



# governance toolkit

## best practices

**Principle:** Respect the Spirit in the Land

**Government:** Champagne & Aishihik First Nations

### OPPORTUNITY

*Located in far north-western British Columbia, Tatshenshini-Alsek Park was one of the last areas of B.C. to be mapped. The area's earliest residents were the Tlingit and Tutchone First Nations. Today, with the park in the traditional territory of the Champagne and Aishihik First Nations (CAFN), descendants of the Tlingit and Tutchone, the CAFN play an important role in its management.*

In the 1970s, private companies began rafting the Tatshenshini and Alsek Rivers generating a fast-growing and world-class river rafting industry. In the 1980s, a proposal surfaced to develop Windy Craggy peak into a huge open-pit mine with an access road going along the Tatshenshini River.

An extremely high-profile environmental campaign followed focussed both in Canada and in the U.S. As a result of the media pressure and in recognition of the environmental risks and the world class wilderness values at stake, in June 1993, the B.C. government protected the area designating Tatshenshini-Alsek a Class A park.

### NCFNG

is a national, independent, First Nations-controlled organization dedicated to supporting First Nations as they work to implement their inherent right to self-governance. The development of a set of shared principles that clearly articulate our approach to effective governance is one way in which we support that work. This NCFNG Effective Governance Case Study profiles a best practice in the principle "Respect for Spirit in the Land".

To learn more about this case study, contact:  
Champagne and Aishihik First Nations  
[www.cafn.ca](http://www.cafn.ca)

To learn more about the NCFNG:  
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Also in 1993, after more than 20 years of negotiations, CAFN's rights to the Yukon portion of its traditional lands and resources were finally confirmed with the signing of the First Nation's *Final Agreement* between CAFN, the Government of Canada, and the Government of Yukon. CAFN's land claims agreement provides for the ownership of some 2,427 square km of land and approx. \$28 million dollars to be paid over a 15-year period. A year later in 1994, UNESCO recognized the global significance of the Tatshenshini-Alsek Park and designated it a World Heritage Site

### PRINCIPLE IN ACTION

Following the Class A and UNESCO designations, in 1996, the Tatshenshini-Alsek Park Management Agreement was enacted under the Environmental Land Use Act. Under the agreement, management is a shared responsibility of the park management board made up of equal representation from the province and the CAFN.

The agreement recognizes a number of unique rights and contributions of the CAFN as co-managers of the park. These include:

- Recognition of CAFN inherent rights and self-interest in the territory
- Maintenance and operation of the park by CAFN and the intent for CAFN to become responsible for all field level work
- Representation of CAFN heritage by a network of regional trails, old village sites, campsites, cabins, caches, trail markers, petroglyphs, etc.
- Statement that the CAFN have sole authority over the use of aboriginal languages, place names, former CAFN community sites and heritage routes, and over the interpretation and depiction of aboriginal history and traditional use
- Commitment that the CAFN, B.C. and the Board will jointly and cooperatively identify heritage site areas within the park
- Guarantee that B.C. will consult with CAFN before

amending the Park Act in any way that will substantially affect the rights of the CAFN under the agreement, and will negotiate any amendments to the agreement in good faith

### **SUCCESS FACTORS**

Public education and media attention from around the world have been critical factors in the CAFN's negotiations with provincial and federal governments. An education and interpretive strategy developed with the CAFN as part of a public education campaign continues to generate positive results that include:

- Broad public awareness of the park's outstanding natural and human heritage values and an understanding of the factors that may affect them or put them at risk
- Commitment of stakeholders to carry out activities that sustain the park's heritage values
- Effective communication and information sharing between stakeholders involved in all aspects of stewardship of the park
- A shared local, territorial and national vision for the future of the Tatshenshini-Elsek Park

Throughout the negotiations all parties agreed that effective implementation of this strategy is essential to achieve the ongoing protection and management of the park's cultural, natural and historical resources. As a result, specific implementation priorities will be set within existing fiscal resources.

### **CHALLENGES**

While the UNESCO heritage designation assures the protection of the area, it also raises the profile of the park placing higher demand and strain on its resources. Some of the resulting challenges identified in the park's management direction statements include:

- Impacts on the park's wild character, ecosystems, and specific wildlife (bears) because of human use and access
- Impacts due to abandoned mines, transportation and industrial site contamination
- Potential threats from unresolved compensation of mineral claims in the park

**The Committee noted that the World Heritage designation of this area does not prejudice the titles and rights to land used by the Champagne-Aishihik First Nations**  
— UNESCO 1994 World Heritage Committee

- Traditional trails critical to understanding cultural sites need to be mapped
- Need to develop a framework for CAFN human history interpretive program
- Accountability of representation is needed: all Board positions need power to be successful

There is a challenge to maintain political interest when officials in office change. At the same time, there is a need to keep the management agreement and park identity on the political agenda. One strategy is to have the governments review the agreement annually. This helps to keep the issue in the political realm, renewing financial commitment and interest.

### **NCFNG GOVERNANCE LESSONS LEARNED**

The effective governance principle of *Respect for the Spirit of the Land* recognizes that First Nations peoples are positioned to take back our legitimate place on the land. This will be accomplished by asserting our inherent rights to protect and preserve the land and its resources, and by optimizing the economic opportunities the land provides. These rights are ours through our ancestral role as stewards of the land. It is through connecting with and honouring the spirit of the land that our governance strategies remain effective and appropriate. Asserting these rights through means such as the Kitlope Declaration is a critical step in this process.

The Tatshenshini-Elsek has been considered the first Canadian environmental protection issue to “go global.” As a result, the park designation had a high political profile. The Tatshenshini-Elsek Park Management Agreement sets out that the land and the cultural environment of the park are to be protected in perpetuity for both natural and cultural use. While that is of great significance, the agreement itself detailing the authorities and stewardship of the park is a tangible indication of the CAFN commitment to ensuring ongoing respect for the spirit of the land.

### **LINKS AND MORE INFORMATION**

Tatshenshini-Elsek National Park

[www.spacesfornature.org/greatspaces/tatshenshini.html](http://www.spacesfornature.org/greatspaces/tatshenshini.html)

Managing the Tatshenshini River as a Canadian Heritage River

[www.environmentyukon.gov.yk.ca/pdf/tatbook.pdf](http://www.environmentyukon.gov.yk.ca/pdf/tatbook.pdf)

Periodic Report on the Application of the World Heritage Convention

[www.pc.gc.ca/docs/rspm-whsr/rapports-reports/r12\\_e.asp](http://www.pc.gc.ca/docs/rspm-whsr/rapports-reports/r12_e.asp)