Weaving Indigenous knowledge and western knowledge together can be difficult without creating space for open communication pathways and acknowledgement of differing power relations (Mantyka-Pringle et al., 2017). As such, it is necessary to integrate nuanced approaches to community-based research such as Two-Eyed Seeing to ensure that researchers avoid facilitating traditional dichotomies and hierarchies of knowledge and power throughout the research process (Mantyka-Pringle et al., 2017; Kutz & Tomaselli, 2019). Two-Eyed Seeing is also paired with Ethical Space within the CRP's framework for conducting research (CRP, n.d.).

3.2.5 Relational Accountability

Relational accountability is another principle that I integrated into this research project. This principle was informed by the work of Shawn Wilson (2008) who asserted the importance of recognizing the responsibilities that researchers have when they are conducting research with Indigenous communities. Many scholars, such as Graveline (2000) and Kovach (2010), have developed similar principles in their own research, with different names for their respective principles of "self-in-relation" and "researcher-in-relation". The idea of relational accountability emphasizes how, for participatory approaches of research to truly reflect the needs, interests, and motivations of the communities that they work with, researchers need to continuously reflect on their positions and relationships to the communities that they are engaging in research with (Datta, 2015; Peltier, 2018; Wilson, 2008). To do this, ensuring ongoing engagement, receiving regular feedback, and ensuring the community partners are involved in all steps of the research process should be a self-enforced responsibility that the researcher holds

themselves accountable to (Datta, 2015; Peltier, 2018; Wilson, 2008). For this project, I committed to ensuring the research partners guided the research process and committed to regularly reflecting on my approaches, experiences, and position as a researcher in this project using a research journal. In these ways, I held myself accountable to the communities and partners that I worked with, established a strong rapport with my partners that is open and honest, and also strengthened my ability to conduct ethical research in situations I may face in the future.

3.3 Field Methods; A Qualitative, Participatory Toolkit

For this master's thesis, I employed qualitative methods that were developed and executed in partnership with and through the guidance of my CMM and UINR partners ("the project partners") who – along with myself - made up the core team for the project (herein "the project team"). The execution of both data collection and analysis phases occurred in tandem with ongoing dialogue and feedback with the project partners. This thesis research was reviewed and approved both by the Dalhousie Research Ethics Board (File #2020-5095) as well as the Mi'kmaw Ethics Watch. The nature of community-partnered research requires the researcher to remain flexible and prepared for changes in schedules and procedures. To prepare for the adaptability requirements for this type of project, we built a "qualitative participatory toolkit" of methods to be applied in this context to address the research objectives for the project (M. Zurba, personal communication, 2019). Within this toolkit, methods for conducting semi-structured interviews, critical document analysis, as well as participant observation were included (Figure 4). These choices were informed by literature that has emerged from western researcher perspectives such as Guest, Namey and Mitchell (2013), Creswell and

Creswell (2018), Zurba and Berkes (2014) and Rathwell and Armitage (2016), as well as through literature from Indigenous scholars who explore Indigenous methods for conducting research such as Chilisa (2012), Smith (1999), Wilson (2008), and McGregor and colleagues (2018) that highlight the use of such methods in situations where governance and policy analysis are the research focus. I am not Indigenous; therefore, it was important to understand that my partnership with the CMM and UINR required me to employ principles of Indigenous research methods as a non-Indigenous researcher (Smith, 1999; Wilson, 2008). Integrating principles such as "Two-Eyed Seeing", "Ethical Space", and "relational accountability" that allowed space for both traditional western research methods and Indigenous methods was therefore critical for ensuring that the application and delivery of the research methods were in alignment with the values and protocols of my Mi'kmaw community partners (Figure 4).
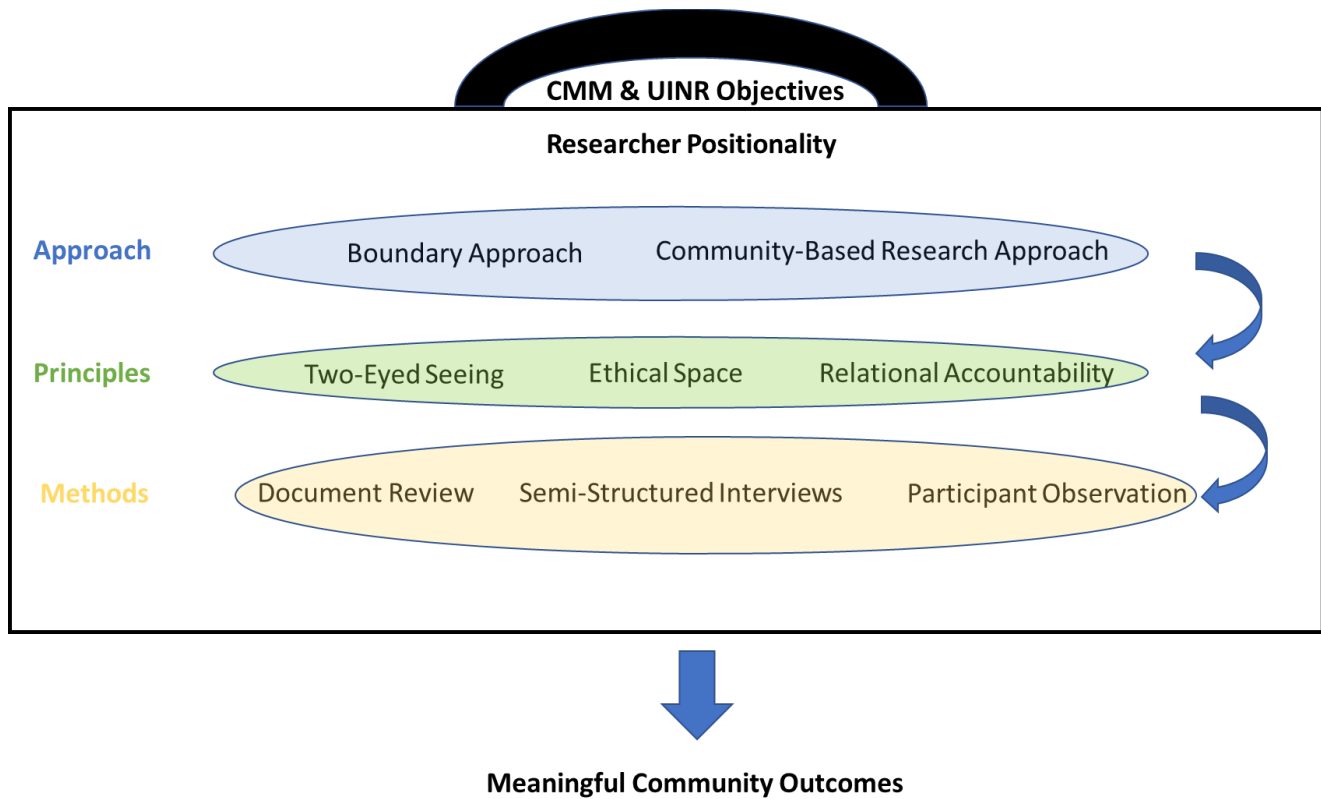
Figure 4: Key Components of the Participatory Toolkit

3.3.1 Critical Document Analysis

The first method employed for this project was a critical document analysis. Identifying and analysing the events that have led up to the creation of IPCAs in Nova Scotia – and Canada more broadly – helped to develop a stronger understanding of IPCA development and establishment. This was identified as a desired objective as it would allow the CMM and UINR to effectively pursue IPCA development in Nova Scotia. As such, a critical document review to address this objective was a suitable starting point for exploring the emergence of IPCAs as well as the challenges and opportunities associated with the development process. This critical document review consisted of a review of peer-reviewed literature, grey literature, as well as media releases and webinars. The critical document analysis was specifically determined to be a method for informing the

first objective of this project which was to document the processes and keys events related to IPCAs.

An initial set of documents was provided by the project partners that were collected and organized into an annotated bibliography by a research consultant hired to do research related to IPCAs in Mi'kma'ki before this project began. These documents included both peer-reviewed and grey literature. Using this reference list, I then looked at the references contained within the literature in this list to find additional sources related to Indigenous participation, leadership, and perspectives on protected areas and conservation.

Once that review process was complete, I conducted my own literature review using Dalhousie University's Nova Net research database. With the guidance of project partners, I built a search framework to guide the review process. We held a series of meetings to discuss and share ideas related to the framework for the search that informed the approach to data collection and analysis. Key search terms included "protected areas", "Indigenous", "natural resources", "governance", and "conservation". I also employed Boolean search strings such as: (Indig* OR First Nation* OR Aborig* OR Mi'kma* OR Native*) AND (Land OR Natural Resource OR Protected* OR Conserv*) AND (Particip* OR Leadership* OR Involv* OR Govern* OR Manage*) AND (Canada OR Australia OR New Zealand OR South Africa). Overall, inclusion criteria for both peer-reviewed and grey literature consisted of literature associated with land and protected areas management, governance and Indigenous leadership, participation, and/or perspectives on such topics. In addition, we narrowed the scope of the search to focus on literature based in Canada and other settler-states with similar colonial histories (e.g.

Australia, New Zealand, South Africa) as well as global conservation spaces (e.g. IUCN). We chose not to include literature focused on other areas of environment and resource management such as environmental assessment or resource extraction and did not include literature based in regions such as Asia and South America where the colonial history and context is significantly different.

This critical review enabled an analysis of both changes and events that have occurred over time as well as across scales – from global to local – which provides an opportunity to assess the various governance and institutional elements that may enable or inhibit IPCA development in Nova Scotia. This review contributes to the knowledge base about IPCAs in Nova Scotia and can help to inform the CMM and UINR's strategic plans and goals considering lessons that have been learned through other IPCA or Indigenous-led protected areas development processes. Governance theory and institutional change theory served as central guides during this review process to ensure that I remained cognizant of the aspects and shifts in relation to protected areas governance and institutional structures within Canada and Nova Scotia to develop a stronger understanding of how these changes have occurred and what factors – and governance actors – have induced these changes. This critical document review served as a key element and starting point for this master's thesis.

3.3.2   Participant Observation

The second method for data collection for this project was participant observation. As a visitor to Mi'kma'ki, understanding the relationships that exist, are emerging and evolving, as well as the on-the-ground governance challenges facing the IPCA Advisory Committee in Nova Scotia was essential to conduct an effective analysis for this project.

Participant observation is an effective process for gaining insight into how things are, have been, and are happening in a particular context (Pretzlik, 1994). Participant observation consists of taking part in an event through observation and by actively participating, getting to know and familiarizing oneself with the other individuals partaking in the event (Pretzlik, 1994). My participant observation at the IPCA Advisory Committees occurred at five bi-monthly and mainly consisted of taking detailed notes on the proceedings and occasionally giving presentations and updates on this thesis project to receive feedback and guidance for steps to move forward (Appendix A). This method for data collection informed all objectives for the project but mainly objectives one and two that were focused on governance and critical changes contributing to space for IPCAs to emerge.

3.3.3   Semi-Structured Key Informant Interviews

The third method used for this project were key informant semi-structured interviews. These interviews addressed all three of the objectives of this project. Semi-structured interviews are a scheduled process of generating data whereby a researcher conducts interviews with participants in an open-ended fashion using an interview guide that covers a series of topics (Bernard, 2006; Guest et al., 2013; Creswell & Creswell, 2018). For this project, semi-structured interviews contributed to (1) generating data for identifying critical events and changes throughout time related to IPCA development, (2) informing the analysis of the current socio-political climate in Nova Scotia that contributed critical information to the analysis and identification of governance challenges and opportunities associated with IPCA development in the province, as well

as (3) providing insight into some perspectives from Mi'kmaw community members'
aspirations for IPCAs in their traditional territories.

The selection of key informants recruited for interviews was determined by the
project partners and the IPCA Advisory Committee members. The participants included
staff from IPOs (Mi'kmaw organizations), Mi'kmaw community members, and
government employees engaged with conservation, protected areas, and land
management in Nova Scotia (Appendix B). The key informants were be asked to share
their knowledge, experiences, and perceptions about IPCAs in Nova Scotia through
virtual platforms that included Zoom, Microsoft Teams, and over the telephone
(Appendix C). Participants signed a consent form to participate and contribute quotes that
are included later in the analysis section of this thesis. It is important to note that these
perspectives do not represent any particular Mi'kmaw or government organization – they
are the perspectives of the participants themselves, as individuals, and as such are not
generalizable to broader organizations' perspectives nor the views of the Mi'kmaq, the
ANSMC, or the project partner organizations overall. The interviews took approximately
45 minutes to 1 hour to complete. All participants granted permission to have the
interviews voice recorded to allow for more effective transcription.

These interviews were guided by a three-part interview guide. The first two
sections of the interview guide focused on the participant's experiences and engagement
with the research topic as well as their perspectives on opportunities, barriers, and
relationships needed to be built in order to effectively develop IPCAs in Nova Scotia.
The first two sections of the interview guide were applicable to both Mi'kmaw as well as
non-Mi'kmaw participants. The last section of the interview guide focused on Mi'kmaw

aspirations for IPCAs and was mainly applicable to Mi'kmaw participants. All key informants were asked all questions at the request of project partners but only Mi'kmaw perspectives informed objective three for the project focused on Mi'kmaw aspirations and values for IPCAs.

Semi-structured interviews are intended to be open-ended therefore there was space for participants to lead the conversations in the directions that they viewed as important and valuable given the context of this research project. Interview guides are intended to help the researcher navigate the interview conversations in such a way that the objectives for the project can be addressed while still allowing flexibility for participants to engage in a way that is meaningful to them (Bernard, 2006). Entering the interview space with this mindset allowed me to implement an approach to research that sought to avoid conventional researcher-participant hierarchies that can sometimes result in participants feeling intimidated or disadvantaged. By ensuring that the interview participants felt comfortable and understood that their participation was requested because they are viewed as knowledgeable and their perspectives as valuable was important, especially with the Mi'kmaw participants who may have negative experiences with research due to its negative legacies in Indigenous communities.

3.4 Analytical Methods

3.4.1 Coding

The analysis for this project required qualitative coding of the literature review and participant observation notes (five sets) as well as transcribing and coding of interview data. I systematically coded the literature documents used in my analysis. I used broad deductive codes that were then broken down inductively into more refined

themes to identify key themes with respect to challenges and opportunities as they

emerged from the literature as well as critical shifts that were organized according to the

scale of the shift – local, provincial, federal, and global (Elo & Kyngäs, 2008; Guest et

al., 2013). The deductive codes were established through discussions with project

partners. We determined the overarching themes to be organized broadly into three

categories: 1) Cross-scalar changes related to IPCAs; 2) Governance arrangements; and

3) Governance actors. These three broad categories were then broken down inductively

as the literature search occurred.

For collecting participant observation data, I took hand-written notes during the

IPCA Advisory Committee meetings, typed them up, and then uploaded them into *NVivo*

qualitative data analysis software. I also included the notes taken by designated "note-

takers" on the Advisory Committee which primarily described the content of the

meetings. This allowed me an opportunity to generate rich data as my participant

observation notes were then able to focus more on connecting discussions with the theory

and objectives for the project.

I transcribed the interview data verbatim to ensure that I did not oversimplify or

exert any biases on my interpretation of the data collected. In order to transcribe the data

verbatim, I acquired permission to record my interviews. I was prepared to take hand-

written notes if my participants did not consent to being recorded during interviews;

however, all participants granted me permission to record. Once I transcribed the

interview data, I utilized *NVivo* qualitative analysis software to inductively, open code

both the interview and participant observation data to identify emergent themes (Bernard,

2006; Guest et al., 2013).

3.5 Validity and Data Verification

The analysis of data collected and generated through this research project underwent a verification process based on principles of triangulation and member-checking (Anfara, Brown & Mangione, 2002; Creswell & Creswell, 2018). Triangulation is a method of data verification whereby multiple methods serve to verify the conclusions that are drawn by the researchers (Anfara et al., 2002; Creswell & Creswell, 2018). This method of data verification has been widely used and adopted in qualitative and mixed methods approaches to research, and in this context, served as a useful mechanism for validating the methods and results of the research project (Creswell & Creswell, 2018). The results that addressed the first two objectives for this project were verified through triangulation using the data generated through the interviews with key informants, participant observation notes taken through attendance at IPCA Advisory Committee meetings, and the critical document review (Figure 5). By comparing the key themes that arose through each of the data collection processes, I was able to draw conclusions about the validity of my coding process and generate discussions to address the research objectives of the project with the project partners.
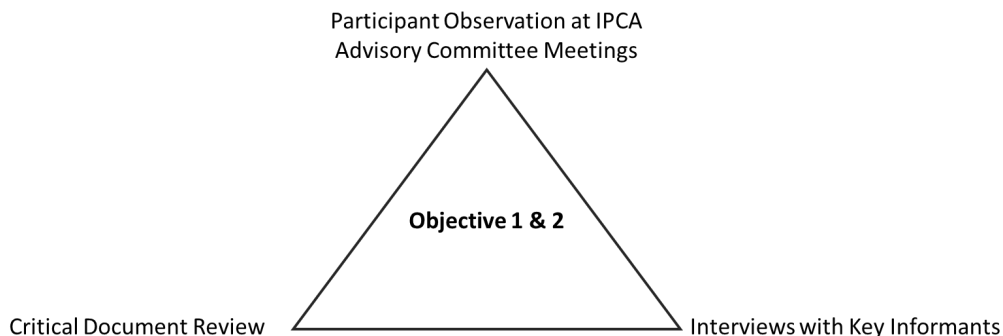
Figure 5: Data Triangulation for Objective 1 and 2

The data collected to address the final objective for this study, to explore

Mi'kmaw aspirations for IPCAs in Nova Scotia, was verified through member-checking.

Member-checking occurred during semi-structured interviews by asking participants for

clarification where necessary and ensuring that I fully understood the meaning behind the

participants' responses (Creswell & Creswell, 2018). Member-checking also occurred

after interviews were completed and quotes that I intended to use within my thesis were

identified. The quotes, along with the contextual elements that I intended to pair with the

quotations were shared with participants prior to it being included within my thesis to

allow participants the opportunity to verify that I have interpreted what they have said

appropriately and to confirm that they are content with the quotation being included in

my thesis. Member-checking is noted as an important element for acquiring informed

consent and important for embedding into community-partnered research (Ellis & Earley,

2006).

3.6 Limitations

The biggest limitation faced during this project was the COVID-19 pandemic.

The pandemic required much of this research project and communication between

myself, my partners, and the participants to occur remotely. The project partners for this

project are located between one-hour (CMM) and four-hours (UINR) driving time from

Halifax, Nova Scotia, where the researcher is studying and living. This project was

initiated before the emergence of COVID-19, so I was able to meet my partners a few

times prior to public health mandates that restricted in-person engagement. The distance

between myself and my partners limited the amount of in-person engagement that I was

able to do at the start of the project due to logistical constraints. In addition, the Mi'kmaw

communities that the project partners support are scattered across the entire province of Nova Scotia. This offered additional logistical complexity as I was not able to build relationships with all these communities in the same way as if I were conducting a project with just one Mi'kmaw community or organization, or if I had been able to stay within one community during the pandemic. Despite this limitation, my partners and I managed to continue to engage with each other frequently and maintain open communication pathways. To do this, we communicated over e-mail as well as held virtual meetings over Zoom at important check-in points during the project such as before starting data collection, after data collection was complete, and once analysis and summaries of results were completed. This allowed for feedback, guidance, and rapport to be built between myself and my partners as well as room for questions, concerns, and clarifications to be made as I worked through the data collection process.

Questions and concerns around research feasibility at a time when First Nations communities – as well as the general population – are in vulnerable positions led to the project evolving significantly. We had originally planned to conduct interviews in-person and engage with community members through arts-based workshops; however, COVID-19 pushed us in a different direction. The openness of my partners and their readiness to adapt the project allowed us to continue to address the intended objectives, albeit in an adjusted manner. Resiliency and adaptability in times of crisis are key elements of effective and adaptive recovery. Ensuring that partners and participants were comfortable with the progression of the project and remained part of the decision-making process was critical.

Community-partnered research is ultimately intended to benefit communities rather than burden them with greater responsibilities, risks, or concerns. The health crisis that is facing all communities can be reframed as an opportunity for skills and strategies around resiliency planning, risk management, and strong communication pathways to be built and strengthened (Hsu, Howitt, & Miller 2015). In times of crisis, tracking lessons learned and establishing processes for continuity are important to allow for easier recovery once the circumstances become more manageable and a "new normal" is established. It also allows room for developing protocols for uncertain events and crises that any and all communities engaged in research may face again in the future and that would ordinarily put more marginalized communities at greater risk (Hsu et al., 2015; Howitt, Havnen & Veland, 2012). This is why it was essential to consider and reflect on the ways that our project adjusted and the skills (e.g. virtual communication) that have been learned through this process.

An additional limitation to this project was time. Linking back to the first limitation mentioned about logistics, a master's thesis is typically intended to last for approximately two years. This is based on program plans as well as budget and funding opportunities. As such, although I intended to do what I could to build rapport with the project partners and Mi'kmaw community members who participated in this project, it is important to acknowledge that relationships take time to build, and a master's thesis project does not always allow for the amount of time that partners and researchers may wish for. In saying this, meaningful relationships can still continue to be built and maintained beyond the scope of the thesis project through the researcher maintaining relations and communications with the UINR and CMM partners, remaining informed on

how the UINR and CMM apply the results of this project, and supporting Mi'kmaw communities in establishing IPCAs in any ways that the partners view as useful. In addition, the lessons learned through this participatory approach to research will allow me to continue to be reflexive beyond the scope of this project, acknowledging how the relationships built through this master's thesis inform future research or career endeavours I tackle in the future.

One final limitation is related to the informed consent process for the use of quotes. I embedded member-checking into my project in a way that required me to reach out to participants to receive additional confirmation for the use of their quotes in my thesis, to ensure that I was conducting myself ethically. Due to COVID-19, it was not possible to complete this member-checking process in-person, so I relied on e-mail. Several individuals did not respond to confirm or withdraw consent for the inclusion of quotes. This resulted in the exclusion of quotes from the semi-structured interviews that I would have liked to include. Instead, I provided discussions that were thematically driven and lacking in many of the explicit, quoted examples I would have otherwise included.

Chapter 4: Results & Discussion – Critical Factors Creating Space for IPCAs and IPCA Governance Mechanisms for Mi'kmaw Communities in Nova Scotia

This chapter addresses the first two objectives of the project. The results from the document review, interviews, and participant observation are described together as there was substantial overlap between themes and all contributed to addressing these objectives. To address objective one, the critical factors and changes that have created space for IPCAs to be endorsed that were identified through the data collection process are discussed. These factors are discussed at the global, federal, and provincial (including local) level. The provincial and local levels are described together because the interviews and participant observation data emerged in a way that grouped these scales together.

After describing these factors that have contributed to space for IPCA establishment, the results that address objective two will be discussed. Relevant governance arrangements and options that emerged through the data collection process will be described. Following an in-depth description of these results, an analysis of the governance mechanisms and factors that have contributed to different governance opportunities related to IPCAs is described through the application of Kooiman's governance theory. Using Kooiman's (2003) three-orders of governance, an analysis of different opportunities and challenges related to governance of IPCAs is provided to contribute to discussions about the governance for IPCAs at this stage in NS related to the Challenge Fund project.

4.1 Factors of space and scale contributing to IPCA establishment

There have been several cross-scalar decisions, declarations, and shifts that have created the space for IPCAs to develop as a concept across Canada as well as within Mi'kma'ki. IPCAs are not a new idea or concept; however, the endorsement of these

spaces by the Canadian government in the context of the Pathway initiative has created

new opportunities that did not exist before. The efforts and capacities that have been

built, relationships that have been evolving, and the ongoing concerns expressed at

provincial and local levels have created fertile ground for IPCAs to be advanced by the

Mi'kmaq of Nova Scotia.

The importance of recognizing and addressing cross-scalar environmental governance

challenges is well recognized (Cash et al., 2006). To do this, we must understand how

cross-scalar interactions can inhibit or create opportunities for enhancing governance

processes and decision-making as well as acknowledge that there is a plurality of

governance approaches and solutions based on different local contexts (Cash et al., 2006;

Gavin et al., 2018; Hutton et al., 2011; Ross et al., 2009). For this reason, governance

arrangements can act as enablers or disablers of socially just, equitable, and effective

conservation governance depending on the context (Bennett & Satterfield, 2018). The

key informant interviews enabled the project team to uncover how the cross-scalar

changes and declarations such as UNDRIP impacted protected areas discussions,

particularly around IPCAs, at the provincial and local scale. Such high-level influence

has resulted in an evaluation of governance systems related to protected areas – a key

element of Kooiman's third-order, or meta-governance (Kooiman, 2003). The interviews

also highlighted how existing conversations occurring at more localised scales put

pressure on the federal and provincial governments to create more opportunities and build

relationships with Indigenous peoples across Canada. The creation of opportunities is

reflective of what Kooiman would describe as first-order governance (Kooiman, 2003).

Importantly, the interviews provided critical context for understanding the positive

feedback loops emerging through cross-scalar interactions at the global, national, and local levels that have been contributing to the momentum for establishing IPCAs.

4.1.1 International Influence

The implementation of UNDRIP requires shifts in institutional structures and policies – a key element of Kooiman's second-order of governance which is focused on the opportunities associated with governance structures (Kooiman, 2003; Prosper et al., 2011). It was re-affirmed in several interviews that the endorsement of UNDRIP by the Trudeau government in 2015 set a precedent and gave leverage to Indigenous peoples to advance efforts in achieving recognition of their rights and responsibilities to lands and waters across Canada. It was also noted that this mobilized further recognition for Indigenous peoples' essential role in conservation and establishing sustainable approaches to engaging with landscapes. Additionally, many of the interview participants noted how the federal government was responding to global pressures to advance area-based conservation due to the commitments made to the Aichi Biodiversity Targets.

4.1.2 Federal Level Shifts and Influence

Key informants and the critical document review highlighted how the adoption of the Aichi Biodiversity Targets that led to the establishment of the "Pathway to Target 1" and the production of the ICE report to pursue these area-based targets in the spirit and practice of reconciliation created new opportunities that had not previously been made available to Indigenous peoples in Canada (Moola & Roth, 2019; Zurba et al., 2019). This was noted as being directly associated with the Challenge Fund which is a grant that was created through the Pathway to Target 1 ("the Pathway") and administered by

Environment and Climate Change Canada (ECCC) to support Indigenous-led and other area-based conservation initiatives supporting the Pathway (Moola & Roth, 2019).

The Assembly of Nova Scotia Mi'kmaq Chiefs elected the UINR, CMM, and EFWC to apply for this funding on behalf of the Mi'kmaq of Nova Scotia that the Assembly represents in partnership with the provincial government department Nova Scotia Environment and Climate Change (NSECC) and other environmental non-government organizations (ENGOs) such as the Nature Conservancy of Canada and Ducks Unlimited to receive Challenge Fund support for a four-year project (from 2019-2023) focused on advancing conservation initiatives, including IPCAs, in the province (Observation #2, August 2020). The interaction of these cross-scalar shifts was stressed as being an essential element to building and recognizing the capacities needed for establishing IPCAs in Mi'kma'ki:

> I think that the adoption of international conservation targets in the spirit and practice of reconciliation has allowed for much more funding to be available for conservation work across Canada. This funding has helped many Indigenous governments, organizations, and communities across Canada to make IPCAs a reality and to make space for Indigenous voices and perspectives in conservation. There are already examples of "IPCAs" in Canada, such as tribal parks, which have been created without the "IPCA" label on it and without this large-scale national funding stream; but I think that more IPCA development would be happening if more funding, or if [any] funding was available to support them. (Participant A1, IPO Participant)

It was also noted by several key informants – both those working for the province as well as those working with and for Mi'kmaw organizations – that the Challenge Fund, along with other federal initiatives, created opportunities for collaboration and learning to occur that have been essential to building the foundation for IPCAs to emerge in Nova Scotia:

> I really do think that the funding was key to be able to establish IPCAs in this area. The Canada Nature Fund also allowed representatives across Canada – including provincial and Indigenous representatives - to participate in […] the ICE to advise on how IPCAs could be possible in the context of different regions (Participant A1, IPO Participant)

Key informants – both those working for the province as well as those working with Mi'kmaw organizations – also highlighted that the Challenge Fund created additional opportunities for collaboration and support for parallel programs that will be essential to IPCA development. The nation-wide initiatives support the expansion of the Guardians Program across Canada, named Nuji Kelo'toqatijik (Earth Keeper) Network by Mi'kmaq working on the program in Nova Scotia. Additional funding opportunities made available to support more Mi'kmaw-led species at risk and ongoing forest governance work were also articulated as creating an enabling space for IPCAs to emerge because the programs necessarily overlap and relate to one another and offer opportunities for capacity-building:

> The federal government has now recognized the importance of Indigenous knowledge and its use for decision-making. This has led to development and support for

programs such as the Aboriginal Fund for Species at Risk, Aboriginal Forestry

Initiative, Indigenous-based Climate Monitoring, and the Indigenous Guardian

Initiative. The federal government has developed a number of funding programs to

support IPCAs such as SSHRC that supports a number of research projects through

the CRP to assist with implementation of recommendations from the ICE report.

(Patricia Nash, IPO Participant).

These new opportunities and investments into programs are critical factors that have

opened space for IPCAs because they demonstrate how recognition of the capacities of

Mi'kmaw organizations and communities to steward their ancestral lands was and

continues to be more widely acknowledged and recognized. The leveraging of such

parallel programs related to IPCAs links to Kooiman's first-order of governance which is

focused on opportunity-creation and problem-solving on a day-to-day basis (Kooiman,

2003). In addition, all key informants noted that there had been an increased level of

recognition for Mi'kmaw aspirations for leading conservation initiatives in Mi'kma'ki

prior to the Challenge Fund. Provincial support through the Challenge Fund has also been

important for honouring the Peace and Friendship Treaties and for operating in Ethical

Space.

Several key informants highlighted how there had been efforts made to

collaborate with the province of Nova Scotia on protected areas in the past; however,

significant advancements were not made beyond the establishment of Kluscap's

Wilderness Area on Unama'ki. It was articulated that discussions about protected areas

were ongoing but it was not until the endorsement of IPCAs that this conversation began

to advance more officially:

I remember a few years, maybe 8 years ago, even before that acronym [IPCA] was put together, Nova Scotia wanted to work with the Mi'kmaq and develop some plans for protection...and then we had the meetings with them and we discussed the certain areas that were in need of protection or at least that type of recognition and somewhere between then and now, across Canada, that program of the Indigenous Protected and Conserved Areas discussion started to gain momentum. (Clifford Paul, IPO Participant)

An essential element to the recognition of Mi'kmaw leadership that should not be overlooked is that the Mi'kmaq have been stewarding their ancestral homelands since time immemorial; their relations to land and water as well as their inherent rights and responsibilities position the Mi'kmaq as essential governance leaders in all decision-making across Mi'kma'ki – including but not exclusively in protected areas. IPCAs are just one avenue by which this recognition is being elevated further (Lyver et al., 2014; Zurba et al., 2019) and through which increasing openness among the provincial government, Mi'kmaw organizations, and environmental non-government organizations (ENGOs) to collaborate and learn is being channelled. This recognition aligns with Kooiman's second-order of governance which is focused on the arrangements and agency of governance actors in shaping how governance processes occur (Kooiman, 2003).

4.1.3 Provincial and Localized Shifts

At the provincial and local level, the insights from literature and the key informants illustrated that there have been ongoing shifts occurring and factors that have played into the interest and trajectory of IPCA development. Of the ongoing changes at

these levels of governance, three critical shifts emerged: 1) The "Made-in-Nova-Scotia-Process", 2) Co-Management Initiatives; and 3) Ongoing and Increasing Discussions and Concerns with Mi'kmaw Communities.

1. **"Made-in-Nova-Scotia Process"** – In 2007, the three governments operating in Nova Scotia (the Assembly of Nova Scotia Mi'kmaw Chiefs or ANSMC, the Government of Canada, and the Province of Nova Scotia) ratified a Terms of Reference (ToR) document called the "Made-in-Nova-Scotia Process" which set the bar for governments to uphold their treaty agreements and engage with the Mi'kmaq of Nova Scotia as governance leaders and decision-makers (Mi'kmaq-Nova Scotia-Canada Tripartite Forum, n.d.). This ToR, although not specific to any one area of governance, was one critical shift in which the recognition of the ANSMC as a rightful decision-maker in the context of Nova Scotia was essential for advancing governance efforts for IPCAs. The ToR created additional space for the Mi'kmaq in Nova Scotia to further their goals of asserting their rightful place as leaders in their traditional territories and receiving the recognition that in some cases has been ignored in the past.

2. **Co-Management Initiatives** – Over time, Mi'kmaw communities and organizations have been engaged in various collaborative management initiatives with the provincial government of Nova Scotia. It was noted in the interviews that efforts going into collaborative moose management in northern Unama'ki, as well as work being done for establishing Mi'kmaw forestry initiatives in collaboration with the provincial government, have enabled relationships between the Mi'kmaq and the province to emerge. These co-management initiatives have been paving the way for

advancing the recognition of Mi'kmaq rights and responsibilities to their ancestral

territories. Interviews with key informants noted how provincial government partners

are increasingly recognizing the essential role in Mi'kmaw identity of being on the

land, engaging with the land, and determining land relations. It was suggested by key

informants that this recognition has enabled further discussions to emerge about

Mi'kmaw communities taking more control over and leadership in decision-making

related to their territories, with organizations like the CMM and UINR supporting

these community aspirations. Key informants highlighted that the roles of CMM and

UINR in supporting community goals for IPCAs will continue to be important as

IPCA initiatives develop.

3. **Ongoing & Increasing Discussions and Concerns within Mi'kmaw Communities**
   – The final element that has advanced the emergence of the IPCA project within the
   province of Nova Scotia is the ongoing and increasing discussion occurring within
   Mi'kmaw communities about the desire to assert a stronger leadership role in
   determining land and water relations. This was noted as occurring simultaneously
   with concerns expressed about the security and protection of certain areas or
   culturally significant species (e.g. areas with medicinal or culturally significant plants
   that may be at risk of removal through resource extraction).

   Several key informants noted that although the Mi'kmaq have always been vocal

in advocating for the lands and waters of Mi'kma'ki, there has been an increased

level of attention given to such issues from the general public in recent years due to a

number of movements such as Idle No More, the TRC's Calls to Action, the

endorsement of UNDRIP, as well as moderate livelihood fisheries disputes. The

national and international coverage of these movements has reached a broader

audience of listeners who are supportive of and beginning to recognize the

importance of building stronger nation-to-nation relationships that are reflective of

the Peace and Friendship Treaties as well as their roles as allies. It was noted by key

informants that this desire and aspiration to advance Mi'kmaw leadership in decision-

making, when it comes to lands and waters in Mi'kma'ki, was an essential element to

the endorsement of the IPCA project by the ANSMC and the willingness of Mi'kmaw

organizations such as the UINR, the CMM, the Eskasoni Fish and Wildlife

Commission (EFWC), and the Kwilmu'kw Maw-klusuaqn (KMKNO) to support the

IPCA development process in Nova Scotia through the formation of the IPCA

Advisory Committee.

4.1.4 Further Enabling Conditions

As the IPCA Advisory Committee continues to advance work on IPCAs, there are

additional enabling conditions at the different levels of governance that would enhance

efforts (Figure 5). Understanding the key shifts that have occurred and the interactions

between these different governance levels has also identified the cross-scalar institutional

changes in roles and relationships that need to occur to continue to advance IPCAs.
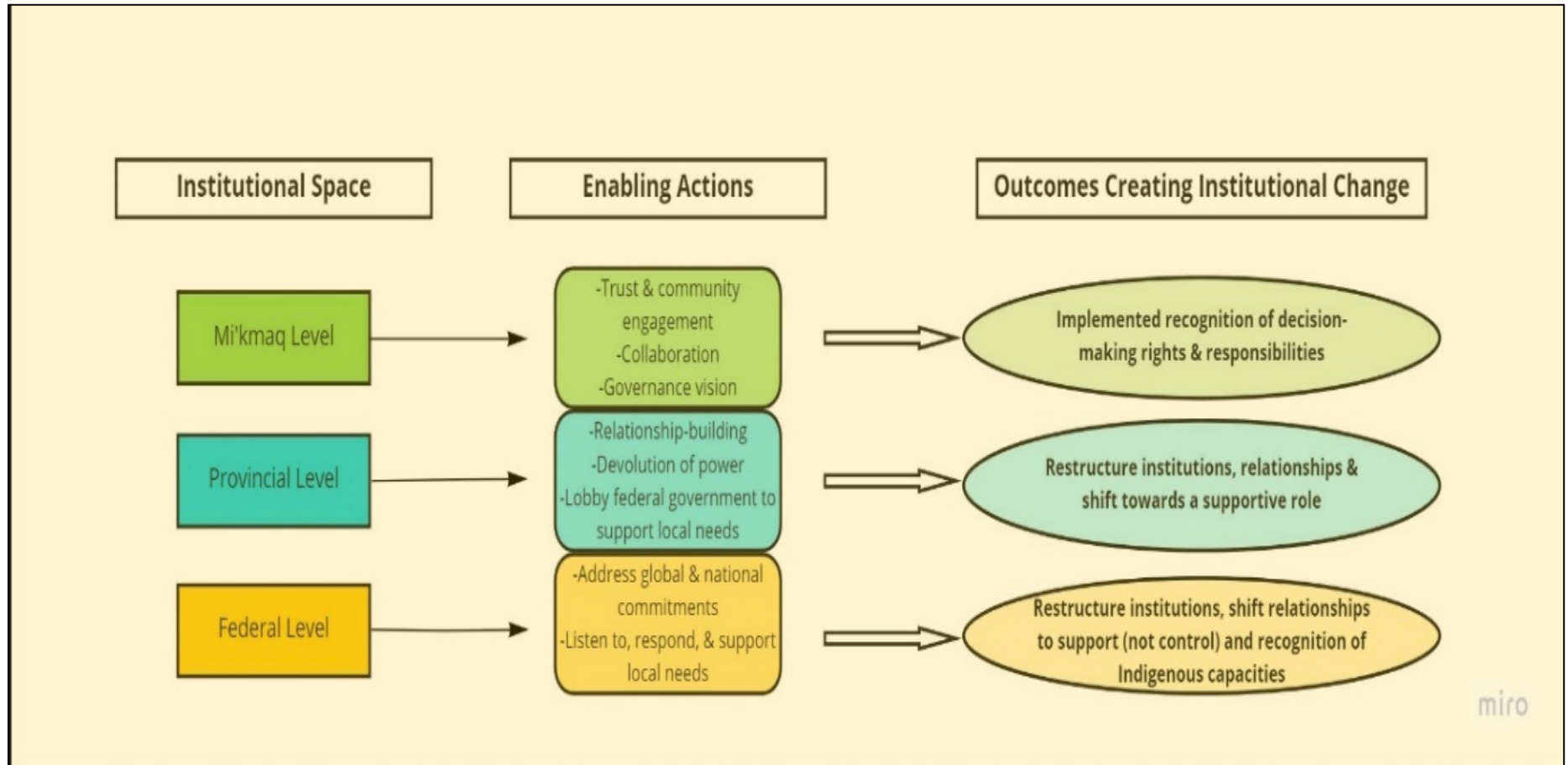
Figure 6: Shifts that could foster additional enabling conditions for IPCAs in Nova Scotia

At the Mi'kmaq level, establishing more trust with the province through frequent interaction both at the Assembly and community level was noted as an important element for building stronger relationships with provincial partners as well as trust among Mi'kmaw communities that the recognition of the Mi'kmaq as the governance leaders in this process is fully realized on-the-ground (Reo et al., 2017; Zurba, 2018). Furthermore, collaborating with provincial and ENGO partners through knowledge- and capacity-sharing was also suggested as an opportunity to contribute to equalizing power relationships and both capacity-building and capacity-recognition (Armitage et al., 2019; Davis, 2010; Gruber, 2010; Smyth et al., 2016; Zurba, 2018).

The acknowledgement that the Mi'kmaq working on IPCAs and Mi'kmaw communities overall have a multitude of capacities was articulated as something that needs to be more widely recognized at the federal and provincial institutional levels and is emphasized in Kooiman's second-order of governance (Kooiman, 2003). Recognizing governance actors' capacities is also highlighted in governance literature as being essential for establishing legitimacy as governance leaders (Armitage et al., 2019; Kooiman, 2003; Kooiman & Jentoft, 2008; Stevens, 2014; Zafra-Calvo et al., 2017). It was noted by key informants that this recognition of Mi'kmaw capacity has been slowly increasing over time and that IPCAs may offer an opportunity to enhance this recognition:

> I think these IPCAs can be something more....and I think, in Nova Scotia, you know, I think this is an opportunity to show people across the province that we really are stewards of the land and have been stewards of the land for generations...and much of our monitoring really does overlap with our knowledge.

You know, even culturally important areas, we're even seeing species there, species at risk there, biodiversity there, like the areas that we know are significant we can see even in modern science that they are significant in different ways. So, I think maybe it will bring about some more collaboration and understanding that, you know, science and Indigenous traditions and Indigenous communities...really overlap a lot and there's a lot of room there to work together. (Nicholas Whynot, Mi'kmaw community member)

Several key informants also noted that it would be helpful if the provincial government were to reflect on the skills that they can offer the Mi'kmaq in support of the IPCA initiative. The provincial government can further support Mi'kmaw partners by lobbying for additional financial and capacity support from the federal government to be given to Mi'kmaw communities to support IPCAs. Through the establishment of more supportive relationships, a smoother transition towards devolving protected areas decision-making power away from provincial and Canadian governments to the Mi'kmaq will be more easily established – enabling space for substantive decision-making related to land relations by the Mi'kmaq to be attained (Davis, 2010; Kooiman & Jentoft, 2009; Lyver et al., 2014; Smyth et al., 2016; Zurba, 2018).

At the federal level, continuing to respond to the global conservation and human rights commitments set out through declarations such as UNDRIP and the push for 30% by 2030 biodiversity targets should result in efforts to continue supporting the local needs of Indigenous groups, organizations, and nations working towards IPCA establishment. The commitments made through Budget 2021 indicate that support in some capacity should continue to occur at least for the next five years (Government of Canada, 2021, p.

261). Addressing the chasm between Indigenous peoples' disadvantaged position in affirming their governance agency in Canada requires asking questions about why marginalization at the policy, legislative, and institutional level (meta-governance level) occurs that will require evaluating and transforming approaches at the whole-of-government level in general and to protected areas planning, specifically (Kooiman, 2003; Ross et al., 2009).

The federal government's role in the IPCA process within each province and territory in Canada remains unclear. Although key informants have identified that the Canadian government has been investing in Indigenous-led conservation initiatives (e.g. expansion of the Guardians program) the role of the federal government as a supportive actor on-the-ground has not been addressed. Observations of the IPCA Advisory Committee have highlighted that there seems to be a disconnection between the role and stance of the federal government in relation to the role and stance of the province on IPCA work within Nova Scotia (Observation #3, October, 2020). Although the federal government does not have jurisdiction on provincial lands in Nova Scotia, they do have a fiduciary responsibility to Indigenous peoples and have made commitments to upholding the UNDRIP, advancing reconciliation efforts, and have promised funding through Budget 2021. As such, coordination and discussion are needed about how those funds will support IPCAs to advance power-sharing and devolution at the provincial level.

It has been suggested that it may be helpful to have the federal government and provincial government communicate more openly with Mi'kmaw leadership about the flexibility and institutional changes that will be necessary for IPCAs to be established in a way that honours the nation-to-nation relationships set out in the treaties and the

commitments that Canada has made nationally and internationally (Observation #3 October 2020; Observation #5, February 2021). Having clearly established roles is noted in governance literature as being essential to establishing successful governance arrangements (Bennett & Satterfield, 2018; Kooiman, 2003). Kooiman's third-order of governance stresses the importance of assessing the efficacy and adaptive capacity of governance systems to reflect the aspirations of governance actors (Kooiman, 2003). As such, ensuring that the federal and provincial governments are on the same page about their willingness to engage in Ethical Space around IPCAs will be critical to their success and essential to effective third-order governance (ICE, 2018; Kooiman, 2003).

Ultimately, understanding these institutional changes that have been occurring and may need to occur at different scales is essential to interpreting the opportunities and possibilities around IPCA governance. The cross-scalar shifts and dynamics – from the global to more localized scale – have evidently played an essential role in establishing the environment for IPCAs to be implemented and endorsed within Nova Scotia.

4.2 Existing governance mechanisms for protected areas and Indigenous-led conservation

There are various types of Indigenous-led conservation initiatives across Canada and around the world that reflect diverse relationships between different protected areas governance actors (Carroll, 2014; Kothari et al., 2013). Protected areas governance focuses on the structures, processes, and traditions that identify how power and responsibilities are exercised as well as whose perspectives (and how) are integrated into those structures and processes (Bennett & Satterfield, 2018; Kooiman, 2003; Lockwood, 2010). Governance is focused on power, authorities, and responsibilities whereas management is focused on the resources, plans, and actions on-the-ground that are

informed by the overarching governance structures (Kooiman, 2003; Lockwood, 2010). Clarity about this distinction is essential because there is a long history of co-management relationships between Indigenous peoples and Canadian governments; however, there are extensive criticisms over such approaches due to their broad definitions that can allow practices to gloss over institutional complexities (De Pourcq et al., 2015). Co-management is primarily critiqued as a mechanism that can create superficial and tokenistic "participation" of Indigenous peoples without actually devolving or sharing power over decision-making (De Pourcq et al., 2015). Typically, co-management does not address power-sharing and partnership philosophies that are addressed in conversations and discussions focused on governance – including discussions around IPCAs (De Pourcq et al., 2015; ICE, 2018):

> I hear people talk about co-management, but not much about co-governance when it comes to Crown and/or provincial lands; co-management and co-governance are different things. At the end of the day, what, at minimum, is desired is co-governance and then stronger co-management just seems like it can fall into place. Co-governance, when it comes to Crown and/or provincial land, is important to push for...the thing is, there hasn't always been equal decision-making ability at the table. That equal opportunity and decision-making, at minimum, has to be there for the Mi'kmaq when it comes to Crown and/or provincial land. So, I don't think that co-governance is out of the realm of possibility, but I think that a lot of people assume that co-management and co-governance are the same thing, when they are not; working together is important, but it can always be done better. (Participant A1, IPO Participant)

Indigenous peoples have been interacting with their ancestral lands and waters through their rights and responsibilities since time immemorial. To develop adaptive and effective approaches to environmental governance, focus should be placed on Indigenous participation, leadership, inclusion of Indigenous knowledge through a Two-Eyed Seeing approach and learning and collaboration that seeks to transform institutional landscapes that honour Mi'kmaw rights and responsibilities to lands and waters in Mi'kam'ki (Beveridge et al., 2020).

Power-sharing between governments and Indigenous peoples is increasingly noted as a way to accommodate Indigenous rights and address conservation goals for protected areas in tandem (Lyver et al., 2014). The literature notes that pluralistic and hybridized governance systems that are established through context-specific approaches are essential for effectively advancing environmental governance (Bennett & Satterfield, 2018; Rana & Chhatre, 2016). It is widely noted in the literature (Gavin et al., 2018; Stevens, 2014) that conservation is more successful when power-sharing occurs within and across multiple levels of governance (Lyver et al., 2014). This is the primary reason why governance mechanisms rather than management practices for IPCAs are the focus of this project. The dynamics of collaboration such as the role of informal institutions, social networks, trust, and learning capacities are important determinants of assessing the degree to which power is actually being shared (Lyver et al., 2014). The choices that are made about governance of protected areas – including IPCAs – influence how actors come together to make decisions (Armitage et al., 2020). This then determines how decisions influence the capacity of communities to self-determine the goals, aspirations,

and governance of those areas (Armitage et al., 2020). The critical document review highlighted the multitude of governance mechanisms and arrangements that exist in Canada and around the world. The *One with Nature* (2018) report created through the Pathway to Target 1 highlights the various governance models that could support IPCAs specifically (Figure 7).
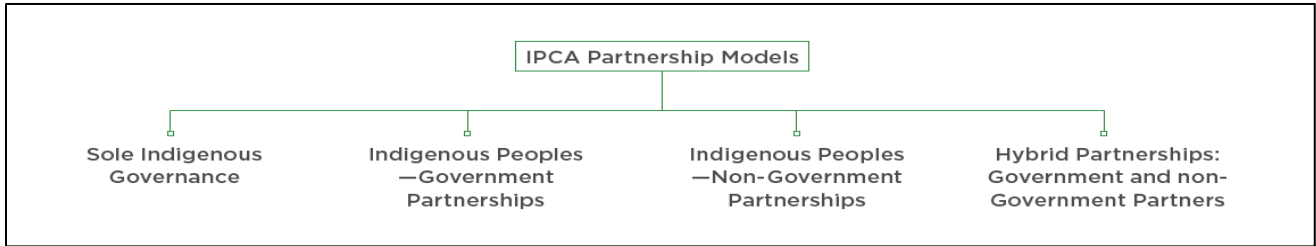
Figure 7: IPCA Partnership Models (One with Nature Report, 2018)

There are various forms of Indigenous participation in decision-making in protected areas (e.g. Advisory Boards, co-management boards) (Zurba et al., 2019). In thinking about partnership models, two broad types of governance models were identified in the *One with Nature* (2018) report: 1) an Indigenous governance model, and 2) a series of different co-governance models. In this context, comparing sole Indigenous governance and the variety of co-governance arrangements is most relevant to IPCAs in Mi'kma'ki since the way that the Mi'kmaq and their partners have approached IPCAs in Nova Scotia has been rooted in the tenet of the Mi'kmaq leading the decision-making process of what IPCAs can and should be (Observation #2, August 2020). Members of the IPCA Advisory Committee and key informants have noted how the IPCA project in Nova Scotia is at the stage where the next area of focus is establishing a governance vision rooted in Mi'kmaw values and operating in Ethical Space (Observation #5, February 2021).

Since the IPCA project through the Challenge Fund was built collaboratively with Mi'kmaw organizations working together through the IPCA Advisory Committee with the province of Nova Scotia and ENGOs (Nature Conservancy of Canada, Nova Scotia Nature Trust and Ducks Unlimited Canada), opportunities for co-governance of certain areas may be desired in some cases (Observation #1, June 2020; Observation #3, October 2020). In circumstances where the Mi'kmaq have the capacity to be the sole governance authority, Indigenous governance would be prioritized (Observation #2, August 2020). Although part of the goal of the Challenge Fund support was to advance Mi'kmaw efforts for establishing IPCAs within the province of Nova Scotia, it does not clearly articulate what the governance arrangements of these areas will look like.

4.2.1 Indigenous Governance Models

Indigenous governance can be described as a model of governance whereby the sole decision-making power is situated in the hands of the Indigenous nation, community, or organization that has authority over those areas (Hill et al., 2011; ICE, 2018; NAP, 2018; Murray & King, 2012; Warrior, 2020; WCEL, 2019). Examples of protected areas that function under an Indigenous governance model include the Tla-o-qui-aht Tribal Park, the Dasiqox Tribal Park, and Edéhzhíe Protected Area (CRP Webinar: IPCA Governance Case Study: Tla-o-qui-aht Tribal Parks, Nov 4, 2020; Dehcho First Nation, n.d.; M. Baptiste, personal comm., July 9, 2020). The Tla-o-qui aht Tribal Park was initiated in 1984 by Tla-o-qui-aht and Ahousaht First Nations in response to unsustainable logging projects occurring on their traditional territories (Plotkin, 2018). Dasiqox Tribal Park was established by the Yunesit'in and Xeni Gwet'in First Nations (Tsilhoquot'in people) as a means of asserting the Tsilhoquot'in peoples' rights and

responsibilities to steward their lands, waters, and wildlife and assert their agency to decide how to interact with their lands and waters in alignment with Tsilhqot'in laws and principles (Bhattacharyya et al., 2018). Tribal parks are areas initiated and recognized by Indigenous nations without necessarily possessing any legal protection or endorsement by the Canadian government (Murray & Burrows, 2017).

The Edéhzhíe Protected Area is known as one of the very first IPCAs in Canada and is recognized as a Dehcho Protected Area as well as a National Wildlife Area (Dehcho First Nation, n.d.). This area was declared by the Dehcho First Nations and endorsed by the federal government of Canada through an Establishment Agreement signed in 2018 (Dehcho First Nations & Canada, 2018). Although the tribal parks are distinct from the Dehcho Protected Area in the process of their establishment, what makes these areas fall into an Indigenous governance category is that they were all Indigenous-initiated, are Indigenous-led, recognize the respective Nations' rights and responsibilities to their traditional territories, and are all collectively grounded in the Indigenous laws associated with these distinct places. Areas such as these do not yet exist with these titles in Mi'kma'ki.

4.2.2 Co-Governance Models

Co-governance models are situations in which there is some level of shared decision-making power – equal or otherwise (Hotte et al., 2019; Stronghill et al., 2015; WCEL, 2019). There are various examples where the Mi'kmaq have worked collaboratively with the provincial government of Nova Scotia (e.g. Kluscap's Cave Wilderness Area; the Unama'ki Moose Management Initiative; Bras d'Or Lake region); however, situations in which the Mi'kmaq have sole governance and decision-making

power has not been widely observed in the context of protected areas (ANSMC &

KMKNO, 2018; Berneshawi, 1997; UINR, n.d.; Young, 2018).

It is important to understand the relationships and institutional arrangements that

exist within Nova Scotia that have been built around the Challenge Fund to more clearly

articulate the opportunities and challenges associated with sole Mi'kmaw governance

models versus co-governance models (Armitage et al., 2020; Kearney et al., 2007). As a

starting point, an institutional map (Figure 8) of actors and the way they have been

connected in the context of IPCA work through the Challenge Fund was created. The

interview and observations at the IPCA Advisory Committee meetings informed the

creation of this map outlining the connections between actors involved in the IPCA

development process around the Challenge Fund specifically.
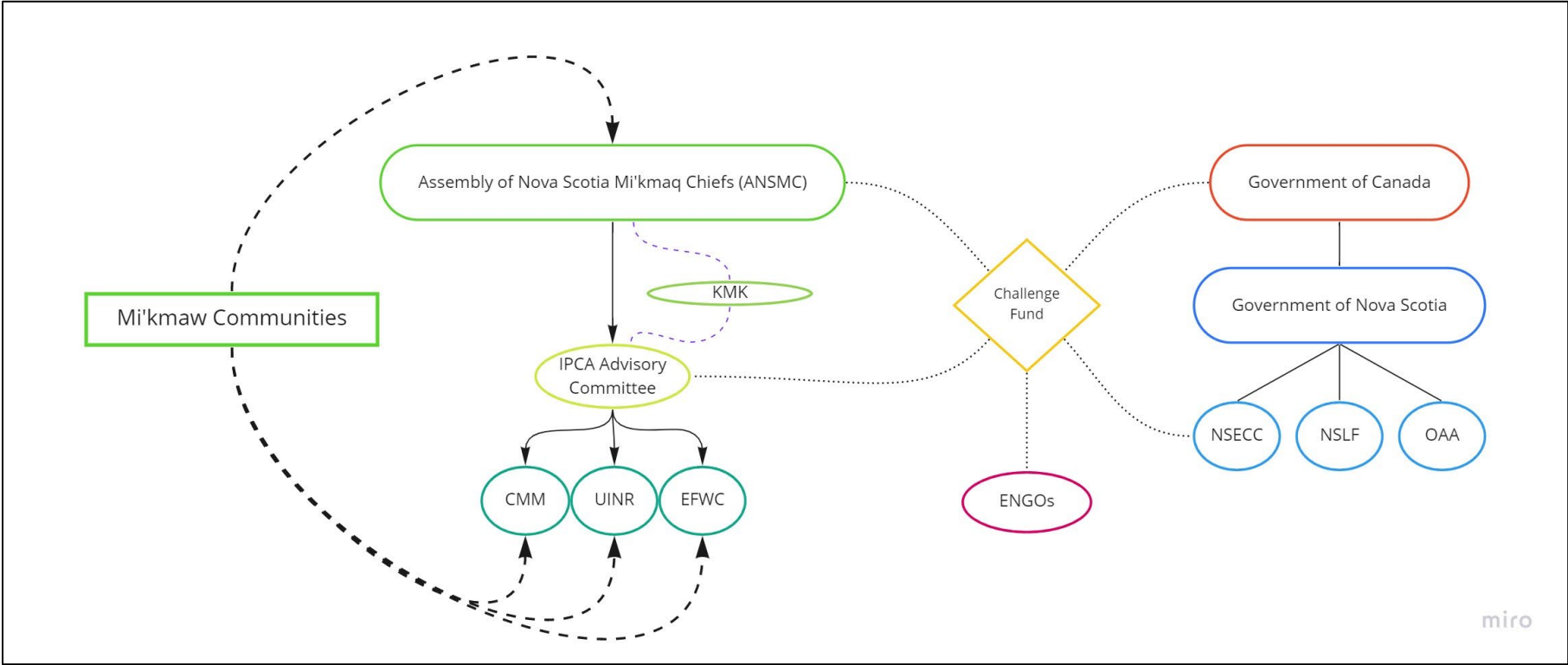
Figure 8: Map of critical actors involved in IPCA project through the Challenge Fund (Note: OAA stands for Office of Aboriginal Affairs)

The actors involved in the IPCA development process all play critical roles in influencing the way that an IPCA governance structure can develop in the future and the Challenge Fund-supported IPCA project brings these actors together. Central to this actor map is the circular and reciprocal relationship between the Mi'kmaw communities who interact both with the ANSMC as well as the Mi'kmaw organizations (CMM, UINR, KMKNO, EFWC) currently leading the Assembly-supported IPCA project. The Challenge Fund is facilitating interaction between the government actors as well as the Mi'kmaw actors (Figure 8).

In many ways, the Challenge Fund is serving as a boundary object through which Mi'kmaw actors, government actors, and non-government actors are coming together in Ethical Space through which their different operating systems can work towards shared goals for advancing (in the case of the Mi'kmaq) and supporting (in the case of ENGOs and government actors) IPCA initiatives. The way that these interactions around the IPCA initiative will occur moving forward is currently being negotiated.

4.2.3 Sespite'tmnej Kmitkinu Conservancy: The Mi'kmaw-led Land Trust

It was articulated by all key informants that the ultimate decision-making and visioning of the governance structure for IPCAs should remain in the hands of the Mi'kmaq - as is set out in the ICE report (ICE, 2018). One critical governance transition that emerged through the Challenge Fund and Pathway to Target 1 process was the establishment of a Mi'kmaw-led Land Trust – called "Sespite'tmnej Kmitkinu Conservancy". The name of the land trust is roughly translated to mean "let us protect our territory/homeland". This land trust was officially established on April 15, 2021, and the governance of the trust in the process of being developed through the work of the IPCA

Advisory Committee. The creation of the Sespite'tmnej Kmɨtkinu Conservancy is one governance tool by which the governance role and leadership of the Nova Scotia Mi'kmaq is being asserted for fee-simple private lands[2] through purchase and conservation or community easements (Kooiman, 2003; Observation #1, June 2020).

The land trust can be considered one governance tool operating at the second-order of governance capable of producing institutional change and shift the role of governance actors in protected areas in Nova Scotia through the IPCA initiative (Kooiman, 2003). This is because it will allow for sole Mi'kmaw governance over purchased or eased lands to be achieved. Being able to purchase and ease lands may prove to be a quicker and more direct way to achieve Mi'kmaw governance over an area in comparison to adding new legislation on fee simple lands. With this being said, some existing legislation will still apply to these areas. For example, in the case where lands are eased, the *Conservation Easement Act,* the *Conservation Tax Exempt Act*, as well as the *Societies Act* will still impact the Mi'kmaw-led Land Trust because the trust will still be subjected to such Acts (M. Pagniello, personal communication, 2021).

Additionally, to be registered and recognized as a land trust, it is often required by funding agencies and is a best management practice of the Canadian Land Trust Alliance Standards and Practices that the land-trust manage the on-the-ground work on the IPCAs established through the trust (M. Pagniello, personal communication, 2021). These stipulations are placed on the land trust because the establishment of a land trust as a governance tool still functions within the western operating system where land trusts

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[2] Fee-simple lands are existing private lands without any conditions placed on them in purchase (M. Pagniello, personal communication, 2021).

were conceived. As such, although there is an opportunity for the Mi'kmaq to retain sole decision-making power in this context, there is still an institutional structure that is rooted in western operating systems that will dictate some of the best practices and impose stipulations on the processes for owning land as a registered and recognized land trust.

The governance model for the land trust is still in the process of being developed; however, it was noted in IPCA Advisory Committee meetings that it will involve all interested Mi'kmaw community leadership, as well as youth and Elders to ensure intergenerational engagement (Observation #3, October 2020). This will be achieved by developing a representative Board of Directors that includes representatives from each of the 13 Mi'kmaw communities, a youth representative, as well as a Mi'kmaw Elder (Observation #2, August 2020). The land trust will serve as a tool for establishing an overarching governance vision and values for IPCAs, legally holding title to the fee-simple private lands purchased or eased through the Trust and will facilitate on-the-ground management of the areas acquired through the trust (M. Pagniello, personal communication, 2021).

IPCAs that emerge through other means (e.g. through existing legislation, existing protected areas, or lands on provincial crown lands) may or may not involve the Mi'kmaw-led Land Trust. This is yet to be determined. Despite this uncertainty, the Mi'kmaw-led Land Trust, as a governance tool, could maintain the overarching IPCA governance vision while each IPCA may have its own, context-specific management plans. This would enable IPCAs to develop in response to the aspirations, needs, and interests of the Mi'kmaw communities and would allow for IPCAs to serve different functions (Observation #3, October 2020).

The Mi'kmaw-led Land Trust could be seen as a tool creating space for advancing Mi'kmaw governance aspirations (Figure 9). For example, the values and core operating principles of the land trust will be rooted in Mi'kmaw values, laws, and governance principles which will elevate Mi'kmaw worldviews and approaches to governing relations to lands and waters. Furthermore, as a land trust, greater recognition of Mi'kmaw capacities, rights, and responsibilities will be able to occur as land trusts are a concept that is familiar to the majority of the public. Although the Trust is an imperfect solution to recognizing Mi'kmaw governance systems since it is a tool that emerged out of a western system, there could still be an opportunity to mobilize change through this governance tool by holding a space for governance visioning and determining land relations from a Mi'kmaw worldview that can be communicated through the trust while supporting capacity-building and leadership through the Earth Keepers program (Observation #3, October, 2020; Observation #5, February 2021).
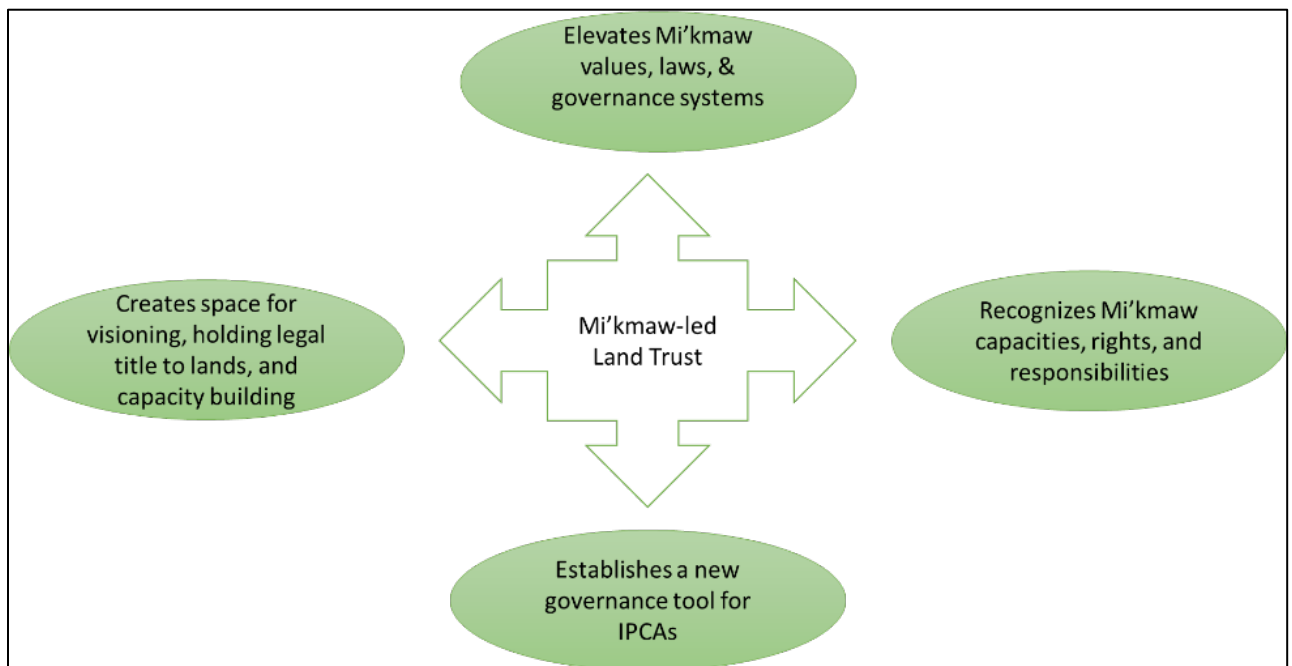
Figure 9: Institutional impact of establishment of Mi'kmaw-led Land Trust

It was noted how the ANSMC and the organizations that make up the Advisory Committee (CMM, UINR, EFWC, KMKNO) will work to support one another and try to utilize and share the expertise that these actors possess to advance IPCAs collaboratively (Observation #3, October 2020). The collaborative working relationship between the ANSMC with the Mi'kmaw organizations that support the 13 Mi'kmaw communities across Nova Scotia is a strength that was noted by several key informants and that is highlighted as essential for effective governance in the literature (Kooiman, 2003; Zurba, 2018; Smyth et al., 2016). This collaborative nature will enable intra-supported capacity-building that will further enhance the strength of the Mi'kmaq as conservation governance leaders.

Even though it was stated by key informants from Mi'kmaw organizations as well as community members that IPCAs would ideally be structured through a Mi'kmaw governance model, there are several challenges to establishing sole Mi'kmaw governance over all proposed IPCAs from the outset. This was reflected in conversations at the IPCA Advisory Committee meetings that highlighted the diverse land types that exist in the province which may pose limitations on the capacity of the Mi'kmaq to purchase and hold title to lands through the Mi'kmaw-led Land Trust (Table 3) (Observation #2, August 2020).

Table 3: Governance models for different land types & designations (Observation #2, August 2020)

Land Type	Current Attainable Governance Model	Explanation
Fee-simple private lands	Mi'kmaw governance	With purchase of land through the Mi'kmaw-led land trust, Mi'kmaq will retain sole decision-making power for these areas – retaining the ideal arrangement of Mi'kmaw governance. Areas still face legislative barriers associated with land trust purchase.
Provincial Crown Land	Co-governance	Crown lands may have different, non-public agreements with industry and are technically public lands. This complicates the capacity of the Mi'kmaw-led Land Trust or communities to retain sole decision-making power in these areas – especially in cases where natural resource extraction agreements have been made between the province and private companies/corporations.
Reserve Land	Mi'kmaw governance	Areas that are proposed that are already situated on reserve lands will be able to retain Mi'kmaw governance.
Existing Protected Areas	Mi'kmaw governance and/or co-governance	Already existing protected areas are places in which negotiations and discussions about shifting governance responsibility towards a Mi'kmaw governance model or establishing co-governance arrangements that would align with the vision of IPCAs for the Mi'kmaq

The Mi'kmaw-led Land Trust enables the goal of Mi'kmaw governance of IPCAs to be achieved in cases where the Mi'kmaq can acquire land through fee-simple purchase or donation because the decision-making power will remain in the hands of the Mi'kmaq and Mi'kmaw governance will be achievable without barriers (Table 3). Reserve lands were also noted as less problematic since the areas are already reserved for those communities; in these cases, it would be a matter of recognizing the areas as IPCAs and purchasing or easing lands that may extend beyond reserve land.

On the other hand, there are land types such as Crown Lands (provincial and federal) and existing protected areas where opportunities for sole Mi'kmaw governance are still unclear (Brugnach & Ingram, 2012; Lyver et al., 2014). It was noted by members of the IPCA Advisory Committee that provincial Crown Lands may have existing natural resource extraction agreements made between the province (specifically Nova Scotia

Lands and Forestry) and private companies or corporations. Since provincial Crown Lands are considered public lands, it is unclear at this stage how the decision-making power for areas that the Mi'kmaq would like to designate as IPCAs currently holding this title would be negotiated. In addition to the conversations related to Mi'kmaw acquisition and securement of current Provincial Crown Lands through the province of NS, other key informants also highlighted that not only the province, but also other actors involved in environmental governance or natural resource use and extraction will necessarily be involved in cases where mineral exploration is underway or agreements exist. These concerns have not been addressed explicitly by the province. It was noted that increased clarity and information-sharing on this topic is needed.

When considering governance as it relates to decision-making power in NS, there needs to be a clear devolution of power in cases where Provincial Crown Lands are to be designated as IPCAs (Gruber, 2010; Lyver et al., 2014; Reo et al., 2017). It was noted by several IPO and government informants that in these situations it may be more plausible to begin by shifting to a co-governance model in certain areas that the province is currently in control over (e.g. Provincial Crown Lands) until there are clear agreements and commitments made by the province to devolve power to the Mi'kmaq. Co-governance was also noted as a governance model that may be desirable in circumstances where the capacity of the Mi'kmaw organizations or communities initiating the process may need time to develop.

Further questions remain around areas that are already protected under provincial legislation. The provincial government has several different protected areas designations through the *Wilderness Protection Act,* the *Special Places Protection Act, Provincial*

Parks Act, as well as the *Nature Reserves Protection Act* (Nova Scotia, n.d.). There are

areas that are already protected through these legislative protective measures that may be

areas that the Mi'kmaq are interested in designating as IPCAs (e.g. the Kluscap

Wilderness Area). In these situations, restructuring governance can be complex since,

firstly, the areas are protected under already-established legislation, and secondly, the

provincial governance structure may differ significantly from the decision-making

processes that the Mi'kmaq may wish to employ for IPCAs (Lyver et al., 2014).

Interview discussions with both IPO and government key informants noted that of

existing protected areas designations, Wilderness Areas may be the most flexible

protected areas legislation that currently exists (Table 4). It was highlighted by these key

informants that further discussions around access and use within provincial parks and

nature reserves require further discussions moving forward. At present, the Minister of

Environment holds ultimate decision-making power when it comes to provincial

protected areas; however, negotiating management arrangements may be possible.

Whether this will result in discussions around devolving actual power from the Minister

to the Mi'kmaq in these contexts – and to what degree – was highlighted as needing

further discussion by IPO participants.

Table 4: Key considerations for existing provincial protected areas legislation

Type of Provincial Protected Area	Legislation	Purpose	Key Considerations for Mi'kmaq
Provincial Park (Provincial Parks Act. *R.S., c. 367, s. 1*)	*Provincial Parks Act*	"…provide opportunities for…recreational opportunities (b) preserve unique, rare, representative or otherwise significant elements of the natural environment and historic resources of Nova Scotia; (c) provide opportunities for exploration, understanding and appreciation of Nova Scotia's natural and cultural heritage…; (d) …opportunities to discover, experience and enjoy Nova Scotia's distinctive outdoor recreational and heritage resources; and (e) assemble and maintain, within a system of provincial parks and park reserves, a land base adequate to meet present and future needs of Nova Scotians for outdoor recreation and heritage resource protection."	• Unclear policies around Mi'kmaq hunting • Permit-based allowances for trapping, collecting medicinal and food plants, faunal removal, cultural activities (e.g. sweat lodge, burial) • Monitoring, education, research by permit only • Unclear policies around management arrangements
Wilderness Area (Wilderness Areas Protection Act. *1998, c. 27, s. 1*)	*Wilderness Areas Protection Act*	"…to provide for the establishment, management, protection and use of wilderness areas, in perpetuity, for present and future generations."	• Allows Mi'kmaq hunting and trapping • Allowed gathering for personal use • Allows agreements around management • Unclear policies around medicinal plant, communal structures • Unclear policies around sacred sites, communal food plant gathering and faunal removal (e.g. feathers, shed antlers)
Nature Reserve (Special Places Protection Act. *R.S., c. 438, s. 1*)	*Special Places Act*	"protected to safeguard the species, ecosystems, and other natural features, while providing opportunities for scientific research, education, and nature appreciation."	• Limits recreational activities including hunting, sustainable harvest, sacred site/cultural uses (e.g. sweat lodge, burial) • Unclear policies around potential management arrangements

The suggestions for and consideration of co-governance arrangements have been made in cases where areas are already protected through existing Wilderness Area legislation such as with the Kluscap Wilderness Area. This aligns with the IPCA partnership models set out in the *One with Nature* report (2018) focused on Indigenous-government partnerships. Co-governance of areas already protected through existing provincial legislation will need to be negotiated between the parties. As noted clearly in the ICE report, in order for an IPCA to be Indigenous-led, it should be rooted in Indigenous laws, customs, and governance systems (ICE, 2018). This poses the essential question over how much power-sharing and devolving of power the provincial government is willing to embrace – something that remains unclear at this stage. There are several provincial government staff who acknowledge these unknowns but remain optimistic and open to support the IPCA process.

4.3 Concerns around security of IPCAs: legislation or agreements?

Ensuring the security of an IPCA is something that has been concerning many of those working on IPCAs across Canada and within Mi'kma'ki. The literature review highlighted different types of protected areas and the ways in which they are or are not secured in terms of recognition of protected areas by state governments and securement of the governance of areas through financial resources. Various Indigenous involvements and leadership in protected areas through Indigenous or co-governance models have taken shape in different ways (Table 5).

Table 5: Protected areas with Indigenous governance and co-governance models

Example	Type	Protected Area Recognition/Authority?	Securement Type	Governance Type
Tla-o-qui-aht Tribal Park (Tla-o-qui-aht First Nation, n.d.)	Tribal Park	• Not legally recognized protected area	• Fundraising • Tourism fee • Funding agreements	Indigenous governance - Tla-o-qui-aht First Nation
Wehexlaxodıale (Tłįchǫ Government, 2013)	Indigenous-managed protected zone	• Legally under the jurisdiction of the Tłįchǫ Government and recognized by the Government of the Northwest Territories as a protected area with the approval of the Tłįchǫ Government	• Tłįchǫ Land Use Plan • Recognized Tlicho authority over territory	Indigenous governance - Tłįchǫ Nation
Bear Island Conservancy (Zurba et al., 2019)	Conservancy	• Conservancy legislation emerged from British Columbia Parks Act/ Protected Areas of British Columbia Act • Previously considered "Crown Lands" but determined to be priority areas for BC First Nations communities through land use planning consultation (Stronghill et al., 2015)	• Provincial funding • Park user fees	Co-governance arrangement between Nat'oot'en Nation and British Columbia
Edéhezíe Protected Area (Dehcho First Nations, n.d.)	Indigenous Protected and Conserved Area/ Dehcho Protected Area	• These lands were considered federal Crown lands; through an Establishment Agreement, management plan and Wilderness Regulations the area will be legally protected both through Dene law and federal legislation	• Supported through Pathway to Target 1 • Rooted in Dene law • Territorial protection via regulations	Indigenous governance - Dehcho First Nations

Tribal Parks have emerged across the province of British Columbia (B.C.) since the 1980s and have been noted as successful for asserting Indigenous governance in places like the Tla-o-qui-aht Tribal Park (CRP Webinar: IPCA Governance Case Study: Tla-o-qui-aht Tribal Parks, Nov 4 2020). It is important to note that these areas of British Columbia are not covered by any historical treaties and so the relationship between the First Nations communities and the provincial government is much different than in Nova Scotia (Zurba, 2018). Another example can be observed in the Tłįchǫ Nation. The Tłįchǫ Nation has established the Wehexlaxodiale area as an Indigenous-managed protection zone through the Tłįchǫ Land Use Plan produced by the Tłįchǫ Government in 2013 (Tłįchǫ First Nation, 2013). This area is under the jurisdiction of the Tłįchǫ Nation and, once again, the assertion of Indigenous governance is quite different since the treaty and

land claims process in Northwest Territories differ substantially from the Peace and Friendship Treaties that cover Mi'kma'ki.

In the context of the Mi'kmaq of Nova Scotia, it was acknowledged by all key informants that legislation to secure an IPCA could have both positive and negative effects. As mentioned in the previous section, existing PA legislation where values are determined to align with Mi'kmaw values and negotiations are possible (e.g. the Kluscap Wilderness Area under the *Wilderness Protection Act*) may be positive options for the Mi'kmaq. The benefits of having already recognized legislation to protect areas or specific species would reduce the risk of any public protest or concerns around what is and is not allowed in certain areas because it is clearly laid out in the legislation. However, it was also noted that existing legislation may not exist or apply in some cases in proposed IPCAs. For example, some areas chosen for IPCAs by the Mi'kmaq may not align with the criteria for what is conceived of as a protected area in Nova Scotia. The current protected areas legislation in Nova Scotia was noted as having gaps that may not address the cultural values or aspirations for IPCAs. For example, there were several key informants from IPOs that noted how use and access of certain species (e.g. medicinal versus food plants) as well as use for cultural practices are not clearly laid out in the legislation in all cases.

Another essential point raised by key informants from all groups was that aligning IPCAs with Canadian or provincially established legislation also limits the ability of the Mi'kmaq to push for institutional changes needed for breaking down colonial operating systems that continue to maintain the status quo in terms of decision-making roles (Armitage et al., 2019; Collins & Murtha, 2010; Lyver et al., 2014). It was expressed that

by working towards making IPCAs fit within the provincial or federal systems, the core

values of IPCAs as being rooted in Indigenous worldviews, laws, and governance models

could be lost:

> If these are Indigenous Protected and Conserved Areas, what is Indigenous about
>
> them and what are we protecting and conserving? (Participant D4, IPO
>
> Participant)

It was noted by some key informants that efforts are being made in Nova Scotia

to incorporate Mi'kmaw values into legislation; however, the concern about the core

operating and value system guiding decision-making remains. Furthermore, the use of

pre-existing legislation to apply to IPCAs was noted as potentially limiting sustainable

and customary use of resources within these areas. This was a notable concern in relation

to the value systems and perspectives on relationships to land that were stated by key

informants as a core difference between Mi'kmaq and western worldviews. These

concerns underlie the question of whether establishing new legislation specific to IPCAs

would be a good idea.

Conservancies established in B.C. offer one example where new legislation for a

co-governance model of a protected area was established in partnership between First

Nation communities and the province of B.C. (Stronghill et al., 2015; Turner & Bitonti,

2011; Zurba et al., 2019). The legislation established through defining what

conservancies are reflects a co-governance model because decision-making is shared

between the First Nation communities and the province. They emerged out of concerns

raised by the First Nation communities in protecting their territories as well as

conservation objectives that the province of B.C. was striving to put forward (Stronghill et al, 2015). Conservancies are described in the BC Parks Act (1996; s. 5(3.1)) as protected areas:

> (a) for the protection and maintenance of their biological diversity and natural environments,
>
> (b) for the preservation and maintenance of social, ceremonial and cultural uses of first nations,
>
> (c) for protection and maintenance of their recreational values, and
>
> (d) to ensure that development or use of their natural resources occurs in a sustainable manner consistent with the purposes of paragraphs (a), (b) and (c).

The inclusion of ceremonial and customary use within the legislation offered space for flexibility in what could be conducted in a conservancy; however, a key element to legislation being created through the provincial government system is that the ultimate enforcement or decision-making authority remains in the hands of the Crown. The interviews illustrated that there were mixed opinions on whether new, IPCA-specific legislation would be a good idea in the context of the Mi'kmaq in Nova Scotia. The concerns about IPCA-specific legislation were mainly around two key areas:

1) Would IPCA-specific legislation created by the Mi'kmaq and rooted in Mi'kmaw values require justification based on the provincial mandates of protection for it to be officially "recognized" by the province?

2) What limitations would IPCA-specific legislation impose on the visioning and aspirations of Mi'kmaw communities for IPCAs?

To address the first concern, considering who the final decision-makers are, as noted previously about what constitutes an IPCA, link us back to the initial question of

governance and power dynamics. The need for devolution of power in terms of decision-making for successful IPCA establishment is not widely being discussed based on the comments made by key informants despite the fact that the document review highlighted this as essential for actually producing institutional change related to governance (Brechin et al., 2003; Davis, 2010; De Pourcq et al., 2015; Hutton et al., 2011; Lee et al., 2019; Gruber, 2006; Stevens, 2014; Zurba et al., 2019). This is a major challenge for the Mi'kmaq in terms of securing true power-sharing relationships. On this note, provincial recognition and endorsement of IPCAs in Nova Scotia has not occurred publicly and it is unclear if the silence in terms of publicly recognizing IPCAs indicates internal concerns around supporting IPCAs and the role that the province views their departments playing in supporting the IPCA process.

The second concern identified by key informants was the limitations that IPCA-specific legislation could impose on the visioning and aspirations for IPCAs overall. Although the conservancy co-governance model indicates that including ceremonial and customary use can create flexibility, it was still required that a definition of a conservancy be made. IPCA-specific legislation would also require some sort of definition and at this time it is unclear if enough community engagement and time has been allotted through the Challenge Fund's 4-year timeline to make a clear articulation of what an IPCA is to the Mi'kmaq.

Other options for IPCA securement do exist. The Dehcho Nation in northern Canada has established an IPCA, Edéhezíe Protected Area, called a "Dene Indigenous Protected Area" (Dehcho First Nations, n.d.). The Edéhezíe Protected Area was formalized through an *Establishment Agreement"* between Canada and the Dehcho First

Nations (Dehcho First Nations, n.d.). This serves as the basis for the formal recognition of the Edéhezíe Protected Area; however, it does not impose any specific IPCA legislation because it is conceived of as an agreement between the two nations. This agreement clearly lays out the spirit and intent of the Edéhezíe Protected Area and asserts that the governance approach will be rooted in Dene laws; however, it does not restrict the activities of community members, which enables flexibility.

In thinking about the Peace and Friendship Treaties, many of the key informants articulated how the Mi'kmaq have always been a negotiating people who are willing to work in partnership and collaborate with other governments to achieve their goals. A memorandum of understanding (MOU) between the Mi'kmaq and the provincial government that mirrors an establishment agreement similar to the one created for Edéhezíe Protected Area is one mechanism that could leave space for flexibility in what constitutes an IPCA and set out an arrangement that recognizes the Mi'kmaq as the sole decision-makers in articulating what IPCAs are and can be (Jones, Rigg & Pinkerton 2017; Reo et al., 2017; Zurba, 2018). Through an MOU, greater flexibility can be embedded into the agreement compared to new legislation which, as noted by key informants, is typically more specific and definitive. Establishing an official agreement between the Mi'kmaq and the provincial government could officiate the legal recognition of IPCAs as protected spaces as well as the recognition of the Mi'kmaw-led Land Trust as being one governance tool for these areas.

An MOU could also offer an opportunity for IPCAs to evolve over time, which gives the Mi'kmaq important space to continue engaging with communities about IPCAs and for visioning work around governance arrangements for IPCAs for different land

types and areas. It was noted in several interviews that the constraints in terms of time set out by the Challenge Fund (a four-year timeline) have put pressures on the IPCA Advisory Committee to make decisions quickly. This was exacerbated by the impacts of COVID-19 which has and continues to limit the capacity of the Mi'kmaw organizations working on IPCAs to engage with their communities to the extent that they normally would. With an MOU, it may be easier to leave some questions open to change and leave room for further discussion and visioning with communities while still securing the recognition of the Mi'kmaq as the governance leaders and decision-makers regarding all things related to IPCAs. An MOU would also indicate to the public that IPCAs are a provincially endorsed initiative, which then expands the implications for accepting and supporting the IPCA project to the broader Nova Scotian public, further reinforcing the recognition of the Mi'kmaq as conservation leaders and decision-makers in Nova Scotia.

4.4 Maintenance of IPCAs

An element that is important to consider when understanding the governance of any area is the capacity of governance actors to not only establish and receive recognition for such areas, but also the capacity to maintain these areas in the long-term. The key informant interviews highlighted the concerns from all parties that the support to initiate IPCA development through the Challenge Fund is not a long-term solution to financial resource access and other capacity supports. Concerns around maintaining IPCAs that were raised by key informants revolved around three key knowledge gaps related to resource-capacity issues:

1) Amount of funding and personnel required to manage and maintain protected areas;

2) What resources and capacities the province is willing to share with the Mi'kmaq in support of IPCA work; and

3) What approaches other Indigenous-led initiatives are implementing to ensure the sustainability of IPCAs.

Through the literature review conducted, it was difficult to address these three critical questions. Much of the data on funding and human resources are limited both on the provincial side as well as for Indigenous-led initiatives such as Tribal Parks and IPCAs. This may in part be a result of conversations, negotiations, and strategy developments currently ongoing; however, what it did indicate was that establishing some sort of network for knowledge-sharing will be essential for Indigenous communities, organizations, and nations to effectively advance IPCA development (Lyver et al., 2014). Since IPCAs are a newly endorsed protected area in title, many communities are navigating new spaces and challenges. Sharing capacities and experiences among the Indigenous groups advancing IPCAs will be helpful moving forward. The CRP is working to build such a network. Members of the IPCA Advisory Committee have articulated that further networking and support systems are needed both within Nova Scotia and across Canada.

Several key informants noted that the province, although willing to collaborate and support the Mi'kmaq, are not coming forward with information that could be useful for advancing IPCA efforts. It was noted by several IPO participants that the onus is being placed on the Mi'kmaw organizations working on IPCAs to ask for information. Many IPO participants expressed that having the province come forward and indicate what information they can share would dramatically improve the effectiveness of the

project. Sharing information about personnel requirements for protected areas, the capacity of the province to offer technical support and training, as well as questions that the province themselves have about IPCAs will be essential for establishing a positive working relationship rooted in the values of the Peace and Friendship Treaties and the commitments made by the province to support the IPCA process in Nova Scotia.

One final factor that came up in several key informant interviews was also the maintenance of support for Indigenous-led programs like IPCAs and Nuji Kelo'toqatijik (Earth Keepers) in the context of federal elections. It was noted by several key informants that there was a level of vulnerability felt around the longevity of programs mentioned if the Liberal Party of Canada were to be replaced by the Conservative Party in the next federal election. It was noted by several participants that there was a dramatic shift between the supports given to Indigenous communities during the Conservative Harper government in comparison to the Liberal Trudeau government. Concerns around what would happen if these programs were cut were at the top of many key informants' minds. This further reinforces the need to establish MOUs and other agreements that extend beyond election cycles and knowledge-sharing networks among Indigenous groups advancing IPCAs to share funding strategies. This also highlights the importance of connecting with ENGOs who may be able to share the strategies that they employ for maintaining funding in the long-term apart from government financial support mechanisms that they could share with Indigenous groups working on IPCAs.

4.5 Discussion: Opportunities to mobilize institutional change and transform protected areas governance through IPCAs

IPCAs were widely recognized by key informants as one mechanism to advance the recognition of Mi'kmaw communities and organizations as essential actors in

protected areas governance in Nova Scotia and more broadly in acknowledging the role

that the Mi'kmaq should have in determining how we should conduct ourselves in

relation to the lands and waters in Mi'kma'ki. For IPCAs to be rooted in Mi'kmaw

values, worldviews, and laws, the results of this project suggest that it is essential to

acknowledge the institutional changes required for this process to truly honour the spirit

of IPCAs. In addition, it is also essential to articulate mechanisms and levels of

governance that are experiencing change or may need changes in response to or in

congruence with the IPCA initiative and associated projects described in this chapter.

Kooiman's three orders of governance are a useful tool for organizing the analysis of

which governance activities and transitions are currently being advanced by the Nova

Scotia Mi'kmaq working on IPCAs. This theory also offers a framework for identifying

some essential elements required for the IPCA initiative to be advanced in a way that is in

alignment with the aspirations of the Mi'kmaw organizations currently working on the

project and the communities that they serve (Table 6).

Table 6: Applying Kooiman's Governance Orders to IPCA Initiative in Nova Scotia (Kooiman, 2003)

Governance Order	Description	NS Mi'kmaq IPCA Context
First-Order	• Socio-political problem-solving • Developing and/or leveraging opportunities	• Establishing an Advisory committee with sub-committees to address day-to-day tasks and challenges around IPCAs • Communicating with other communities and organizations to learn about other experiences • Leveraging Challenge Fund for advancing IPCAs and SSHRC funding to advance research on IPCAs • Leveraging funds for other projects and programs (e.g. Earth Keepers) to build capacities for maintaining IPCAs long-term
Second-Order	• Design, care & maintenance of governance institutions • Institutional arrangements that control and/or enable problem-solving and opportunity-creation	• Recognition of agency, rights, laws • Establishment of communication/collaboration/governance protocols • Identifying roles and responsibilities – CMM, UINR, EFWC, Mi'kmaw communities, government(s) • Systems based on Mi'kmaw values (E.g. Two-Eyed Seeing) • Operating in Ethical Space (ICE, 2018) • Mi'kmaw-led Land Trust as a mechanism for elevating opportunities for Mi'kmaw values/principles/laws protocols to be practiced, revitalized, recognized through stewardship of IPCAs into the future
Third-Order (Meta-governance)	• Evaluation of governance systems • Assessing efficacy of operating systems	• Assessment of operating systems (e.g. Land Trust) • Recognition of the need to embed adaptability into agreements around IPCAs to allow for changes to emerge as they are needed

4.5.1 First-Order Governance

The first-order of governance is focused on problem-solving and developing or leveraging opportunities related to governance (Kooiman, 2003). In the context of the Nova Scotia Mi'kmaq, the establishment of the IPCA Advisory Committee is one way that problem-solving is occurring through an organized and collaborative process. The IPCA Advisory Committee also has sub-committees working on other elements of the project (e.g. a Communications team for IPCAs). This level of organization is allowing those leading the IPCA project in Nova Scotia to identify and articulate "problems" that need to be tackled. In this case, these problems are largely associated with addressing knowledge gaps and building collaborative processes while simultaneously building and enhancing capacities to address these knowledge gaps both independently and with other governance actors such as the province and ENGOs like the Nature Conservancy.

The IPCA Advisory Committee has also engaged with other First Nation communities (e.g. Tsilhqot'in Nation) to learn about their IPCA initiatives, challenges, and experiences to gain further insight for the IPCA project in Nova Scotia. Some examples of this include inviting leadership who were involved in collaboratively building the Challenge Fund proposal from NSECC to share information about provincial protected areas and land acquisition processes that the province has experience with (Observation #2, August 2020). Another example is inviting leadership from the Nature Conservancy of Canada to discuss their experience with land stewardship planning processes (Observation #3, October 2020; Observation #4, December 2020). This form of collaboration enables problem-solving on a day-to-day basis because it allows the Mi'kmaw organizations actively working on IPCAs to gain insights into some of the

knowledge gaps that they are facing in terms of land acquisition and land-use planning

from a legal standpoint while also sharing their own expertise with their government and

non-government partners to illicit greater recognition for their work and leadership. The

funding that has been administered through the Challenge Fund to support the IPCA

initiative and other related conservation (e.g. the Earth Keepers) initiatives is another

space in which Kooiman's first-order of governance can be observed. Through this

funding, the capacities of the Mi'kmaq to effectively manage IPCAs into the future is

being secured. This is because the Earth Keepers and other conservation initiatives will

offer training and employment opportunities for Mi'kmaq who may be interested in

participating in on-the-ground work related to IPCAs as they are established over time.

Furthermore, through this funding, building positions and programs within organizations

like the UINR and CMM that are rooted in Mi'kmaw values and worldviews will

strengthen opportunities to demonstrate the existing knowledge and capacities that the

Mi'kmaq have in stewarding the lands and waters of Mi'kma'ki and maintaining a

reciprocal relationship to those lands and waters by reclaiming and revitalizing traditional

practices through Earth Keepers and other stewardship activities that honour their rights

and responsibilities.

4.5.2 Second-Order Governance

Kooiman's second-order of governance is focused on the institutional structures that

enable or disable this problem-solving and opportunity creation to occur (Kooiman,

2003). "Second-order governance" is described by Kooiman as the level of governance

focused on the design, care, and maintenance of governance institutions as well as

institutional arrangements that do or do not recognize certain actors' agency, rights, and

laws (Kooiman, 2003). The groundswell of concerns expressed by Mi'kmaw community members and their desire to establish a mechanism for protecting and stewarding relationships to lands and waters of Mi'kam'ki demonstrate the efforts made to enhance, improve, and establish communication and collaboration to address these issues at the second order of governance.

Furthermore, since these concerns were largely being expressed to organizations such as CMM, UINR, and EFWC, the importance of their role in supporting Mi'kmaw communities is also being articulated. Recognizing the importance of these organizations and the role of communities as core to the IPCA project is an important element of second-order governance because it articulates who should be at the table in terms of supporting the design, care for, and establishment of governance arrangements for IPCAs (Kooiman, 2003). Mi'kmaw communities themselves, in the capacity that they wish to be, will be central to the IPCA project. As such, community agency to determine the roles and relationships of different IPCA actors in terms of establishing and implementing a governance vision also needs to be recognized by the province and the organizations actively advancing the initiative to effectively work together.

In the context of IPCAs and multi-actor governance initiatives more broadly, the literature highlights that they are typically more successful if expectations are discussed from the outset and responsibilities for data collection, sharing, and governance are agreed upon before management plans are established (Reo et al., 2017). Establishing protocols and memoranda for engagement are useful tools for ensuring that all partners involved are aware of their responsibilities and have a framework through which engagement can occur (Reo et al., 2017). Through the establishment of protocols,

decision-making processes, and identifying the roles and responsibilities of the Mi'kmaq as being the lead decision-makers in IPCA matters, the agency of the Mi'kmaq as the governance leaders of this initiative can be asserted. Members of the IPCA Advisory Committee and key informants have noted how the IPCA project in Nova Scotia is at the stage where establishing the governance vision that is rooted in Mi'kmaw values and that operates in Ethical Space is the next area of focus (Observation #5, February 2021).

Establishing the governance arrangements for IPCAs moving forward will also require careful attention to the idea of substantive decision-making and devolution of power (Kooiman & Jentoft, 2009). At present, protected areas are generally state- or province-led initiatives in Nova Scotia and so the establishment of IPCAs whereby the Mi'kmaq are the core governance actors will require a recognition that the Mi'kmaq have the agency to determine what an IPCA can be, what relationship to lands and waters these areas should facilitate, as well as the core values and laws that those who engage with those spaces should understand and respect. This links to Kooiman and Jentoft's (2009) concept of substantive decision-making which is described as having the capacity to make the "hard" (or substantive) choices in governance. For the agency of the Mi'kmaq to make substantive decisions to be recognized, the arrangements in which the governance of these areas are structured requires careful attention and needs to be established from within Mi'kmaw communities.

4.5.3 Third-Order Governance (Meta-Governance)

Governance is not always easy to describe in plain terms and in one official document. Indigenous peoples have been working with their ancestral lands and waters through their rights and responsibilities since time immemorial and their governance

systems have evolved through the lessons learned from their interaction with lands and waters (Beveridge et al., 2020; CRP Webinar: IPCA Governance Case Study: Tla-o-qui-aht Tribal Parks, Nov 4, 2020). Having processes for reflecting, learning, and evaluating the roles and responsibilities of different governance actors will allow for IPCAs to evolve in response to the needs of the Mi'kmaw communities and organizations that support their establishment and stewardship. As such, adaptability and responsiveness will be essential to embed in the IPCA governance process. Ethical Space and Two-Eyed Seeing are two inter-related ways in which this constant evaluation and monitoring can occur (Figure 10).
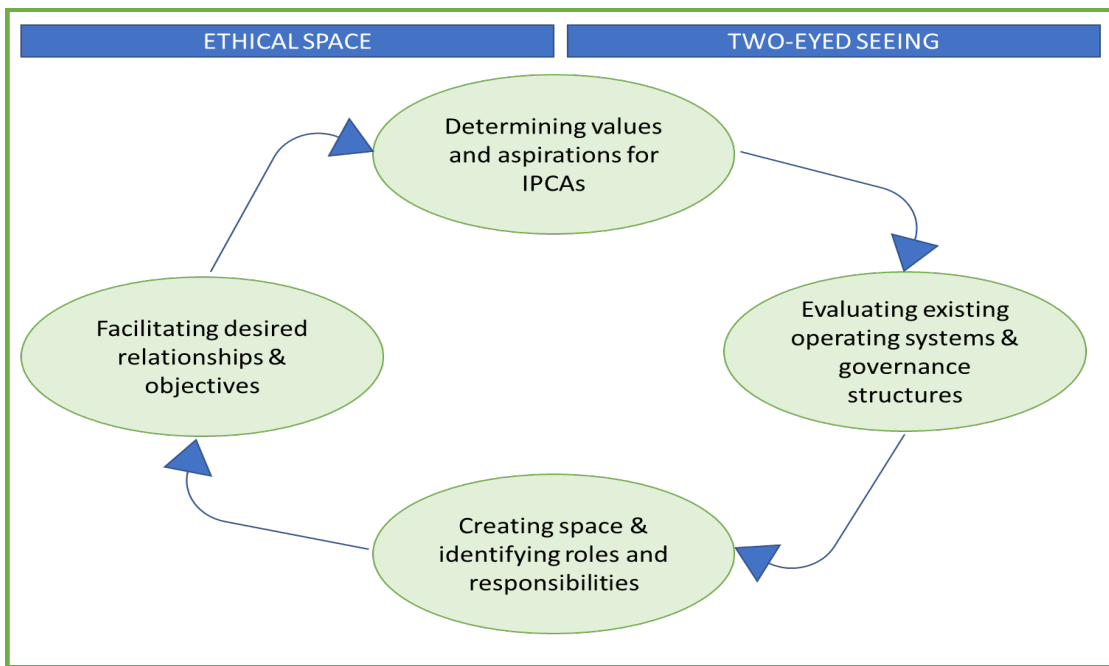
Figure 10: Adaptive process for visioning governance of IPCAs through frameworks of Two-Eyed Seeing and Ethical Space

Ultimately, in thinking about how the governance of IPCAs will be structured – whether through an MOU or some other form of agreement or policy, the values of Ethical Space and Two-Eyed seeing could be a useful starting point for guiding

discussions and determining engagement and collaboration processes between partners involved in the IPCA project in Nova Scotia (Figure 10). In addition, the flexibility that expressed as being critical to the IPCAs articulates that this institutional operating system needs to be adaptive and responsive to the evolving needs, aspirations, and capacities of Mi'kmaw communities and organizations. For this adaptability to be embedded into the IPCA process, a willingness and openness to assessing existing systems is necessary. Based on the key informant interviews, there is currently a willingness to engage in meaningful dialogue to assess areas where space for Mi'kmaw worldviews and values needs to be created. This willingness positions the Mi'kmaw organizations and the communities that they serve in a strong position to advance IPCAs in Nova Scotia in ways that may serve as enabling mechanisms for advancing efforts to build respectful and collaborative nation-to-nation relationships in conservation and protected areas.

Chapter 5 – Results & Discussion – Exploring Mi'kmaw perspectives on and aspirations for IPCAs in Mi'kma'ki

The final objective for this project was focused on exploring Mi'kmaw perspectives on and aspirations for IPCAs in Mi'kma'ki. The semi-structured interviews with Mi'kmaw and IPO key informants addressed this project objective. The results from these interviews were inductively coded to reflect the themes that emerged out of conversations with participants revolving around aspirations and perspectives on IPCAs. The perspectives on and aspirations for IPCAs were sorted into two thematic streams in *Nvivo* for qualitative analysis: 1) the values that were identified as important for guiding the IPCA process; and 2) the aspirations that participants have in terms of outcomes of IPCAs as places or concepts. Within these two thematic streams, there were several sub-

themes that emerged through interview conversations that have been identified as important to the IPCA process in Nova Scotia (Table 7).

Table 7: Summary of Mi'kmaw Perspectives and Aspirations for IPCAs

STREAM OF ASPIRATION/PERSPECTIVE	KEY VALUES/THEMES
Values Important for Guiding IPCA Development and Establishment Process	• Forefronting Indigenous Laws and Governance • Two-Eyed Seeing • Ethical Space • Respect, Reciprocity & Relationships • Netukulimk • Intergenerationality • Knowledge-Sharing & Transparency • Responsibilities & Stewardship
Aspirations for Outcomes of IPCAs as Places and/or Concepts	• Empowerment & Self-Strengthening • Recognition & Leadership • Determining Land Relations • Education (intra- and inter-communities) • Reclamation, Healing & Revitalization • Intergenerational Engagement • Protection/Conservation

This list of emergent key values and aspirations for IPCAs is not comprehensive. These themes can, however, contribute to the ongoing efforts of the CMM and UINR in identifying some of the important elements that can assist with the governance visioning for IPCAs. This data may be complementary to the work being done by organizations like the CMM and UINR around IPCAs. For example, the UINR conducted an engagement session with the communities that they serve on Unama'ki in February of 2020 and several of the themes that emerged through these interviews overlap with ones that were identified through that engagement process (UINR, 2020). By determining some of the key values that Mi'kmaw communities would like the governance of IPCAs to embody, an effective assessment of what kind of institutional space needs to be established to honour the spirit and intent behind IPCAs in this area of Mi'kma'ki. In

addition, identifying values can also offer the possibility of identifying institutional

structures that may need to be evaluated, critiqued, and transformed to ensure that IPCAs

in Nova Scotia reflect these values fully. As such, this chapter will describe and analyse

the emergent themes that arose through the key informant interviews with Mi'kmaw

community members and those working for Mi'kmaw IPOs and identify some key areas

where institutional change is either being facilitated or may need to be mobilized in the

future to create the appropriate space for IPCAs to emerge in alignment with the

aspirations of Mi'kmaw communities and the organizations that serve them.

5.1 Mi'kmaw perspectives on values to guide IPCA development and establishment process

Eight key sub-themes emerged through the key informant interviews related to the

process of IPCA development and establishment of desirable governance structures and

arrangements for IPCAs in Nova Scotia. Identifying aspirations for the process of IPCA

establishment is an important starting point for visioning for IPCAs but may also serve

the IPCA Advisory Committee in articulating and aligning what governance

arrangements are most suitable for the aspirations of Mi'kmaw communities.

1) *Forefronting Mi'kmaw laws and governance* – When settlers arrived on Turtle

   Island/Canada, they settled on lands and waters governed by Indigenous peoples

   through context-specific legal traditions, tenure systems, and governance structures

   since time immemorial (Clogg, Askew, Kung & Smith, 2016). As such, the

   importance of forefronting Indigenous laws and governance through the IPCA

   process in Mi'kma'ki was a prevalent theme that emerged from the interviews with

   Mi'kmaw participants. There were two elements of this theme that were identified by

   participants as being critical: 1) reclaiming and restoring Mi'kmaw natural laws in

relation to modern day contexts; and 2) recognizing Indigenous laws and governance systems as the core operating space for IPCAs. Several key informants stated that restoring natural laws and enacting Mi'kmaw values through IPCAs would enable the Mi'kmaw to advocate for the rights of the environment - upholding their responsibilities to their lands and waters. This was stated as an essential element to the IPCA development process because it re-establishes values rooted in Mi'kmaw knowledge and governance systems that reconnect people with stewardship responsibilities. The importance of reclaiming and restoring natural laws has been a topic of high importance in discussions and efforts being made in Indigenous-led conservation initiatives related to IPCAs (CRP Virtual Campfire Series, Oct 22, 2020; ICE, 2018).

> I hope that this is a reason and a specific project for which we put our hands, brains, hearts, and spirits, focused in a way that will allow us to work on some legal framework that is meant to assist in reclaiming cultural ways of governance and of making decisions. In a modern context, because in 2020, the world and our societies are much different than 500 years ago so we're talking about these in a modern context. (shalan joudry, Mi'kmaw community member)

The reclamation of cultural governance systems and decision-making processes has been articulated as essential to reconciling relationships between Indigenous peoples and their traditional territories and for transforming currently western-centric systems of operating (CRP Virtual Campfire Series, Oct 22, 2020; Wilson, 2019). Creating space for Mi'kmaw communities and organizations leading the IPCA

process to identify how their governance systems could look in a modern context will not only challenge existing structures that guide approaches to protected areas, but it may also influence a broader understanding that Indigenous governance systems continue to exist in a contemporary context (Wilson, 2019; von der Porten et al., 2019). This offers opportunities to further recognize that Indigenous practices, customs, and ways of seeing are not only relevant for successful approaches to conservation but are also essential for mobilizing a re-imagination of peoples' relationship to lands and waters in the context of PAs (Wilson, 2019; von der Porten et al., 2019).

2) ***Two-Eyed Seeing*** – The Mi'kmaw principle of Two-Eyed Seeing (Etuaptmumk) established by Mi'kmaw Elders Albert and Murdena Marshall was articulated as being a core value for guiding the IPCA governance development process. Several Mi'kmaw key informants expressed the value of taking the best of the two knowledge systems (Mi'kmaw and Indigenous knowledge systems and western scientific knowledge systems) and bringing their strengths into the IPCA development process to create a process that is as adaptable, resilient, and respectful.

It is widely noted that plurality and interdisciplinarity is needed for conservation initiatives to be successful (Wilder et al., 2016). Hybrid forms of governance that take the strengths from different systems and that have diverse mechanisms for including different knowledge systems can help to create more transparent decision-making processes that do not cater to or hold certain types of knowledge as more valuable over others (Buxton et al., 2021; Rana & Chhatre, 2017). Contrarily, although it is well-recognized that meaningful Indigenous participation in environmental governance is essential for

advancing and addressing global biodiversity loss and climate change, clear mechanisms to make this recognition meaningful in governance of PAs remains vague in some cases (Adeyeye, Hagerman & Palai, 2019; Buxton et al., 2021). This ambiguity runs the risk of certain perspectives and knowledge systems being held as more important than others which can result in inequitable arrangements for those being excluded from decision-making processes (Adeyeye, Hagerman & Palai, 2019; Buxton et al., 2021). Two-Eyed Seeing offers a tangible and accessible mechanism whereby the recognition and equitable inclusion of Indigenous knowledge systems can be mobilized (Buxton et al., 2021; ICE, 2018; CRP, n.d.; Wright et al, 2019).

In addition to the recognition of Indigenous knowledge as retaining inherent legitimacy, a Two-Eyed Seeing approach offers an opportunity to have discussions around the fragmented landscape of government departments and institutions (Buxton et al., 2021). Several key informants noted how the distinction between different departments and the sectoral delineation of responsibilities between provincial departments presents obstacles. These siloes of operating have led to operating spaces where limited or highly structured communication and collaboration across departments fails to recognize the inherent relationship between the implications of "managing" lands and waters to opportunities for cultural revitalization, community and individual well-being, education and language, and stewardship rights and responsibilities. This disconnection is also highlighted in the literature as a pressing concern in conservation governance (Beau et al, 2018; Clogg et al., 2016; Gavin et al., 2018; Pittman & Armitage, 2019; Oroliz & Parlee, 2020). Two-Eyed Seeing offers an opportunity to elicit productive conversations about how institutionally separated spaces cannot function in isolation

from one another - offering opportunities to mobilize change within and across government institutions.

3) **<u>Ethical Space</u>** – Ethical Space was another theme that emerged. This theme was highlighted as important within the ICE report (2018), NAP report (2018) and *One with Nature* Report (2018) and remains a cornerstone of the Conservation through Reconciliation Partnership. This theme was highlighted as an essential and accessible space for guiding the IPCA process for both Mi'kmaw and non-Mi'kmaw actors. It was noted that it aligns with and reinforces the principle of Two-Eyed Seeing since it enables the best of different knowledge and value systems to come together on equal footing and creates an operating space accessible to non-Mi'kmaq partners who may be just beginning the process of learning about their own treaty responsibilities and identifying ways to appropriately uphold them (Buxton et al., 2021; CRP, n.d.).

Furthermore, since relationship-building is an iterative, ongoing process, having an operating space that enables trust and respectful personal relationships to be fostered over time is critical for successful partnerships (Gavin et al., 2018; Davis, L., & Spuniarsky, H.Y. p. 337 in Davis, 2010). Applying Ethical Space to the IPCA development process therefore was noted by participants as an important element for fostering strong, transparent, and resilient working relationships:

> I think that what really needs to happen is for government departments to create space to work together collaboratively and in good faith with each other as well as Indigenous governments, organizations, nations, or communities...and the work needs to be done in an Ethical Space. But, I don't really think that's policy-related, I think that's more relationship-related. If you have really strong relationships,

that will create a good environment for good policy changes (Participant A1, IPO participant).

Working collaboratively in Ethical Space was posited by participants as creating an enabling space for maintaining open and ongoing discussions around IPCAs. Understanding variability in values and worldviews can allow for dismantling barriers for collaboration because it creates space for dialogues and deliberation where power relations can be assessed and broken down (Lee, 2016). The ICE report states that IPCAs should be "assessed through the respective systems of Indigenous and non-Indigenous Peoples" (ICE, 2018, p.17). This reinforces the importance of creating space for Indigenous knowledge systems, worldviews, and systems of operating rather than simply working to "integrate" or "consult" with Indigenous peoples around IPCAs through existing, western systems (Chapman & Schott, 2020; ICE, 2018, p. 17; von der Porten et al., 2019; Wyatt et al., 2019). A relational concept of values can accommodate practical, cross-disciplinary approaches where multiple and diverse values inform governance and decision-making processes and practices (Buxton et al., 2021; Lee, 2016).

4) *Respect, reciprocity & relationships* –The notion of respect was a theme highlighted as critical in the context of embracing Mi'kmaw knowledge, governance systems, and decision-making processes within partnerships and collaboration around IPCAs. This will be especially important with IPCAs since the Mi'kmaw organizations advancing IPCAs through the Challenge Fund are at the early stages of engaging with Mi'kmaw communities so the idea and spirit behind IPCAs may evolve over time.

Recognizing the essential reciprocal relationships between the land and the people who inhabit a place was articulated as an important initial visioning space for IPCAs.

This was further reinforced by findings from the literature which highlighted the role of Indigenous values as being essential to informing conservation policies, agreements, and governance processes (Beau et al., 2018; Wires & LaRose, 2019; Oloriz & Parlee, 2020).

The second area in which reciprocity was discussed within the interviews was focused on the relationship between the Mi'kmaq and the provincial government:

> The important thing for the Mi'kmaq is nurturing and developing that relationship because, as they say, we have no idea what's going to happen ten years from now. But if we have a good relationship, we'll work out what's going to happen 10 years from now and then we'll just keep going. If you try to sit down and develop something on paper and now this is going to be IPCAs for the next 50 years or whatever, it's going to be a disaster because you didn't know half of what you had to deal with. But if you build that relationship, you create that working sense of the way it's going to go forward, you create maybe a three-year or a five-year plan of how it's going to go, and then at the end of three years and five years, sit back down and say 'ok, what have you learned? Did we get some of it right? Did we get some of it wrong? Do we need to bolster some things here? What's the way we need to move forward?' I think that's why I'm really confident in Nova Scotia that the IPCAs will be a very positive thing. (Participant O15, IPO Participant)

The ideas expressed in this realm of reciprocity focused on the importance of building relationships rooted in values of sharing information, knowledge, and offering support to advance efforts for IPCA establishment. Partnerships that are dedicated to building and sustaining long-term relationships with communities and building governance structures that align with the values of partners is essential (Gavin et al.,

2018; Gullison & Hardner, 2018; Pittman & Armitage, 2019). Furthermore, the establishment of partnerships that foster horizontal (groups working at the same scale of governance) and vertical (groups working at different scales of governance) linkages between different actors improves adaptive capacities of governance processes and arrangements to be responsive to changes that cannot be planned for (Gavin et al., 2018; Pittman & Armitage, 2019; Sharma-Wallace et al., 2020).

The literature relates having the governance capacity to be adaptive and responsive to change as requiring strong governance foundations that involve ongoing dialogue and collective learning that is underpinned by mutual trust and joint understanding (Cosens & Chaffin, 2016; Sharma-Wallace et al., 2020). Operating across scales of governance is important in this process because it allows sharing of information, learning in response to experiences, and acknowledges that each scale of governance has something to offer in terms of lessons, knowledge, and insights (Cosens & Chaffin, 2016; Sharma-Wallace et al., 2020). This theme reinforced the importance and value of operating in Ethical Space and taking a Two-Eyed Seeing approach to the relationships supporting the development of IPCAs because it emphasized the importance of fostering resilient, adaptive, and respectful networks and connections between the governance actors in Nova Scotia who are working on IPCAs and PAs work more broadly.

5) **_Netukulimk_** – Netukulimk was described by all key informants as being comparable to the western notion of sustainability – although its roots bear deeper in the context of Mi'kma'ki (UINR, n.d.). Broadly speaking, the value of Netukulimk can be described as taking only what you need, making decisions with multiple generations

and all relatives (human and non-human) in mind, and recognizing the importance of peacefully co-existing (CRP Virtual Campfire Series, Oct 22, 2020; UINR, n.d.).

Netukulimk was stressed as a critical guiding principle for the IPCA development. Netukulimk was described as essential to understanding how IPCA decision-making should be conducted. It was suggested as being important for guiding the Mi'kmaw in their visioning process about what should and should not occur within certain areas and also to contribute to long-term planning strategies for IPCAs that reflect relationships to lands and waters that can be maintained in perpetuity and honour the Mi'kmaw worldview. Netukulimk can be linked to forefronting Indigenous laws and governance processes but is distinct in that it highlights how adaptive capacity and long-term thinking need to be central to governance planning for IPCAs. Rather than viewing the IPCA process as a project that has a start and an end, the value of Netukulimk will be important for recognizing and securing the longevity of IPCAs into the future.

6) ***Inter-generationality*** – In thinking about the long-term perspectives around planning for IPCAs, the need for participation, leadership, and secured role of multiple generations was also stressed by all interview participants. There was a focus during interviews on engaging youth and Elders in the IPCA development process to create opportunities for learning to occur across generations which was also highlighted in the ICE report (ICE, 2018, p. 47).

The interviews also placed an emphasis on the essential role of all members of community being involved in the governance visioning for IPCAs. They noted the need for engagement processes that are adaptable, responsive, and localized based on the diversity among the Mi'kmaw communities themselves. Some mechanisms for this were

suggested by participants such as open-ended engagement sessions with Mi'kmaw Elders

discussing areas where they have fond memories, holding Elder-Youth virtual/in-person

(when appropriate) workshops discussing places and telling stories about areas of

Mi'kma'ki, as well as more targeted engagement sessions within different communities

focused on IPCAs. It was stressed that being flexible and responsive to the thoughts,

concerns, and priorities of Mi'kmaw community members is essential to the success of

the IPCA development process.

7) ***Knowledge-sharing & transparency*** – The theme of knowledge-sharing and

   transparency was noted as being a critical element to a successful IPCA development

   process. Both the Mi'kmaq and their partners have various capacities. Being open and

   honest about the resources and information that the province can share with the

   Mi'kmaq to support IPCA establishment will enable a smoother development process

   and will also build a relationship rooted in support and transparency that can

   contribute to trust-building (Buxton et al., 2021). This trust-building process was

   noted as not only supporting IPCA development but may also be able to trickle into

   other governance areas in the province such as forestry or fisheries.

The importance of transparency was an element described in the analysis of

governance arrangements in the previous chapter that was also articulated as being an

essential in cases where multiple governance actors are involved. Since one way that the

Mi'kmaq are reclaiming their role as governance leaders is through the context of IPCAs,

it is important to acknowledge the historical legacies of colonization that have inhibited

or restricted the access that Mi'kmaw communities may have to certain areas, decision-

making spaces, and documents or information related to lands and waters, plant and animal species and management practices and protocols.

8) ***Responsibilities & stewardship*** – Responsibilities to lands and waters was expressed as a final core value important for guiding the IPCA development process. Key informants expressed the essential nature of recognizing not only Mi'kmaw rights but also Mi'kmaw responsibilities that they hold for stewarding, relating to, and interacting with the land as Mi'kmaq. This relationship between rights and responsibilities articulates the role of the Mi'kmaq as stewards of their ancestral homelands and the necessary recognition of their essential governance and leadership role in determining how people interact with the lands and waters in Mi'kma'ki:

> This is a beginning process here. I really hope what the IPCA process is helping with is to remind non-Mi'kmaq that we do have - not just rights - but as Elder Albert Marshall, and others say, responsibility to caretake for the lands and waters. And within that responsibility to caretake is also a necessity to be part of landscapes. As we harvest, walk lands and canoe the areas, all of these activities and actions are connecting us as being part of the landscape. As L'nu'k, being woven into the fabric of an ecosystem, our rights and responsibilities to stewarding lands and waters has been severed through colonization. The little bits that we've been able to continue with through time in order to persist, have come despite of a lot of challenge. We're seeing it in the fisheries right now, struggling to maintain relationship and responsibility to steward. This is what i hope is part of reclaiming or re-asserting our legal responsibility to steward; working out the modern legal part of it. Bit by bit, and project by project, that the Mi'kmaq are

developing our own system of how to watch and make sure that these lands and waters are healthy as we sustain ourselves, and that we are healthy along with them. (shalan joudry, Mi'kmaw community member)

The role of responsibilities in IPCAs is something that is widely acknowledged and incorporated into IPCA work happening across Canada/Turtle Island (ICE, 2018). It not only connects and re-establishes the role of the Mi'kmaq as stewards of their ancestral lands and waters but asserts and affirms their jurisdictional responsibility to do so. Stewardship is considered an important element of Indigenous identities and this intensifies the connection between identity and how we can understand the impacts of environmental issues (Zurba & Bullock, 2018). Including responsibilities within the language of IPCAs and the IPCA development process therefore will be crucial for capturing the essence of IPCAs for the Mi'kmaq of Nova Scotia.

The identification of these eight sub-themes through the key informant interviews essential to the IPCA development process highlight the importance of relationships, Mi'kmaw worldviews, and collaboration to the development of IPCAs. Although this is not a comprehensive list of guiding values for establishing the governance process, these eight sub-themes can support the Mi'kmaw organizations working on moving the IPCA initiative in Nova Scotia forward through contributing to their growing knowledge base around IPCAs within the Nova Scotia context.

5.2 Mi'kmaw aspirations for IPCAs as concepts and places

Seven sub-themes emerged in the context of aspirations for IPCAs as places and concepts. These aspirations are not exhaustive, but they align significantly with the work

that was done by the UINR through their community engagement session around the Kluscap's Cave Wilderness Area as a proposed IPCA (UINR, 2020). This demonstrates that opportunities and desires of Mi'kmaw community members may align with one another in some cases. Protected areas governance literature articulates that having shared values and aspirations can enhance the ability for the spirit and intent behind protected areas to be actualized (Lee, 2016). As the individuals and organizations working through the IPCA Advisory Committee continue to advance the IPCA initiative, identifying common aspirations from community members will help to establish overarching governance values that can be embedded into IPCA conceptualization. This may also prove useful for the Committee when it comes to the establishment of the Mi'kmaw-led Land Trust. Although the values and aspirations for IPCAs will need to be determined by the Mi'kmaw communities themselves, this preliminary list of aspirations may contribute to the knowledge base emerging through IPO engagement with Mi'kmaw communities.

1) ***Empowerment & self-strengthening*** – Several key informants noted that IPCAs as physical spaces offer an opportunity for Mi'kmaw communities to go out onto the land with the understanding that IPCAs are spaces dedicated to supporting Mi'kmaw communities and revitalizing Mi'kmaw lifeways. IPCAs were suggested as one mechanism for self-strengthening and empowerment because they open a space for Mi'kmaw community members to connect and engage with their traditional territories. Empowerment can occur through engaging with their ancestral lands and waters with the knowledge that there are no stipulations placed by a Canadian governmental authority on their access to, activities, or capacity to sustainably harvest and engage with the land.

Furthermore, IPCAs were noted as having the potential to empower community members to tackle issues important to them. Key informants noted that creating an enabling space where community members feel confident to identify, discuss, and address issues that concern them was an outcome of IPCAs that would contribute significantly to self-strengthening. Fundamental to the consolidation of protected areas led by Indigenous peoples is advocating for self-strengthening of communities, especially when vulnerable to external pressures (Gullison & Hardner, 2018).

Strong Indigenous leadership will require empowering people to reclaim their cultural values through exploration and discussion around local, living genealogies, oral histories, and reflection; there should be space given to do this in an environment that enables self-determined change (A. Y. Leon, p. 48 in Kenny & Fraser, 2012). Studies have shown that positive community perceptions of the governance of a protected area (e.g. a PA having positive social outcomes) are related to higher protected area effectiveness (Dawson, Martin & Danielson, 2017). Having the space to identify specific goals, determine governance spirit and intent, and address specific areas of concern will therefore enable an opportunity for communities to advocate for things that are important to them, contributing to and reinforcing empowerment opportunities (ICE, 2018; von der Porten et al., 2019).

2) **_Recognition & leadership_** – It was also acknowledged that the recognition of the Mi'kmaq as governance leaders and stewards through the establishment of IPCAs was another area that could further support and initiate shifts in views of the province and the public on the capacity and rights of the Mi'kmaq to steward their traditional territories as well as their responsibilities. Key informants seem hopeful that this

asserting of Mi'kmaq leadership through IPCAs will contribute to further discussions around Mi'kmaq leadership in land and resource decision-making overall.

Despite the global recognition of Indigenous knowledge as essential for sustaining biodiversity and human well-being, challenges related to bridging western and Indigenous knowledge remain (Beau et al., 2018; Buxton et al., 2019; Chapman & Schott, 2020; Oloriz & Parlee, 2019). Key informants were hopeful that IPCAs will offer an opportunity to showcase the ways that Indigenous nations across Turtle Island/Canada have established processes and approaches for taking a Two-Eyed Seeing approach to environmental stewardship (CRP Virtual Campfire Series, Oct 22, 2020). The Mi'kmaq have capacities for stewarding their lands and waters that not only are beneficial for advancing sustainable efforts to protect biodiversity and enhance the adaptive capacity and resilience of our socio-ecological systems, but also provide benefits through honouring their customary practices and lifeways in a modern context. IPCAs were suggested as one opportunity that could be capable of actualizing this recognition of capacities and offer a chance for governments to fulfill and maintain their commitments to honouring the connections that Indigenous peoples have to their ancestral lands and waters and commitments made by Canadian governments to the UNDRIP and to Indigenous peoples' self-determination (von der Porten et al., 2019).

3) ***Determining land relations*** – In cases where sole Indigenous governance of IPCAs is established and decision-making is left solely up to the Mi'kmaq, the capacity to determine how people can function in relation to the land within IPCAs is an outcome mentioned by several participants. Reclaiming the authority and responsibility to

govern a reciprocal relationship to land and to demonstrate what that can look like was articulated as offering an opportunity to further enhance empowerment of Mi'kmaw community members and re-align the way relationships to the environment are understood from a Mi'kmaw worldview:

> How do we want to make decisions about what activities happen inside IPCAs and what activities don't happen? How do we get our inspiration, how and who decides about these areas? What are the roles of Elders and youth? We need to make those visions and plans as Mi'kmaq/L'nu'k. We are deciding how this process runs. Creating legally-binding IPCA mechanisms are giving us the opportunity to use our skills in decision-making in a modern context and carrying out Two-Eyed Seeing. That's why i find it very exciting. (shalan joudry, Mi'kmaw community member)

Different strategies for re-establishing Indigenous approaches to relating to and stewarding relationships to lands and waters through conservation and landscape planning exist. Some examples include Healthy Country Planning that emerged through the Australian Indigenous Protected Areas initiative (Observation #4, December 2020) and more recently, a proposed model called "Land & Peoples Relationship Model" coined by Go'Gon' Elder and Traditional Knowledge Holder Joe Copperjack from Yukon First Nations (Davies et al., 2013; CRP Virtual Campfire Series, Oct 22, 2020). Other examples can be found in places like Haida Gwaii where management of land is guided by "yahguudang" - a Haida concept for respecting all things (Gavin et al., 2018). These models of operating highlight opportunities for

IPCAs and Indigenous-led conservation initiatives to reclaim and revitalize processes for relating to lands and waters governed by Indigenous worldviews and laws through new operating systems that do not necessarily encode or try to "fit" them into existing western structures of operating that separate people from the environment (Wyatt et al., 2019). The creation of these new operating systems also serves as an opportunity for learning about new processes and possibilities in terms of environmental decision-making and ways to bridge, weave, and apply multiple knowledge systems in complementary ways (Buxton et al., 2021; CRP Virtual Campfire Series, Oct 22, 2020; Oloriz & Parlee, 2020).

4) ***Education (intra- and inter-communities)*** – Education is another anticipated outcome of IPCAs. Education was discussed on an intra- and inter-community level and this is also reflected in the ICE report (ICE, 2018, p. 47). It was articulated by participants that having a space where Mi'kmaw community members can reconnect, learn, and practice their heritage and customary practices will be highly beneficial for Mi'kmaw community members on a personal and intra-community level.

At an inter-community level, several participants mentioned that IPCAs could offer a space for non-Mi'kmaw Nova Scotians or any non-Mi'kmaw person to learn about Mi'kmaw heritage, history, and worldviews. In other IPCAs, some First Nations communities have incorporated treaty education with their non-Indigenous partners into on-the-ground IPCA programs (S. Nitah, personal comm., July 3,2020). It is widely acknowledged that treaty education is significantly lacking; therefore, in many cases, Canadians do not feel responsibilities to treaties even though they continue to govern relationships between Indigenous peoples, settler society,

newcomers, and the rest of creation (Kelm, 2014). Developing new relationships on a nation-to-nation basis through the governance visioning process and establishment of IPCAs in ways that honour treaties requires us to, "know the past and bear witness to the present" (Vernon, C. p. 290 in Davis, 2010). As such, educational opportunities through IPCAs were articulated as being a new avenue to spread more awareness about the importance of recognizing and understanding treaty rights and responsibilities and educating non-Mi'kmaq of Nova Scotia and visitors to Mi'kma'ki about Mi'kmaw worldviews, history, and culture.

5) ***Reclamation, healing, & revitalization*** – Reclamation, healing, and revitalization were also identified as potential outcomes for IPCAs that would benefit Mi'kmaw communities. Participants noted that having spaces designated by the Mi'kmaq, for the Mi'kmaq through IPCAs will enable opportunities to hold cultural activities, ceremonies, language camps, as well as reincorporate ceremonial and cultural structures such as wigwams that encourage Mi'kmaw community members to stay connected to customary practices and retain connection with their lands and waters. The legacies of the residential school system and colonial injustices were mentioned as a concern in many communities and it was suggested that IPCAs may offer a space for intergenerational healing to occur through the ability to engage, share stories, and make new memories on the land:

> I think first and foremost, is re-establishing that connection that we have with the land. I think, you know, teaching our people because, again, because of colonization, we've become so severed from nature, you know? I have family who's afraid to go in the woods. And they grew up in the city and away from their

homeland for different reasons, it's just like, how do we re-acquaint our people with these places that are so important to us? And were so important to our ancestors. I think, providing opportunities to do that. You know, whether it's...there's some really good training out there that I actually got from a colleague. You know, even like, teaching people, like hiking facilitating training, paddling training, like basic navigation. Basic species identification. Not just basic, maybe offer more advanced courses as well...communal hunts, communal fishing trips...hide tanning workshops, how to harvest birch bark, you know, properly. Going on medicine walks. You know, like I think that these are all opportunities that we can really utilize and I think that that's, I think that that's the most important thing with IPCAs...is we are protecting and we're conserving, not only the landscape, but our connection to that landscape. (Participant R18, IPO Participant)

The relationship between Indigenous peoples' cultures, worldviews, and wellbeing is widely acknowledged as being intimately related to the relationships that they can retain with their ancestral lands and waters (Archibald et al., 2020; Beau et al., 2018; Gavin et al., 2018; Redvers, 2020; Young, 2016). Having a space for Mi'kmaw community members to reconnect with their lands and waters was therefore stressed as important for collective and individual healing within Mi'kmaw communities.

6) ***Intergenerational engagement*** – Another outcome of IPCAs mentioned by several participants was having a space on the land for youth and Elders to engage with one another. This was mentioned as being essential to the governance process in the first stream of sub-themes; however, there is a distinct aspiration for intergenerational

engagement within IPCAs as places. The process of Elders and Knowledge Holders transferring Mi'kmaw knowledge, teaching and reclaiming language, as well as fostering and rebuilding connections to Mi'kmaq values, laws, and customs is highly intertwined with multi-sensory engagement with landscapes through the active interaction and re-establishment of relationships with the lands and waters of Mi'kma'ki (CRP Virtual Campfire Series, September 29, 2020; Ogar, Pecl & Mustonen, 2020; Young, 2016). As such, IPCAs will create more spaces explicitly dedicated to this type of active reconnection with the landscape to occur.

It was also noted that having Mi'kmaw Earth Keepers actively stewarding the land not only offers employment for community members in roles that foster and maintain strong connections to the landscape as well as technical training, but also may empower Mi'kmaw youth. Key informants highlighted that having opportunities for youth to engage with Earth Keepers and aspire to work with and for their communities through IPCAs would be beneficial for instilling the importance of fostering stewardship relationships and responsibilities to lands and waters into Mi'kmaw youth identities.

Those working on IPCAs in other regions, such as the Thaidene Nene National Park Reserve, have noted that one of the most beneficial outcomes of their IPCA has been land-based programs for youth (S. Nitah, personal communication, July 3, 2020). In Thaidene Nene National Park Reserve, the Guardians program has created opportunities for youth to be engaged in IPCAs by pairing an experienced Guardian with an interested youth which has supported intergenerational engagement and capacity-building (S. Nitah, personal communication, July 3, 2020). Initiatives that

foster such engagement may serve as inspiration for the Mi'kmaq advancing IPCAs in NS to establish their own, unique programs for intergenerational engagement.

7) ***Protection/Conservation*** – The final aspiration for IPCAs discussed by participants was the opportunity to protect and conserve areas of Mi'kma'ki. It was noted that the idea of a protected area as conceived by Canada is foreign to the Mi'kmaq in the sense that determining certain areas as more "important" over others does not reflect the Mi'kmaw worldview. It was, however, discussed that there are certain areas that are home to medicinal plants or culturally important species that the Mi'kmaq would like to protect from potential resource extraction or exploitation. Similarly, it was noted that there are areas that may have served as burial sites or contain archeological artifacts such as petroglyphs that IPCAs could also protect and conserve.

One critical element of this sub-theme of protection and conservation was the opportunity and hope that IPCAs can transform and re-imagine the way protection is conceived overall. This re-imagination was described in the sense that through the protection of lands and waters, there is an aspiration that broader acknowledgment and inclusion of Mi'kmaw cultural values that have largely been absent from values included in conventional approaches to protected areas in Nova Scotia be more widely adopted in protected areas.

In conventional approaches to protected areas, there has been a longstanding emphasis on the importance of biological diversity for enhancing adaptive capacity of ecosystems, but less emphasis has been placed on the relationship between biodiversity and cultural diversity for social and ecological adaptive capacity, sustainability, and resilience (David-Chavez et al., 2020; Gavin et al., 2018). Through

IPCAs, key informants noted a shared hope for transformation in what is conceived as important for protection within legislation and state-based conservation initiatives to recognize the inherent connections between biological conservation and Indigenous lifeways, practices, and worldviews, potentially re-narrating the ways that we understand what conservation and protected areas can be.

5.3 Aligning Governance Approach for IPCAs with Mi'kmaw Aspirations

Considering these key values and aspirations identified through the interviews with Mi'kmaw key informants, it is essential to assess the places in which institutional space is being created as well as where transformation is needed to allow these values and aspirations to be actualized through IPCAs. It is also essential to understand how advancements that have already been made in relation to IPCAs are mobilizing shifts.

Elinor Ostrom's institutional change theory is a useful framework for understanding how shifts in social and cultural norms and understanding can impact the ways in which institutions are structured (Ostrom, 1990). Ostrom describes institutional change as: "…a change to any rule affecting the set of participants, the set of strategies available to participants, the control they have over outcomes, the information they have, or the payoffs" and articulates that "institutional change is viewed as involving incremental changes in existing values" (Ostrom, 1990, p.40). Understanding and interpreting how the values and aspirations that were illuminated through the key informant interviews with Mi'kmaw and IPO participants for this project may serve as an example for highlighting the power of discussion, deliberation, and dialogue among Mi'kmaw communities as a starting point for mobilizing institutional change through IPCAs.

Ostrom's institutional change theory is rooted in the idea that social and cultural norms and protocols – and the changes or recognition of certain norms and protocols – facilitate institutional change. This theory is useful for understanding the application of the values and aspirations that emerged through interviews in the context of mobilizing change through IPCA development (Ostrom, 1990; Ostrom, 1995). Ostrom's conception of institutional change is highly relevant and useful for understanding the ways that the IPCA initiative in Nova Scotia may also serve as an enabler for change now and into the future (Table 8).

Table 8: Applying Ostrom's (1990) Institutional Change Theory to the IPCA Process in Nova Scotia

Area of IPCA Project	Current or future enabler?	Central elements of institutional change
IPCA initiative supported through the Challenge Fund	Current	• Emergence of recognized title of IPCAs through ICE report opened up space for new strategies to pursue Indigenous-led stewardship and governance leadership • Collaboration among different actors and scales mobilizing incremental recognition and value of different ways of knowing • Earth Keepers mobilizing change through on-the-ground engagement and enhancing knowledge base
IPCAs as spaces and places	Future	• Re-imagining and transforming conceptions of "protected areas" • Protected areas protocols and mandates may shift to accommodate and recognize Mi'kmaw stewardship • Restructuring conceptions of relations to lands and waters (areas "belonging to" versus "being part of") • Embedding and transforming values embedded into institutions through Mi'kmaw-led land trust

It is evident that current changes that have been initiated through the Challenge Fund-supported IPCA initiative have been emerging through the work occurring both across Canada on IPCAs but also within the province of Nova Scotia through organizations such as the CMM and UINR who are advancing the IPCA initiative with

their communities in Mi'kma'ki. To start with, the emergence of the title of IPCAs through the ICE report opened space for new strategies for Indigenous communities and nations across Canada to leverage in pursuance of Indigenous-led stewardship and leadership in conservation governance. Although initiatives like Tribal Parks have existed for several decades and Indigenous peoples have been stewards of their ancestral lands and waters since time immemorial, the endorsement of IPCAs in title came with an opportunity to advance aspirations of Indigenous communities across Canada with more resources and support. This can be observed in the case of the Mi'kmaq of Nova Scotia where financial support through the Challenge Fund to support IPCAs directly as well as additional funding for complementary initiatives such as Earth Keepers, species-at-risk, and Mi'kmaw-led forestry also became available. This is mobilizing institutional change because it enables Mi'kmaw communities, organizations, and leadership to strategically build capacities among community members through the Earth Keepers program and other related programs (Pittman & Armitage, 2019; Ostrom, 1995).

This is also fostering transitions among existing provincial bodies to recognize the existing capacities of organizations like the CMM and UINR to support their communities in leading stewardship activities which is initiating shifts in institutional norms that historically privilege government regulatory departments as the primary leaders in conservation and natural resource governance (Pittman & Armitage, 2019; Wilson, 2019; Ostrom, 1995). Through these transitions, further recognition and understanding of the value of Mi'kmaw knowledge, worldviews, and stewardship practices in conservation and natural resource governance is being actualized. These important shifts are producing incremental changes within provincial organizations which

can be observed in the increasing willingness and openness to apply and learn more about frameworks of operating such as Ethical Space and Two-Eyed Seeing that were noted in key informant interviews. The willingness for provincial departments to have discussions in Ethical Space and through the application of a Two-Eyed Seeing lens is paving the way towards recognizing that there is not necessarily one, standard way of approaching conservation and protected areas and that Indigenous peoples are essential governance leaders (Buxton et al., 2021; Davies et al., 2013; Lyver et al., 2014).

Complementary to this increased recognition emerging from the province that the Mi'kmaq have both rights and responsibilities to stewarding their lands and waters, an additional institutional change within and across provincial departments is also emerging. Protected areas in Nova Scotia are typically the primary responsibility of Nova Scotia Environment and Climate Change (NSECC). Although the Department of Lands and Forestry as well as Department of Mines are engaged in protected areas processes, their mandates and departmental responsibilities are dispersed and fragmented from one another, and primarily oriented towards managing natural resource extraction. The definition of an IPCA described in the ICE report challenges the conventional fragmented and sectoral-based approach to protected areas and stewardship. Programs like the Earth Keepers, the Mi'kmaw Forestry Initiative, as well as work on species-at-risk are all seen as overlapping and relating to the IPCA project for the Mi'kmaq. As such, those departments that are working with the Mi'kmaq organizations on these other projects necessarily will end up being involved in IPCAs since they support and complement one another.

The Mi'kmaq working on IPCAs and these other programs are therefore facilitating discussions across departments and – ideally – coordination among departments that are not as fragmented as they may be otherwise. The facilitation of these discussions as a by-product of the IPCA project may create more space for acknowledging the interconnectivity between all activities related to lands and waters in Mi'kma'ki which is more in alignment with the Mi'kmaw worldview and ecology where an understanding and recognition of these inherent connections is already well-established. These examples are indicative of the fact that the Mi'kmaq working on IPCAs and their partners through the Challenge Fund in Nova Scotia are contributing to institutional change within the province.

5.4 Understanding institutional arrangements and operating systems for determining and mobilizing enabling spaces for Mi'kmaw IPCA governance

Another important theme that emerged from the identification of key aspirations and perspectives on IPCAs described in this chapter and that align with the outcomes from the participant observation and document review process was the acknowledgement of the need to transform the operating system that conventional protected areas in Canada function within in the future. The way that existing governance institutions are currently structured have particular social rules and norms embedded within them that then dictate how interactions between different governance actors occur (Armitage et al., 2020; Crawford & Ostrom, 1995; Ostrom, 1990). These institutions mediate the relationships between people in a particular place, their relationship to their socio-ecological environment, and the outcomes of and intent behind conservation initiatives (Armitage et al., 2020).

In the case of protected areas in Canada, the concept of protected areas emerged through western value systems that are largely state-centric and do not possess the capacity to recognize and create space for Indigenous worldviews without transformation (Lyver et al., 2014). As such, although efforts have been made to recognize Indigenous rights and responsibilities in determining relationships to lands and waters through the Pathway to Target 1 initiative and over the course of many decades of advocacy by Indigenous nations across Turtle Island/Canada, these relationships may continue to be governed by the same social norms and rules of western, state-centric institutions whose authority and power are grounded in historical dispossession, marginalization, and exclusion without institutional change (Howitt et al., 2013).

There is a distinction between integrating and including Indigenous knowledge and values into western institutions versus co-creating institutions that are grounded in both Indigenous and western values and knowledge (CRP Virtual Campfire Series, Oct 22, 2020; Beveridge et al., 2020; Howitt et al., 2013; Obermeister, 2017; Wheeler & Root-Bernstein, 2020). This concern was expressed by all key informants in the context of IPCAs and their recognition in Nova Scotia. To find a solution to these institutional constraints that continue to privilege western knowledge and values over Indigenous perspectives, new frameworks for engagement and conceptions of what protected areas can be must be employed through innovative methodological toolboxes that can elicit insights from multiple knowledge systems (Beveridge et al., 2020; Howitt et al., 2013; Wheeler & Root-Bernstein, 2020). In the future, IPCAs could offer an opportunity to co-create an institution (or perhaps, institutions) that could transcend institutional systems that exist today. This would effectively establish IPCAs and potential institutions as a

boundary object that may offer the chance to overcome the operational siloes that currently exist between governmental departments (Zurba et al., 2018). Through this, institutional change that redefines social norms and rules around relationships to lands and waters may be able to emerge (Crawford & Ostrom, 1995).

In the context of IPCAs, the ICE report acknowledges these inherently different operating systems and proposes that IPCAs are advanced through frameworks that recognize the need for new modes of interaction that transcend existing operating structures and set new institutional operating standards and norms rooted in respect, relationships, and reciprocity (ICE, 2018). Two-Eyed Seeing and Ethical Space recognize that Indigenous knowledge systems and western knowledge systems are inherently different (Buxton et al., 2021; ICE, 2018; Gavin et al., 2018). Two-Eyed Seeing and Ethical Space offer an opportunity to mobilize institutional change by having governance actors come together in a co-created space that recognizes the histories of each actors' knowledge systems and worldviews and the fact that both systems emerged through systems that are value-laden (ICE, 2018; Ermine, 2007; Ludwig & Poliseli, 2018). By having each actor decide to enter a shared space together, the relationship between the actors can be transformed from the state being the central decision-maker, to a point where the agency of – in this case – the Mi'kmaq is recognized as being equal to the state and possessing knowledge, experience, and worldviews that are not "supplementary" to western knowledge, but that are legitimate and valuable in it's own right and by the standards of legitimacy that the communities that this knowledge emerged from value. Through active engagement in Ethical Space, actors start conversations from a more balanced vantage point because a decision is made by the two (or multiple) actors to

engage and build a relationship to advance a particular initiative – in this case IPCAs (Ermine, 2007).

For the Mi'kmaw organizations working towards advancing IPCAs in Nova Scotia, the need to build an institutional operating space that is rooted in respect and equal footing has already begun through the "Made-in-Nova Scotia-Process" and the Terms of Reference that was established prior to the development of the IPCA project. For IPCAs to be led by the Mi'kmaq, an MOU or a similar type of engagement agreement grounded in principles of Two-Eyed Seeing and Ethical Space may offer an opportunity to guide the IPCA process moving forward in a respectful way that honours the Peace and Friendship Treaties and the aspirations of the Nova Scotia Mi'kmaq to lead IPCA development process. It is important to note, however, that the values that would guide the interactions within the IPCA operating space should be determined by the Mi'kmaq and therefore Two-Eyed Seeing and Ethical Space are just two examples of values that emerged through the data collection for this project as potentially serving as a useful place to begin to mobilize transformative change through IPCAs.

Moving forward, considering ways to restructure and transform existing institutions that honour and respect Indigenous laws, worldviews, and governance systems will be needed. Tuma Young, a Mi'kmaw legal scholar, suggests that one way to create space for Indigenous worldviews is to reincorporate Mi'kmaw legal principles into institution-building (CRP Virtual Campfire Series, Oct 22, 2020; Young, 2016). This suggests that changes in how knowledge and reality are perceived, interpreted, and constructed also needs to change (Young, 2016). Since protected areas are often related to wilderness ideologies and are assessed based on biophysical performance more so than

socio-cultural outcomes, IPCAs will require considerations that reflect much more complex and interconnected relationships that Indigenous worldviews encapsulate (Binnema & Niemi, 2016; Stacey, Izurieta & Garnett, 2013). Respecting Indigenous knowledge systems and worldviews in the context of protected spaces will require creating space for understanding relations with lands and waters to include cultural sensibilities, interdependence, and reciprocity (Prosper et al., 2011). Actualizing this respect for Indigenous ways of knowing and operating will involve situating and empowering Mi'kmaw laws and cultural practices as sources for informing opportunity creation and a recognition that redefining our institutions and discourse around protected areas is necessary (Prosper et al., 2011; Shultis & Heffner, 2016). There needs to be actions and commitments made to fully account for the motivations and interests of Indigenous peoples in the context of environmental governance that necessarily reflect complexity and interconnectedness that extend beyond government policies (Zurba & Bullock, 2018). This will take time, however, therefore a tool such as an MOU or agreement might be able to offer a chance for the Mi'kmaq to clearly indicate their broad, overarching aspirations for and perspectives on the roles and responsibilities related to IPCAs in Nova Scotia rooted in Mi'kmaw worldviews to guide the project as it evolves over time.

5.5 IPCAs and relationships between PAs governance actors to foster and support Mi'kmaw aspirations for IPCAs in Nova Scotia

Another important theme that was identified as needing further discussion moving forward in the context of IPCAs was related to the need for a clear delineation and devolution of power. Community-led conservation initiatives that perform poorly are often critiqued as being a result of ineffective devolution of power and authority (Hutton

et al., 2011). Devolving power is framed by the literature as a precondition for collaborative approaches to protected areas because it allows communities to determine their own decision-making structures and the structure of the relationships that they view as essential for achieving their goals (Gruber, 2006). At its core, governance is rooted in decision-making authority and agency (Kooiman, 2003). In building a governance vision for IPCAs, it will be essential to understand who is in charge of decision-making and what is being included and assessed in terms of desired and effective governance which in this case should be determined by the Mi'kmaq (Hernandez-Gonzalez & Corral, 2017). The legitimacy of the agency that governance actors possess to make decisions is determined by the socio-cultural norms that hold up institutional systems (Brechin et al., 2003; Crawford & Ostrom, 1995).

In terms of environmental governance and planning for conservation initiatives, legitimacy of knowledge, norms and customs of Indigenous peoples are still largely seen as supplementary and not as legitimate as western-scientific knowledge because Indigenous modes of inquiry are not in alignment with western processes (Clement, 2019). Tuma Young articulates that Mi'kmaw knowledge is often given surface accommodation but not applied, viewed, or included as equally valid in decision-making contexts (Young, 2016). Although the ICE report and commitments made through the Pathway to Target 1 indicate that there are promises to change by the Canadian government, it is still essential to recognize that what is supported and asserted at the federal level still needs to trickle down into provincial and local spaces. This takes effort, resources, time, and relationship-building since legitimacy and recognition is rooted in trust and trust-building is a precondition for effective governance (Gruber, 2006).

The imposition of a western worldview to "legitimize" Indigenous systems of knowledge, governance, and agency does not reflect the recognition of Indigenous authority and sources of knowledge that emerge from their inherent rights, responsibilities, and relationships to lands and waters that emerged from ancestral governance institutions (Armitage et al., 2020; Beveridge et al., 2020). For the Nova Scotia Mi'kmaq to be recognized as governance leaders, jurisdiction over IPCAs will need to be recognized and a clear, transparent devolution of power in the context of these areas from provincial and federal governments will need to occur (Beveridge et al., 2020). Jurisdiction is where Indigenous authority and self-determination can emerge (Beveridge et al., 2020). For jurisdiction to have legitimacy, a transformation within institutional operating systems that are structured to give government actors the capacity to exert sovereignty needs to happen to recognize that it is not just the state who possesses power in these systems.

Legitimate recognition as having jurisdiction and authority over IPCAs was a concern that was raised repeatedly in key informant interviews. If space is not created to allow the Mi'kmaq to retain legitimate jurisdiction over these areas, then the authority of the Mi'kmaq has the potential to be undermined. This topic was described by participants as a bit elusive at this stage in the IPCA development process. Since the Challenge Fund support was applied for in partnership between the Mi'kmaw organizations leading the IPCA process and the province, there remain questions around how much power the province is willing to devolve to the Mi'kmaq to self-determine what IPCAs can and should be.

These conversations are emerging in Nova Scotia. As the Mi'kmaw organizations elected to work on IPCAs begin mobilizing these discussions with the province, it will be essential to discuss the challenging topics of power devolution and power-sharing as well as articulate clear expectations of roles and responsibilities related to IPCAs that the Mi'kmaq view as being essential for IPCAs. Tools such as memoranda of understanding, protocols for collaboration, and ongoing liaisons are useful for ensuring that as the governance vision for IPCAs emerges such that all partners are aware of their responsibilities (Reo et al., 2017; Zurba, 2018). If IPCAs are to be Indigenous-led and self-determined, then expectations around power devolution and power-sharing should come from the Mi'kmaw communities and organizations that are helping to lead the process. From there, an assessment of how current operating systems can be transformed can be elucidated collaboratively. As the initiative to advance IPCAs in Nova Scotia progresses and evolves, there will need to be enabling legislation, dynamic institutional arrangements, and adaptable power-sharing arrangements (Gruber, 2006).

Chapter 6 – Conclusion

The specifics of what the IPCA governance structure could and should look like according to the Mi'kmaq of Nova Scotia is still at its development stage. The document review for this project allowed an analysis of critical events that have contributed to the emergence of IPCAs in the context of Nova Scotia and articulated the ways that multi-scalar actions, decisions, and shifts (from global to local) have created opportunities for IPCAs that did not exist before. In addition, participant observation at IPCA Advisory Committee meetings and the key informant interviews provided essential context for understanding and identifying areas where the Mi'kmaw organizations leading the IPCA development process in Nova Scotia are mobilizing change and taking advantage of opportunities to work on IPCAs in support of the communities they serve.

6.1 Overarching governance actors, elements, and interactions of critical importance to IPCAs in Nova Scotia

This project highlighted some essential actors, elements and interactions important for IPCAs in the Nova Scotia context. There are five overarching areas that the Mi'kmaw organizations and IPCA Advisory Committee working on IPCAs in Nova Scotia may wish to prioritize as they continue to advance the IPCA project supported through the Challenge Fund. These elements emerged through this project as essential but beyond the scope of this project and therefore may offer next steps for prioritization.

Mi'kmaw Communities Engagement & Aspirations – A central and overarching priority of all individuals working on IPCAs through the Challenge Fund is the importance of engaging and discussing IPCAs with Mi'kmaw community members as

well as working towards aligning IPCAs with the aspirations for key outcomes of IPCAs. COVID-19 posed many restrictions and limitations to the capacity of the organizations working on IPCAs to engage with the communities that they serve in the ways that they normally would. Moving forward, expanding the efforts to engage and bring community members into the decision-making and visioning processes around IPCAs will be central to the success of the initiative in remaining aligned with the spirit and essence of IPCAs for the Mi'kmaq.

Respectful & Engaged Relationships - In Nova Scotia, the willingness of the governance actors to work on IPCAs together through the Challenge Fund creates fertile ground for co-producing knowledge that is rooted in the recognition that knowledge and action are interlinked (Wheeler & Root-Bernstein, 2020). Restoring Indigenous governance in spaces like conservation and protected areas that have largely been state-led since institutionalized in Canada will require transitions and transformations that may need to occur in stepwise processes (Lyver et al., 2014). All elements of the IPCA process and what IPCAs should look like are not yet defined at this stage; however, it was acknowledged by all key informants that learning through action will be necessary and this will also apply to governance arrangements and mechanisms. Establishing processes for respectful and engaged relationships between the Mi'kmaw actors (e.g. organizations, communities, governments) and non-Mi'kmaw actors (e.g. ENGOs, Canadian and provincial governments) will be essential for IPCA success (Buxton et al., 2021; Gavin et al., 2018; Pittman & Armitage, 2019). Identifying the operating and engagement processes that are more suitable, relevant, and appropriate for the Mi'kmaq working on IPCAs will be important to assess and indicate (Wyatt et al., 2019).

Principles of Two-Eyed Seeing and Ethical Space may continue to serve as useful frameworks for engagement to foster these important relationships.

Cross-Scalar Networks for Learning – The importance of learning was a recurring theme that emerged through the data collection process for this project. Learning has been highlighted as essential for both fostering strong relationships between diverse actors engaged with IPCAs as well as for sharing information and experiences between Indigenous communities across Canada working towards or who have already established IPCAs (Buxton et al., 2021; von der Porten, 2019). The CRP is one mechanism that is supporting the emergence of such networks; however, establishing a Mi'kmaw-focused network may also be useful within the province of Nova Scotia to actualize the aspirations for IPCAs as places. In addition, establishing networks across scales (local to global) that can support recognition of the work that the Mi'kmaq and other Indigenous peoples are doing across Turtle Island/Canada may also offer opportunities to recognize and assert the essential role of the Mi'kmaq and Indigenous peoples in stewarding their ancestral lands and waters as environmental governance leaders (von der Porten et al., 2019). Celebrating successes and sharing learning experiences can inform further self-strengthening, coordination, and empowerment amongst Indigenous peoples globally (Sharma-Wallace et al., 2020; von der Porten et al., 2019; ICCA Consortium, 2017).

Adaptive & Responsive – Adaptive capacity needs to be embedded into the IPCA process (Buxton et al., 2021; Lyver et al., 2014; von der Porten et al., 2019; Wyatt et al., 2019). Since the endorsement of IPCAs by the Canadian government is recent and the biocultural context of Canada is very diverse, the ways in which IPCAs will develop across Canada will also be diverse, containing many unknowns at present (ICE, 2018; S.

Nitah, personal comm., July 3, 2020). Different communities will have different needs, aspirations, and capacities and so the governance arrangements of those spaces may be different. Further, relationships are constantly evolving so they require attention and renewal as circumstances change (Young, 2016). Resilient systems of governance have the capacity to adapt and transform in response to such changes (Lee et al., 2019). Adaptive approaches to governance focused on learning, collaborating, and transforming institutional landscapes are therefore essential (Cosens & Chaffin, 2016; Beveridge et al., 2020). Adaptive governance is especially important in situations where problems and projects are characterized by multiple actors, influences, long time-frames, different perspectives, and knowledge and resource gaps (Sharma-Wallace et al., 2020). To establish governance arrangements that are responsive to this diversity, it will be essential as the IPCA initiative advances to remain adaptive, inclusive and collaborative to ensure that diversity is recognized, celebrated, and supported.

Connectivity & Accountability – One final element to consider is the role of the federal government in advancing IPCAs in Mi'kma'ki. The marine environment falls largely under the jurisdiction of the federal government – particularly the Department of Fisheries and Oceans Canada (DFO) (DFO, n.d.). As such, if Mi'kmaw communities would like to establish an IPCA that spans land and sea, it will require both the provincial and federal governments to be engaged and willing to collaborate with Mi'kmaw communities on-the-ground to negotiate and determine jurisdictional and land acquisition roles and responsibilities. Since there is no protected areas legislation that protects the land and sea environments together, there may be an opportunity for IPCAs to produce institutional change through merging land and sea protection and governance. This may

also produce transformation in institutions that better align with Indigenous worldviews. Investigating the complexities of this is beyond the scope of this project but will be important for future discussions around IPCAs.

6.2 Outcomes and next steps for IPCA development in Nova Scotia

Ultimately, the outcomes of this collaborative research project have highlighted that the IPCA initiative in Nova Scotia is at a critical stage in its development. The organizations and community members engaged in and working on IPCAs are approaching a point where articulating and exploring governance arrangements and community aspirations for IPCAs is being positioned at the forefront.

This project provided an overview of some of the critical changes that have been occurring across global, federal, and provincial/local scales that have created space for the IPCA project to emerge through the Challenge Fund. Understanding the historical and current context of how and why IPCAs emerged this way and at this time is useful for identifying critical actors, efforts, and collaboration supporting the IPCA development process in Nova Scotia. In addition, this project provided an analysis of some of the existing opportunities and challenges associated with advancing Mi'kmaw-led governance of IPCAs in NS. Although just a starting point, this project has also provided some examples (e.g. Tribal Parks) and contexts where there is existing space for co-governance (e.g. existing Wilderness Areas) and for Mi'kmaw governance of IPCAs (e.g. fee-simple private lands purchased through the Mi'kmaw-led Land Trust). Spaces where further transformation may need to occur to pave the way for IPCAs to be established in alignment with Mi'kmaw aspirations for governance of IPCAs were also discussed. Some examples include shifting the siloed operating systems of different provincial

departments and clearly articulated commitments to devolving decision-making power to the Mi'kmaq.

This analysis provided the Mi'kmaw organizations working on the IPCA project through the IPCA Advisory Committee additional information to contribute to their growing knowledge base supporting their IPCA initiative. Lastly, the key informant interviews highlighted some aspirations for and perspectives on IPCAs that some Mi'kmaw community members have for IPCAs in Mi'kma'ki such as forefronting Mi'kmaw laws and governance systems, being recognized as having agency to determine relations to lands and waters, and to engage in Two-Eyed Seeing through Ethical Space. These themes contributed to identifying some key values important for guiding the IPCA initiative and institutional space that may need to occur to honour these perspectives.

Ultimately, this project provided an in-depth analysis of the ways that IPCAs serve as an opportunity for Mi'kmaw communities to advance efforts to reclaim governance agency in stewarding their ancestral homelands in NS. This project identified some essential factors that contributed to opportunities that IPCAs offer Mi'kmaw communities as well as articulated some of the challenges that Mi'kmaw communities may face moving forward. The Challenge Fund supported IPCA initiative in Nova Scotia is just a starting point for IPCAs. It is also just one piece of an overarching goal to transform governance institutions in Canada in the spirit of reconciliation and through decolonizing approaches that foster a future built upon shared understandings, nation-to-nation relationships and peaceful co-existence.

6.3 Epilogue: Reflecting on Community-Partnered Research

This project was my first experience engaging in community-partnered research. I had expectations going into the project about what was expected of me based on literature. For example, being prepared, well-informed, keeping strong communication standards, remaining flexible, as well as the importance of spending time "in place" to build strong relationships. These expectations I had read about repeatedly, and I thought I had a good grasp of them prior to actively building this project with the CMM and UINR. In action, I learned that being "in place" can mean different things – especially in the context of the COVID-19 pandemic. Since COVID-19 forced us to work apart from one another, what became apparent was that the dedication of partners to co-creating and nurturing an "ethical space" for engagement is essential for meaningful partnership. Being honest about your capacities, strengths, weaknesses as well as what makes you nervous or what you are most excited about can help you to truly build a collaborative working space with your partners. Being willing to spend time listening, exploring, and imagining – together – in a shared and co-created space can foster the energy and inspiration to carry a project forward. A key lesson that emerged was the importance of reflecting on the intentions that you and your partners have for the project. These intentions can help you to form your shared "ethical space" so that you can work together no matter if you are in-person or forced to work apart.

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Appendix A – Record of Participant Observation Dates, Location, and Key Highlights

Observation #	Date	Location	Key Highlights and Information
1	June 16 2020	Zoom	• Background on Challenge Fund • Land acquisition information • Initial introduction and information about the Mi'kmaw-led Land Trust
2	August 18 2020	Zoom	• Land acquisition, land types, designation discussion • Mi'kmaw-led Land Trust governance discussion
3	October 20 2020	Zoom	• Youth involvement in Land Trust discussion • Invitation of guests and partners in support of IPCA work around Challenge Fund – discussion around importance of information-sharing
4	December 8 2020	Zoom	• Land-trust updates • Nature Conservancy of Canada guest • NSECC guest • Information-sharing
5	February 5 2021	Microsoft Teams	• Land-trust updates • Discussion around governance visioning and Ethical Space

Appendix B – List of Interview Participant Demographics

Number of interviews	Participant reference in-text	Description of participants
11 interviews	IPO participants	Participants working for an IPO (both Mi'kmaq and non-Mi'kmaq)
3 interviews	Provincial government participants	Participants who work for a Nova Scotia provincial department
4 interviews	Mi'kmaw community member	Participants who contributed to project as Mi'kmaw community members

Appendix C – Summary of Responses from Interview Guide Questions

Part A: General Questions

1. What organization/community do you belong to?
    - Mi'kmaw organizations (IPOs), communities, provincial government
2. How would you define Indigenous Protected and Conserved Areas?
    - Primarily in line with the ICE report definition
    - Needs to be adaptive and responsive to the needs and aspirations of communities
3. How have you been involved/how do you hope to be involved in the IPCA development process?
    - Most participants hope to be involved in whatever ways that communities wish them to be; in particular, participants from IPOs are interested in continuing to support the communities that they serve

Part B: Establishment of IPCAs in Mi'kma'ki

4. In your experience, what would you describe as the key changes that have occurred in Mi'kma'ki or Canada more broadly that have contributed to moving the development of IPCAs forward?
    - UNDRIP, TRC Calls to Action, Aichi Biodiversity Targets, ICE report
5. What policy shifts – provincial/federal (depending on participant) - do you view as being critical for advancing IPCAs?
    - Recognition of the rights and responsibilities of Indigenous peoples to steward ancestral lands and waters
    - Recognition and space for Indigenous knowledge; valuation of Indigenous knowledge as equally valid and legitimate as western knowledge
    - New governance arrangements that assert/give governance authority to Mi'kmaw communities to participate in decision-making related to relationships to lands and waters of Mi'kma'ki
6. How do you anticipate the process of establishing IPCAs in Mi'kma'ki being received by the provincial/federal government?
    - Generally well-received by all levels of government, however, slow to publicly endorse and provincial bureaucratic processes are slow to catch up to federal commitments to supporting IPCAs and UNDRIP
7. What types of collaboration do you expect will be necessary in establishing IPCAs and what sorts of conflicts (if any) do you expect to arise from this process?
    - Collaboration: knowledge- and information-sharing, resource sharing, partnerships, and collaborative management programs
        i. Partnerships with provincial government, ENGOs, municipalities, universities/researchers
    - Conflict: No definitive conflict; however, with slow public endorsement, may result in slower public acceptance
8. What types of management arrangements do you expect to see considered/discussed in the IPCA development process?

- Ideally, these would be derived from within communities; however, informed by the existing data and information that those who currently have jurisdiction of these areas possess
- Two-Eyed Seeing approach to arrangements that recognize Mi'kmaw stewardship rights and responsibilities
- Ideally, Mi'kmaw-led but resource and personnel-sharing would be helpful initially

9. What sorts of gaps (if any) do you see with respect to support from the provincial/federal government that need to be filled for IPCA development to be effectively facilitated?
   - Willingness for province and federal government to devolve power and give authority/decision-making authority to Mi'kmaw communities
   - Willingness of province and federal government to share information and resources
   - The funding mechanisms that will enable IPCA governance that is Mi'kmaw-led in perpetuity

10. How have you/have you been engaged with/involved in the Guardian programs in Mi'kma'ki?
    - Varied based upon participant

11. How do you/do you anticipate the Guardians programs will be involved in IPCA development?
    - All participants viewed Guardians – called Earth Keepers by the Mi'kmaq – as being essential to the success of IPCAs
    - Some roles identified: Knowledge-holders, sharers of knowledge, facilitators of communication between Indigenous and non-Indigenous peoples, stewards and protectors of the lands and waters, facilitators of intergenerational knowledge-sharing, serving as role models for future generations

12. What knowledge gaps (if any) do you think need to be filled before IPCAs can be put forward effectively in Mi'kma'ki?
    - Mi'kmaw community member, Elder, and Knowledge Holder perspectives – COVID-19 has dramatically hindered the opportunities to engage with communities in the ways that IPOs feel is needed for IPCAs
    - What governance mechanisms are being mobilized that could be applied in Mi'kma'ki?
    - What types of Indigenous-led IPCA or conservation work is being done in other places that could be relevant to the Mi'kmaq/Nova Scotia context?

Part C: Establishment of IPCAs in Mi'kma'ki

13. What resources do you think Mi'kmaw communities will need to effectively propose IPCAs to provincial/federal governments?
    - Funding, active participation, engagement, and leadership by community members at all levels and through all generations
    - Operating protocols

14. What kind of supports do you think communities would need to maintain IPCAs in the long-term?
    - Funding – innovative approaches to funding that align with values and aspirations of communities

- Recognition by governments and public
- Engagement and interest of Mi'kmaw communities

15. What sorts of differences (if any) do you expect Mi'kmaw communities around the province to face in terms of restrictions/resistance in proposing and developing IPCAs?
    - Some may face more issues in acquiring full governance and decision-making power because of existing mineral/resource agreements or the amount of provincial Crown lands
    - Some communities may be facing other internal/external issues and IPCAs may not be a priority at this moment

16. What are your thoughts on public access to IPCAs?
    - Generally, everyone was happy to keep these areas publicly accessible
    - Noted that certain areas where burial sites may exist or medicinal plants that are at risk of being exploited may require more restriction/seasonal access
    - Highlight that these areas can be places for learning for non-Mi'kmaw and places for revitalization, healing, reconnection for Mi'kmaq; can foster more positive relations with lands and waters in general for all

17. What role do you feel the CMM/UINR can play in advancing the IPCA process?
    - Continue supporting communities in the way that they are

18. What (if any) concerns do you have over the establishment of IPCAs in Mi'kma'ki?
    - Willingness to devolve power
    - Ability to engage with communities within the timelines set out for the Challenge Fund; timeline for funding was expressed as a concern

Part D: Values and aspirations for IPCAs in Mi'kma'ki

19. What values do you hope to see embedded in the IPCA development process?
    - Two-Eyed Seeing, Ethical Space, Mi'kmaw laws and governance principles, respect, reciprocity, intergenerationally, learning

20. What elements of Mi'kmaw culture/values do you view as being critical to establishing IPCAs?
    - Netukulimk, relationships, stewardship, rights/responsibilities, Two-Eyed Seeing

21. What outcomes do you hope IPCAs will provide Mi'kmaw communities?
    - Healing, revitalization, reclamation, reconnection, empowerment, learning

22. Do you expect IPCAs to benefit different Mi'kmaw communities in different ways?
    - Frequently described as being context-specific and needing the space for IPCAs to evolve based on the needs/aspirations of the communities at the time

23. How would you describe ideal management/governance arrangements for IPCAs in Mi'kma'ki?
    - Sole Mi'kmaw governance that is led by the Mi'kmaq, for the Mi'kmaq; this was agreed by all participants – Mi'kmaq and non-Mi'kmaq
    - Collaboration and partnerships still emphasized as being essential and desired by both Mi'kmaq and non-Mi'kmaq participants
    - Flexibility needed because depending on the geographic area, context may be different in terms of opportunities (e.g. tourism, education) or needs of communities may be different (e.g. need for economic opportunities, cultural revitalization)

24. Do you expect/believe that management arrangements could/should be different depending on the location within Mi'kma'ki?
    - Yes – context specific
25. What are your thoughts on IPCAs being counted in contributing to Canada's protected areas national targets?
    - Generally, this was described as a positive thing, however noted that it should not be the determining factor for an IPCA to be identified as an IPCA; if it happens to overlap with Canada's definition of PAs and communities are interested