

Brief – First Nation Protected Areas Memorandum of Understanding (FN PA MOU)

November 2006

Decisions regarding public lands and waters affect Aboriginal communities. Therefore, the obligation for meaningful consultations with Aboriginal communities in relation to treaty and constitutional rights is an essential part of decision making about Manitoba's lands and waters. This obligation also applies to steps to establish protected areas in Manitoba.

In 1998 the Government of Manitoba cabinet ministers responsible for land use, the Manitoba Assembly of Manitoba Chiefs, and the Manitoba Keewatinowi Okimakanak (MKO; now Manitoba Keewatinook Ininew Okimowin or the northern Manitoba First Nation's Government House) signed an Memorandum of Understanding (MOU) regarding the "design, establishment and management of protected areas" in Manitoba. The principles in the MOU were originally developed through a series of discussions that took place between WWF Canada and MKO. The executive of MKO and of AMC approved these principles and directed that the MOU should be negotiated with the provincial government.

The MOU is a mechanism to ensure meaningful involvement of affected First Nation communities in the identification, establishment and management of protected areas. Another central function of the MOU is to ensure that areas designated as protected areas will not infringe upon Aboriginal or treaty rights. The MOU contains protocols for both the nomination of protected lands and consultation regarding areas under review for protected status. It also clearly affirms that traditional uses, including hunting, trapping, gathering and ceremonies will be 'protected' within protected area designations.

Under the FN PA MOU, a community can nominate lands within its traditional territory (or Community Impact Zone (CIZ), or Resource Management Area (RMA), etc.) for protection using a Band Council Resolution or quorum letter from Chief and Council.

This MOU was extended in fall 1999 by the Manitoba Minister of Conservation (the Minister responsible for communicating with First Nations communities regarding parks and protected areas) and has been confirmed by each Manitoba Minister of Conservation since. The First Nation Protected Areas MOU continues to be the basis for the interaction with First Nations in the process to establish protected areas in Manitoba. At any point in time there are as many as 15 or 20 First Nations affected by decisions regarding protected areas in Manitoba, where the standards in the MOU apply.

The FN PA MOU was written into the original terms of reference for the East Side Planning Initiative.

View the First Nation Protected Areas Memorandum of Understanding
http://www.gov.mb.ca/conservation/pai/mou_complete1.html