

## **Indigenous-led conservation and stewardship: Potential pathways towards the restitution of land to First Nation Peoples**

### **Introduction**

Indigenous Peoples retain their relationships with and responsibilities to the lands and waters in their territories. Land return is central to achieving reconciliation, which must address the *pre-existing* sovereignty of Indigenous Peoples with the *asserted* sovereignty of the Crown<sup>1</sup>. The Canadian state's approach to conservation has a long, dark history of violently dispossessing Indigenous Peoples from their territories<sup>2</sup>. Given the urgency of the biodiversity and climate crises and Canada's commitment to upholding Indigenous rights and advancing reconciliation through the implementation of the United Declaration on the Rights of Indigenous Peoples (UNDRIP), this is an opportune moment to explore connections between conservation and the restitution of land to First Nation Peoples. The Federal government must work directly with Indigenous governments and rights holders on a Nation-to-Nation basis to co-create avenues for land restitution, which may include Indigenous-led conservation and stewardship. Indigenous Protected and Conserved Areas (IPCAs) and Guardians programs are an exercise in sovereignty that communities are exploring to reestablish connection to land and water governance while redefining the relationship between their Nations and the Crown.

### **Indigenous-led conservation and stewardship**

Indigenous-led conservation and stewardship is a new way of describing a range of systems and practices Indigenous Peoples have used to care for and govern their territories since time immemorial. Robust evidence demonstrates that Indigenous-led conservation consistently yields better outcomes than Western approaches. While Indigenous Peoples comprise less than

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<sup>1</sup> *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73

<sup>2</sup> [Binnema, T., & Niemi, M. \(2006\). 'Let the line be drawn now': Wilderness, conservation, and the exclusion of aboriginal people from Banff National Park in Canada. \*Environmental History\*, 11\(4\), 724-750. doi:10.1093/envhis/11.4.724](https://doi.org/10.1093/envhis/11.4.724)

5% of the global population, a staggering 80% of the world's biodiversity is found on Indigenous lands<sup>3</sup>. In Canada, there is a growing momentum in support of Indigenous-led conservation to address the climate and biodiversity crises, achieve Canada's international conservation commitments, and advance reconciliation.

### **Indigenous protected and conserved areas**

In 2018, the Indigenous Circle of Experts (ICE) released its influential *We Rise Together* report which articulated how Indigenous Protected and Conserved Areas (IPCAs) can help achieve national conservation goals while advancing reconciliation in Canada<sup>4</sup>. IPCAs are “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 the heart and soul of an IPCA”<sup>5</sup>. Based on information gleaned from our extensive networks and a scan we have conducted internally; we are confident in asserting that there are upwards of 70+ IPCAs in various stages of creation. While Indigenous governments are always the primary decision-makers within IPCAs, governance models range from partnerships with Crown governments (e.g. Thaidene Nëné, led by Łutsël K'é Dene First Nation) to solely Indigenous-led under Indigenous law (e.g. Tla-o-qui-aht Tribal Park, led by the Tla-o-qui-aht First Nation). IPCAs are the beginning of a dialogue between Indigenous governments and the Crown about how to share the land and waters, with Indigenous Nations taking the lead. Other innovative models for land return include Indigenous-led land trusts, which can enable Indigenous Nations to assert their decision-making authority over privately held lands in their territories<sup>6</sup>.

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<sup>3</sup> Garnett, S.T., Burgess, N.D., Fa, J.E. et al. (2018). A spatial overview of the global importance of Indigenous lands for conservation. *Nature Sustainability* 1, 369–374. <https://doi.org/10.1038/s41893-018-0100-6>

<sup>4</sup> Indigenous Circle of Experts. (2018). *We Rise Together: Achieving Canada Pathway to Target 1 through the creation of Indigenous Protected and Conserved Areas in the spirit and practice of reconciliation*.

<sup>5</sup> Ibid.

<sup>6</sup> Innes, Attridge, and Lawson. (2021). [Respect and responsibility: Integrating Indigenous rights and private land conservation in Canada](#).

## Guardians programs

Guardians are individuals who “monitor and protect the lands and waters in their territories”<sup>7</sup>. They carry out important stewardship responsibilities such as “patrolling; responding to climate impacts; restoration activities; training Indigenous youth, community members and the public; and gathering information to support evidence-based decision-making”<sup>8</sup>. Guardians bring together the best of Indigenous and Western sciences and technology to care for the lands and waters in their territories<sup>9</sup>. Approximately 120 exist in Indigenous communities across Canada<sup>10</sup>. They are supported by a newly launched National Guardians Network which will support Nations across Canada, with the goal of expanding to 200 Indigenous Guardians programs across Canada in the next five years<sup>11</sup>.

## Benefits of Indigenous-led conservation and stewardship

IPCAs and Guardians contribute to a wide range of positive outcomes in Indigenous communities and beyond. Culture and language are vitally connected to the **health and well-being of Indigenous communities** and are at the heart of Indigenous-led conservation and stewardship. As Sue Carlick (Taku River Tlingit) explains, “As long as we look after the land, the land looks after us”<sup>12</sup>. There is a **strong economic incentive** to invest in Indigenous-led conservation and stewardship. A recent study found Łutsël K’é Dene and Dehcho Guardian programs yielded a 2.5 to 1 return on investment<sup>13</sup>. Similar studies in Australia have found for every \$1 spent, these programs return more than \$3 in social, economic, and cultural values<sup>14</sup>.

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<sup>7</sup> White, E. (2022). [Good for the Land, Good for the People, Good for the Economy](#).

<sup>8</sup> White, E. (2022). [Good for the Land, Good for the People, Good for the Economy](#).

<sup>9</sup> Indigenous Leadership Initiative. N.d. [A National Indigenous Guardians Network](#).

<sup>10</sup> Indigenous Leadership Initiative. N.d. [A National Indigenous Guardians Network](#).

<sup>11</sup> Ibid.

<sup>12</sup> Indigenous Leadership Initiative. 2020. [The land is our future](#). Video. [YouTube].

<sup>13</sup> White, E. (2022). [Good for the Land, Good for the People, Good for the Economy](#).

<sup>14</sup> Ibid.

Indigenous-led conservation economies, which include nature-based solutions, will benefit regional and national economies. There are critically important **environmental benefits** to supporting Indigenous-led conservation and stewardship. Lands that are cared for by Indigenous Peoples have equal or higher rates of biodiversity than lands managed by state or private actors<sup>15</sup>. Finally, Indigenous-led conservation presents an opportunity to **restore and strengthen Indigenous rights and responsibilities**. This includes the right of Indigenous peoples to access, conserve, protect, and make decisions in relation to their territories (UNDRIP Articles 26 and 29, Canadian Constitution section 35)<sup>16</sup>.

### **Barriers to success and conclusion**

Despite the promise of Indigenous-led conservation and stewardship, several barriers exist that are preventing Indigenous Nations from achieving their visions for their lands and waters. One main barrier is jurisdictional – not all Crown governments are supportive of IPCAs. A second barrier is a lack of sustained, permanent funding to support ongoing operations for IPCAs and Guardians programs<sup>17</sup>. These significant obstacles prevent IPCAs and Guardians from reaching their full potential. Investments in these and other land-return initiatives are urgently needed to address colonial harms. **We ask the Federal government to work directly with Indigenous governments on a Nation-to-Nation basis** to co-create a path forward, which may include Indigenous-led conservation and stewardship.

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<sup>15</sup> Schuster, R. et al. (2019). Vertebrate biodiversity on indigenous-managed lands in Australia, Brazil, and Canada equals that in protected areas, *Environmental Science & Policy*, 101, pp. 1-6.  
<https://doi.org/10.1016/j.envsci.2019.07.002>.

<sup>16</sup> White, E. (2022). [Good for the Land, Good for the People, Good for the Economy](#).

<sup>17</sup> Ibid.

## About the authors

This submission was authored by the Conservation through Reconciliation Partnership (CRP) Leadership Circle members. The CRP is an Indigenous-led network that supports Indigenous-led conservation in Canada. Responsible for the strategic direction of the partnership, the Leadership Circle consists of five Indigenous leaders who hold a variety of roles in their communities and act as advisors to academia, non-profit organizations, and Indigenous and Crown governments in Canada and abroad. Four of seven CRP Leadership Circle members were members of the Pathway to Canada Target 1's Indigenous Circle of Experts (ICE). The Leadership Circle also includes two non-Indigenous university-based scholars focused on Indigenous land relations, governance, and biodiversity conservation. In this report, we draw on our diverse perspectives and recent academic and grey literature to highlight the potential of Indigenous-led conservation and stewardship as pathways to facilitate the restitution of land to Indigenous Peoples. We extend our thanks to the committee for receiving this submission and encourage you to read *We Rise Together* and *Good for the Land, Good for the People, Good for the Economy*<sup>18</sup>. We are especially grateful to Indigenous Peoples who continue to fight for the right to exercise their responsibilities for the lands and waters in their territories.

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<sup>18</sup> [We Rise Together](#) Report and [Good for the Land, Good for the People, Good for the Economy](#)