



NATIONAL ADVISORY PANEL PATHWAY TO CANADA TARGET 1 TERMS OF REFERENCE (FINAL)

The Pathway to Canada Target 1 is a national initiative involving many government departments, Indigenous groups, communities, and organizations across Canada. Details regarding the overall initiative can be found in the terms of reference for the overall initiative. This terms of reference provides further details about the role and functioning of the National Advisory Panel.

THE NATIONAL ADVISORY PANEL

In Canada, we are privileged to enjoy a country rich in natural landscapes; Canada's biodiversity supports our cultures, our environment, and our economy. Helping protect biodiversity, while encouraging the sustainable use of nature, is a responsibility that all Canadians share. Canadian governments recognize the importance of protected and conserved areas for maintaining biodiversity, and have committed to collaborate through the Pathway to conserve at least 17 percent of Canada's terrestrial areas and inland water by 2020.

It is well understood that many governments, Indigenous peoples, communities, and organizations across Canada have a significant interest and/or stake in the outputs from this process and that the solutions associated with achieving Canada Target 1 will only be found through collaboration and collective action within and amongst those groups. Accordingly, Ministers who oversee parks, wildlife, conservation and biodiversity from the federal, provincial and territorial governments are seeking advice from a National Advisory Panel (NAP), with members who represent a broad spectrum of perspectives. The NAP will provide advice to ministers to inform decisions on how to conserve, by 2020, at least 17% of terrestrial areas and inland water through networks of protected areas and other effective area-based conservation measures.

PURPOSE

The purpose of the National Advisory Panel is to provide recommendations reflecting a broad spectrum of perspectives and based on the best available science and traditional knowledge on how governments, non-governmental organizations and Canadians could collectively achieve Canada Target 1 through a coordinated and connected network of protected and conservation areas throughout the country that could serve as the foundation for biodiversity conservation for generations to come.

ETHICAL SPACE

The Pathway to Canada Target 1 is a national initiative undertaken in a time of dynamic change. The NAP members aspire to undertake their work in a framework that informs the participation of NAP members and their deliberations. This framework could be described as creating an ethical space within which NAP carries out its mandate. This ethical space is a co-created space through which different knowledge systems, lived experiences, perspectives, understandings, language, and dialogue may be carried out in a respectful, conscientious, and deliberate manner.

The framework is comprised of the following: The United Nations Declaration on the Rights of Indigenous Peoples; the Truth and Reconciliation Commission of Canada Calls to Action; the Canadian Constitution; Treaties, Agreements, and Other Constructive Arrangements; and Canada's international obligations and undertakings as represented by the Aichi Targets and further to international law such as related multi-lateral environmental agreements, human rights instruments, and customary international law. The work of the NAP is therefore a manifestation of reconciliation and a contributor to reconciliation in a rapidly changing world.

MANDATE

The mandate of the National Advisory Panel is to

- Provide practical and innovative recommendations to governments and Canadians that reflect a broad spectrum of perspectives and that are based on the best available science and traditional knowledge on:
 - How governments, non-government organizations, industry, and Canadians can collectively achieve Canada Target 1 by 2020;
 - Guidance for establishing a coordinated network of terrestrial protected areas, Indigenous conservation areas, and other effective area based conservation measures across Canada that are effectively and equitably managed, well connected and integrated into the wider landscape, include areas of importance for biodiversity and ecosystem services and that together achieve ecological representation; and
 - Solutions to potential barriers to achieving Canada Target 1 by 2020 and to implementing the guidance over the long-term, including ideas for integrating implementation with other priority programs, such as species at risk and climate change adaptation.
- Provide an assessment of mature protected area processes already underway that have a clear record of indigenous support and are well suited to Canada reaching and exceeding Target 1.
- Advise on foundational elements (such as governance, legislation, incentives, funding) that may be required over the long-term for designing, establishing, and effectively managing a coordinated and connected terrestrial network of protected and conserved areas throughout the country that would serve as the foundation for biodiversity conservation for generations to come.

SCOPE OF WORK

In scope:

- The production of a report with recommendations on how Canada can achieve the quantitative and qualitative elements of Canada Target 1 for terrestrial, inland water, and connecting coastal ecosystems including estuaries, with the recognition of that there is a continuum between the inland and coastal ecosystems.
- In particular, the NAP is expected to provide innovative recommendations for the following elements associated with Canada Target 1:
 - Canadian criteria for protected areas and other effective area-based conservation measures that are credible, clear, and consistent with internationally recognized approaches¹;
 - Representation of Canada's diverse ecology in protected areas and other effective conservation measures,
 - Equitable management of protected areas from a local community perspective¹,
 - Management effectiveness of protected areas and other effective conservation measures,
 - Areas important for biodiversity and ecosystem services,

- Connecting protected and conservation areas and integrating them into the wider landscape.

Out of scope:

- Recommendations exclusive to marine networks.

¹ In order to reflect a renewed relationship with Indigenous Peoples based on respect, cooperation, partnership and the recognition of rights, an Indigenous Circle of Experts (ICE) has been established and asked to develop guidance options specific to Indigenous protected and conservation areas (IPCA's) and equitable management from an Indigenous perspective. The ICE is comprised primarily of Indigenous people along with representatives of federal/provincial/territorial governments. The ICE will interact with the NAP to align efforts and mutually inform the deliverables of both bodies.

METHOD OF WORK AND SUPPORT

Members of the National Advisory Panel are expected to uphold the principles established for the entire Pathway initiative, namely:

- Reconciliation,
- Respect,
- Inclusiveness and collaboration,
- Transparency,
- Recognition and empowerment of existing related processes,
- Innovation and creativity, and
- Evidence-based decision making grounded in truth derived from western empirical science and Indigenous knowledge to achieve biodiversity conservation outcomes.

Members of the NAP will serve as individuals bringing their expertise, knowledge, and perspectives, rather than acting solely as representatives of, or advocates for their current affiliation. In addition, members will respect people's ethical space, including oral principles of practice, in order to develop foundational solutions together. Finally, members will balance the principle of transparency with confidentiality of discussions where appropriate.

The NAP will make use of discussion papers produced by the Expert Task Teams on the elements associated with Canada Target 1 to help inform and expedite its work.

The NAP may consult with other topic experts and/or invite them to present at its workshops, keeping in mind the time and budget limits of the Pathway

It is hoped that NAP members will engage informally with their networks of individuals and organizations to help build understanding of the Pathway initiative and to obtain relevant information that could help the work of the NAP.

The NAP will be supported by the Pathway Secretariat with:

- Administrative and logistic support for meetings
- Research tools and resources

Members of the Secretariat will be available to attend meetings of the NAP as technical resources and to provide support.

External facilitation services will be provided for the NAP workshops.

Financial support will be provided to NAP members as follows:

- Travel expenses will be reimbursed at cost on submission of claims and receipts, following Government of Canada guidelines

- Honoraria will be provided on an as need request basis following Government of Canada Cost Recovery Regulations.

OPERATING PROCEDURES

1. Panel Members' roles

- 1.1. Panel members are expected to make every effort to attend all in-person workshops and engage in all aspects of the work of the Panel.
- 1.2. Absence from two consecutive meetings or parts of two consecutive meetings will lead to a discussion by the National Advisory Panel co-chairs of that member's continued involvement.
- 1.3. Such discussion shall be informed by either the member's presence or by an interview conducted by the facilitator. If desired or necessary, or if there are special circumstances, the co-chairs or a member can conduct the interview.
- 1.4. The Panel members can send in their views to all members or facilitator if they are unable to attend meetings. It will then be the responsibility of the facilitator to share the member's views.
- 1.5. Members will not be asked to make recommendations based on information that they have not had an opportunity to consider in advance of the meeting. Where a lack of information constrains the making of recommendations, members will attempt to obtain that information, or acknowledge the lack of information in their recommendations.
- 1.6. The Panel members will participate respectfully and act in good faith in all aspects of the process.
- 1.7. Members agree they will advocate consistent positions both within and outside of the Panel.
- 1.8. Where there are multiple views on a particular matter these will be articulated as well as the reasons for taking those positions. The record of decision should reflect reasons for these views and weight of support.
- 1.9. Communications between meetings are encouraged and will be conducted by email, phone or video conference as appropriate
- 1.10. Members are encouraged to share information with other Panel members whenever appropriate.

2. Co-chairs' role

- 2.1. The co-chairs of the Panel are designated by the Minister of Environment and Climate Change Canada and Alberta Minister of Environment and Parks.
- 2.2. The co-chairs will act as a liaison between the Panel and the National Steering Committee co-chairs and the Secretariat, and are designated spokespeople to the media about the activities of the Panel.
- 2.3. The co-chairs will agree on an alternate NAP member that can act in their capacity should both not be available to attend a meeting.

3. Facilitators' roles

- 3.1. Two facilitators will be provided to support the co-chairs by :
 - 3.1.1. Keeping discussions focused, ensuring all points are heard and facilitating the meetings within the spirit of these operating procedures.
 - 3.1.2. Taking a proactive role to assist members to identify issues and to structure the discussion to encourage understanding of views and underlying rationale.
 - 3.1.3. Consulting with the Panel members on the initial draft agenda seven days before the meeting.

- 3.1.4. Producing records of decisions without attribution as well as summarizing general topics discussed, action items, decisions, and differing viewpoints. Wording will be approved either at the meeting in question or subsequently by poll or by ratification at a subsequent meeting. A record of decision and action items along with the meeting summary will be generated within five business day following the meeting and circulated to members.

4. Confidentiality

- 4.1. Information will be treated as non-confidential unless providers or a member indicates that it is confidential.
- 4.2. When information is designated confidential by the provider, that information will not be included in any records or documents that will be made available to the public and members will be expected to maintain the confidentiality of the information.
- 4.3. Records of decisions from meetings will be kept confidential.
- 4.4. Summaries of meetings and documents approved by the Panel will be available to the public.

5. Communication and Outreach

- 5.1. The Panel's communication and outreach policy is based on the principle that public and media's access to information regarding the Panel's work is legitimate and desirable, subject only to the effective functioning of the Panel, such as occasional consideration of confidential documents. However, members agree that:
 - 5.1.1. NAP co-chairs are designated spokespeople to the media for the activities of the Panel;
 - 5.1.2. NAP co-chairs interaction with the media will be conducted in a collaborative way with the NSC co-chairs and the NSC communication group.
 - 5.1.3. Disclosure to the media will not be used as a means of retribution.
 - 5.1.4. Members will respect confidential information when speaking to the media concerning the Panel.
 - 5.1.5. Members will be careful to be accurate in presenting the nature of Panel discussions without attribution in the media or other public forums.
 - 5.1.6. Other than the points outlined above, no hard and fast rules will be set for Panel members for dealing with the media although, in general, Panel members will show sensitivity and discretion in any statements made to the media.

6. Panel Meetings

- 6.1. The Panel meetings will be task-oriented with agendas and supporting information prepared and distributed in advance.
- 6.2. For any given meeting, ensure that there is appropriate representation of perspectives to discuss issues of interest and decisions by the members.

7. Process for Developing Recommendations

- 7.1. The Panel will work towards consensus on as many issues before the Panel as possible.
- 7.2. Consensus means members will allow a recommendation to proceed but does not necessarily mean that members have no reservations.
 - 7.2.1. Where consensus is reached, the consensus will be indicated explicitly in the minutes or documents produced.
 - 7.2.2. Where consensus cannot be reached Panel members will clarify different views and the reasons for their position. Different viewpoints expressed will be noted in the minutes or documents produced. Members may choose to have those viewpoints in the documents attributed, as appropriate.
- 7.3. The degree of consensus required can be decided on an issue-by-issue basis.

- 7.4. A recommendation reached by consensus may be revisited, but members must do so within a reasonable time as timing constraints is a factor that must be considered by the Panel.
- 7.5. Where agreement cannot be reached at meetings, the issue may be revisited between meetings through working groups, teleconferences or electronic mail. If necessary and feasible, time will be set aside at the following meeting to resolve outstanding issues.

8. Report

- 8.1. The Panel report with recommendations bearing the official approval of the Panel will be distributed to Ministers and posted on a public web site in both official languages.