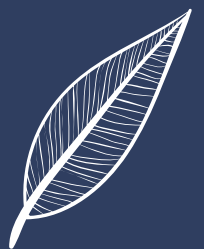




LAND TRUSTS AND INDIGENOUS PEOPLES: THE CANADIAN CONTEXT



Access to land, access to opportunities

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May 2024



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About This Project

In late 2021, the [Conservation through Reconciliation Partnership \(CRP\)](#) collaborated with the [Nature Conservancy of Canada](#) to hire a researcher that would investigate land trusts as a model that prioritizes acquiring and caretaking land.

It was thought that land trusts might provide novel opportunities to Indigenous groups: governments, organizations, communities, or individuals, to access land and exercise responsibilities under the general framing of “decolonized” environmental governance.

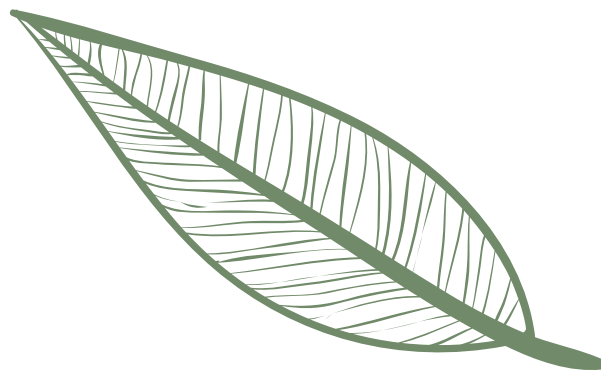
Within the CRP, a land trust circle had been meeting for some time to discuss the benefits and challenges associated with Indigenous-led land trusts. The decision to pursue a dedicated inquiry came from discussions among that group and the CRP leadership circle.

The land trust circle includes academics, conservation professionals, legal professionals, and other Indigenous individuals and communities, all of whom ask very different questions and bring diverse approaches to meet the overall goals of the CRP.

Through 2022 and early 2023, a research study was developed to examine how Indigenous communities are using the land trust model and assess how it may be useful to Indigenous land stewardship efforts.

This document is the result of that study. It is the combination of several voices and agendas that combine to answer complex questions about land trusts from a variety of angles.

This report offers a general overview of some considerations and factors associated with establishing and operating a land trust. It also includes specific examples of recommendations and insights from Indigenous individuals affiliated with land trusts.



Preface

“A large part of Canada, including northeastern Ontario and the Ottawa region, was never signed away by the Indigenous people. Unceded lands cover treaty lands intended to be shared rather than surrendered.

This assertion is grounded in the British Royal Proclamation of 1763, which laid the foundation for the modern-day treaty process in North American territories. The proclamation guaranteed inherent rights and protections for Indigenous people and established their claim to their lands. It forbade all settlement west of a line drawn along the Appalachian Mountains.

In 1764, 24 Indigenous nations met at Niagara to discuss an alliance with the English and acceptance of the proclamation, resulting in the Treaty of Niagara. The Crown subsequently failed to honour the terms of the treaty, passing laws aimed at assimilating Indigenous people into the growing settler population.

These included the Gradual Civilization Act of 1857, the Gradual Enfranchisement Act of 1869, and the Indian Act of 1876 that removed Indigenous rights and control of lands and made Indigenous people wards of the Crown. The Natural Resources Transfer Act 1930 was put in place out west.

[This Act] had the Federal Government turn over Crown lands to the prairie provinces the jurisdiction, which was held Federally since 1870 ‘Hudson Bay purchase’ believing it must have control of land and resources for growth. The Indian Act took our control of lands and resources leaving open interpretation who controlled the natural resources while we were under the Act.

Contrary to a common misconception, Indigenous people in Ontario were never defeated by the British, nor did we cede our rights to the land. Rather, having seized control of the land, the government pursued its agenda of assimilation and systematically eroded Indigenous rights and lifestyles by creating residential schools and other oppressive measures. We were treated as second-class citizens, prevented from voting or owning private lands until the late 1950s.

Unceded lands present a conservation opportunity to steward and protect nature in Ontario— if we approach it collaboratively while respecting the inherent rights of our communities and traditional territories. Indigenous land trusts I believe could be the only way to protect greenbelts and other environmentally sensitive areas from the government.”

- Tom Cowie, Hiawatha First Nation (received by email, May 2023)

Overview

Land trust models offer potential opportunities for Indigenous Peoples to reclaim lands lost through ongoing dispossession. Having a land trust organization allows a group to accept the donation of lands and money and manage them according to the mandate of the land trust. This may be a particularly important tool for Indigenous Peoples whose traditional lands have a high percentage of private property.

Regaining access to these lands can provide opportunities for land-based learning, ceremony, gathering, revitalization of language and connection to land. But they come with limitations.

Importantly, land trusts utilize crown laws that do not reflect Indigenous perspectives on land and water relationships and are often overly bureaucratic in their timelines and reporting requirements. They also require the administrative capacity to raise funds and steward lands.

Partners should be open to legal and policy reform that can make room for more Indigenous-owned land trusts. The specificity of that reform needs to be grounded in the experiences of participating Indigenous communities in a variety of jurisdictions, treaty areas and relationships to territory.

Long-term commitment is needed. The growth and continuity of a land trust hinges on guaranteed and secure funding enabling Indigenous communities to focus on engagement, relationship building and training to address capacity gaps.

Among all Indigenous Peoples interviewed for this project, there was the full range of perspectives, from reluctant engagement with the land trust model as the best option for the moment to enthusiastic embrace of the model as the best way forward to a more just future.

Indigenous Peoples continue pursuing avenues of self-determination to fulfill their responsibilities to current and future generations. Land trust models are potentially innovative approaches which may be more flexible than they first appear. Those seeking this model, those seeking access to land and opportunity may find collaboration and inspiration but also constraint.

The purpose of this document is to offer considerations that can be taken up in different places according to the specific priorities of those involved.



1. About Land Trusts

What is a land trust?

A land trust is a “community-based, nonprofit organization that actively works to permanently conserve land.”¹

There are many types of land trusts. The following two types may be specifically interesting to Indigenous communities in Canada.

Type 1: Conservation land trust

This model was first developed in the eastern United States (U.S.) in the late 1800s. It is based on European law and ideas about “property” which can be privately owned by a group, rather than an individual.

Definitions and applications of the term ‘conservation’ sometimes mean land and specific areas are cordoned off from public use. A conservation land trust effectively creates legal protection for the land involved, protection from development and commercial use.

¹ Land Trust Alliance. “[About Land Trusts.](#)” (2024).

The rise in popularity of land trusts is connected to social movements and organizing, mostly among non-Indigenous populations. Decades ago, concerned settlers began to develop land trusts to “fight sprawl” ([Brewer, 2003](#)) that results from rapid, clustered development, with a peak movement forming in the 1980s.

Citizens of states, mostly in the U.S., took notice of the large-scale destruction and exploitation of habit that is so characteristic of capitalist society. They initiated their own processes to protect and caretake land, to stop excessive and uncontrolled development supported by industries and governments.

A “land trust movement” has been growing in the U.S. and Canada since the late 1980s, with more land trusts developing over time. To start a land trust, a private, non-profit organization must be formed with a goal to acquire land.

The organization then applies their ideas about protection and stewardship, which may be quite distinct from Indigenous ideas about relationships with land (see [Section 4: The Canadian Context for Indigenous-led Land Trusts](#)).

Once registered as a not-for-profit land trust, the organization may be eligible for some degree of tax exemption, which varies by jurisdiction.

Conservation land trusts are largely focused on biodiversity and species protection but may also own buildings, including housing. Sometimes such buildings are part of the lands acquired for the land trust, and sometimes new buildings are constructed to serve human purposes. Some of those purposes include staff housing, barns for agriculture and equipment, research stations, administrative offices, recreational structures, and so on.

Type 2: Community land trust

A community land trust is a “non-profit corporation that holds land on behalf of a place-based community, while serving as the long-term steward for affordable housing, community gardens, civic buildings, commercial spaces and other community assets on behalf of a community.”²

Community land trusts were originally proposed as “a type of trusteeship... contributing to much needed social and economic reconstruction” ([Swann et al., 1972](#)).

²International Center for Community Land Trusts. [“What is a Community Land Trust?”](#) (2024).

Adapting the model to fit the priorities of growing Indigenous communities is an emerging movement that is also gaining traction in the U.S. and Canada.³ Tax exempt status and tax benefits vary based on jurisdiction and configuration of the land trust in question.

Which type of land trust is ideal for your community?

The *conservation* and *community* models allow landowners to assume ownership and create rules that meet specific goals, such as the goals of environmental conservation (type 1) or community well-being (type 2).

Community and conservation land trusts are not necessarily always separate, and some Indigenous-led land trusts have combined the model (for example, the [Sogorea Te' Land Trust](#); the [Dishgambu Humboldt Community Land Trust](#)).

Both models rest on the assumptions of private property which may be distinctive and antithetical to Indigenous conceptions about land tenure, ownership, and relations. Both models may include “fee simple” land ownership. Fee simple lands in Canada include “a tract of land with or without structures on it. Anything can be done so long as the owner operates within the regional or county land-use bylaws.”⁴

Infrastructure can be included if it aligns with the conservation mandate. This could be a good space for legal innovation using Indigenous laws. These lands and organizations can also be subject to administrative fees and/or taxes depending on jurisdiction.

In short, land trusts are developed to meet diverse, community-determined needs. To engage in the creation of a land trust is truly a matter of self-determination for communities, which must also involve [Free, Prior, and Informed Consent](#) about the risks, benefits, and opportunities affiliated with doing so.

Deciding which model fits best depends on why the group would like to establish the land trust. For example, if the goal is to address the lack of adequate housing for Indigenous Peoples, the land trust’s mission may focus on housing, since that is an established and urgent issue that requires thoughtful solutions in multiple jurisdictions: on reserve, urban settings, other areas.

³ It is important to note that Indigenous Nations and/or governments are older than the nation states of the U.S. and Canada. The borders and boundaries that establish those countries often cut through or disrupt Indigenous places and territories. The borders of colonial nation-states are designed to override the jurisdiction and traditional governance of Indigenous Nations, confederacies, and families. In this document, we'll use the terms U.S. and Canada to keep things simple. There is a wider discussion about Indigenous notions of place and where boundaries lie according to Indigenous governance on both sides of the “border.”

⁴ Farm Credit Canada. [“Rules of First Nations land ownership: An overview.”](#) (2024).

By design, land trusts require planning for current and coming generations. Community land trusts can create opportunities to meet housing demands and related infrastructural needs such as community gathering space, food gardens, medicine and harvesting sites, ceremonial space, and cultural space, to name a few.

There is significant room for a land trust to act as an innovative way to address multiple needs.

In urban centres and heavily privatized regions, the cost and availability of land and development pressures may make acquiring or accessing land prohibitive. The model of a collective ownership agreement offered through a community land trust could help meet the needs of Indigenous individuals, groups, and governments in urban environments to secure long-term affordable housing and build other connections.

[Section 2](#) describes processes needed to create a not-for-profit organization that designs its mission, goals, and other organizational elements for the specific purposes most relevant to their mission. A community or combined community/conservation land trust may suit multiple objectives, depending on each group's specific organizational elements.

Why are land trusts established?

Land trusts create opportunities for access to land – and for Indigenous Peoples, “land is life” ([Atleo and Boron, 2023](#)). Indigenous governments, communities, or organizations may be interested in establishing land trusts for a variety of reasons.

Some of these reasons include the protection of land and the expression and revitalization of Indigenous governance. Other benefits include building relationships and alliances with other people, with waters, lands, plants, medicines, animals, and the whole web of relations.

There are two nuanced scenarios to consider as well, listed below: **proactive circumstances**, where Indigenous governments, communities, or organizations engage in intentional planning and organizational development, and **reactive circumstances**. Reactive circumstances are those which may have aspects of urgency or pressure affiliated with the development of a land trust. These are general examples, and other circumstances may apply.

Example of a proactive circumstance:

An Indigenous government, organization, community, or individual forms a group and makes the collective decision to establish a non-for-profit organization. The group develops a vision for the organization's role, relationships, and geography of interest.

The vision of the organization, including its name, mission, and organizational structure may be designed to create certain opportunities. For example, it may have strategic goals for long-term succession and intergenerational transfer of the organization's resources.

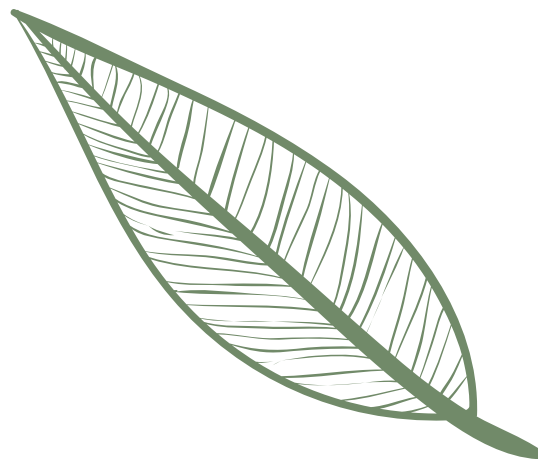
There is a plan to purchase the property, receive it by donation, or create an agreement with an existing owner to assume responsibility for the land and the administration of the property.

Example of a reactive circumstance:

The desire of an Indigenous government, organization, community, or individual to protect or have access and use of a particular site. They are not able to purchase or otherwise acquire that land, due to legal barriers such as specific provisions of the [Indian Act](#).

The group seeks different types of legal interest needed to accomplish their purpose. The group may need to strategically determine what incentives, partnerships, and organization types might be useful toward their objectives. A land trust with a conservation mandate may be the only option to protect the land from development or other private use.

In each case, the decision to develop a land trust involves the identification of like-minded collaborators who agree that this model is the best opportunity to assume responsibility over specific lands under a model that originated in non-Indigenous systems.



2. Creating a Land Trust

Developing the not-for-profit organization

Each land trust is different, and some may share similar features.

The group initiating the land trust development will need to incorporate as a non-for-profit entity. Doing so is a relatively simple and low-cost process that involves legal agreements and documentation indicating that the entity operates with certain elements (i.e. a governance structure) and can receive tax benefits.

This step can involve the advice and support of legal practitioners and the payment of fees. An application for charitable status can also be submitted, allowing the land trust to be eligible for other potential benefits such as [Canada's Ecological Gifts Program](#) and being able to issue tax receipts. Charitable status can also come with constraints, however, such as limitations on mandate.

One required element of the not-for-profit entity is a defined body of leadership. That leadership group enacts specific organizational purposes and establishes decision-making processes. The leadership group is akin to a "Board of Directors" in non-profit organizations.

The leadership structure can take on any form, including the appointment or election of key individuals that represent different sectors of the community (Elders, youth, language speakers, others). These are all self-determined by the organizing group.

Other required elements include: a defined purpose, bylaws, and a description of the governance structure for the organization. These will determine mission, objectives, goals, partnerships, daily operations, and other strategies. If the organization operates as a "charity" it must be dedicated to public purposes to be eligible for specific tax privileges and donation types.

The land/site to be affiliated with the land trust must be defined as well, including how the land will be accessed and received. There is significant room for innovation with legal framing and strategy to uphold Indigenous responsibilities and rights.

Some methods of acquiring or accessing land include:

- **Purchase (somewhat common)**
- **Receive by donation (common)**
- **Formalize and/or develop a conservation easement with existing landowner(s).** (See examples from the U.S.: [Conservation Partners](#); [Native Land Conservancy](#)).

Naming the Organization

The name of the organization is important and can convey specific information from an Indigenous perspective: place names, Indigenous legal traditions, phrases, or concepts that are meaningful to the group involved. Naming is an important aspect of Indigenous worldviews, and the name can have internal significance to the group but will also communicate to external parties: partners, funders, communities, and governments.

Setting Organizational Vision, Goals, and Mission

A distinguishing feature of land trusts is that they are often designed to exist in the long-term, in some cases protecting land “in-perpetuity.” This means the model can support intergenerational transfer of knowledge and resources.

Several Indigenous governments, listed in [Section 3](#), expressly work with the land trust model for the purpose of passing on what they have to future generations.

Defining the organization’s vision, goals, and mission are crucial foundational steps to ensure there is clarity and consistency within the organization. The mission and purpose of the organization can also be articulated in a way that supports specific types of funding, partnership, and other opportunities.

The vision, goals, and mission of the organization also influence the types of activities the land trust can initiate and sustain. For example, in most cases a land trust with a “conservation” mandate will need to align its “conservation” activities by definitions established in non-Indigenous legal systems and worldviews. This can act as a barrier to fully and accurately expressing Indigenous governance and land-based practices.

Funding the Organization

The initial costs of setting up the land trust are minimal. Interviews for this project recommended that Indigenous individuals and groups seek legal advice from professionals knowledgeable of Indigenous realities.⁵

The long-term costs of managing the organization (such as financial costs, translation fatigue, operating within a grant cycle, generating community support) can be considerable and may require the development of strategic efforts, such as an endowment fund, to sustain the organization.

⁵ These professionals should know and understand the historical impacts of several truths including environmental degradation; generational assimilation and genocide; cultural loss; unfulfilled or violated treaties; land dispossession; environmental injustice; the limitations of legally enforceable heritage protections; Indigenous rights, title, and identity; and other related matters.

Donations from foundations and similar philanthropic contributions are commonly involved in land trusts. Other sources of funding include grants, other types of donations, and initiatives of the organization itself (sales, programs and services offered, tax revenues, public education, land-based programs, branded gifts or merchandise, others).

Not-for-profit and charitable status may come with limitations of funding structure, for example, a limitation on monetary amounts from certain activities.

Governance via Canadian Land Trust Standards

Numerous Canadian land trusts belong to large allied organizations such as the [Alliance of Canadian Land Trusts](#) modeled from the [Land Trust Alliance](#) (which began in the U.S.).

There are established standards and practices suggested for “good governance” of land trusts through membership in these organizations. If you’d like to learn more about the practices as they are used in Canadian land trusts, they are published at the following website: [Canadian Land Trust Standards and Practices](#).

The headings of that document are listed below to give a sense of content in the standards:

Standard 1: Ethics, Mission, and Community Engagement
Standard 2: Compliance with Laws
Standard 3: Board Accountability
Standard 4: Conflicts of Interest
Standard 5: Fundraising
Standard 6: Financial Oversight
Standard 7: Human Resources
Standard 8: Evaluating and Selecting Conservation Projects
Standard 9: Ensuring Sound Transactions
Standard 10: Tax Benefits and Appraisals
Standard 11: Conservation Agreement Stewardship
Standard 12: Land Stewardship

Note:

One request for this research was to determine if the Canadian standards and practices (listed above) are adequate and/or appropriate for Indigenous-led land trusts. It is not possible to make such a recommendation with the methods and sample size from this study. A more prudent recommendation pathway might involve expansion of existing collaborations and ongoing organizational exchanges.

For example, those with knowledge and experience of using the standards and practices should speak to the benefits and limitations, which may support interested Indigenous-led land trusts in deciding what is best for their specific situation. Only the land trust group itself can determine if these practices will work for them and what adjustments might be beneficial.

Some common questions about Indigenous-led Land Trusts

Who can set up an Indigenous-led land trust?

Any organization with a not-for-profit status can pursue the model, incorporate an organization, and set up a land trust. Indian bands in Canada bound by the addition to reserves (ATR) model may find this approach useful to acquiring land more quickly than what the ATR process allows.

An Indigenous-led land trust is where Indigenous Peoples drive the process: choosing an area, developing and naming an organization, and tending the foundations of governance. This includes self-identified Indigenous individuals and groups.

Where does funding come from to run the organization?

The initial costs to set up the organization that will hold the land trust are relatively minimal and involve setting up the non-profit corporation as stated above. Those fees are typically paid to legal professionals and the agencies who issue the incorporation.

In the scenario of land purchase, affiliated fees can become considerable. Grants, collective fundraising, and donations are common sources of funding.

Indigenous-led land trusts also set up innovative campaigns, such as “land tax” funds and other efforts to pursue forms of what might be called “economic reparation” on lands that were taken or appropriated through unjust means. These campaigns, more common in the U.S., make the case that donations to the land trust are a form of reparation or tax and a fulfillment of settler responsibilities.

Some examples of “land tax” funds include:

- [Shuumi Land Tax](#)
- [The Wiyot Honor Tax](#)

The following website outlines steps to set up an “honor tax”: [Starting an Honor Tax](#).



3. Insights from Existing Indigenous-led Land Trusts

The following section summarizes insights from Indigenous and non-Indigenous individuals who have been involved in the establishment of a land trust.

A Note on Methods:

Of the Indigenous participants who were interviewed or provided input, **seven** identified as First Nations peoples and held worldviews and experiential knowledge expressly tied to the realities of their First Nation experiences and communities in Canada and the U.S.

Other non-Indigenous individuals (**eight**) also participated in the study through interviews and/or other types of input. These individuals drew from their experiences as allies, supporters, employees, neighbours, and with other modes of proximity to First Nations peoples and groups.

While efforts were made to connect with Inuit, Métis, and non-status Indigenous Peoples, they were not part of this study. The study's focus followed the availability and willingness of participants who responded to interview and collaboration requests only.

Thus, the document has many limitations. Comments from interviewees may be most applicable to First Nations peoples. All individuals interviewed are involved with the administration and governance of Indigenous-led land trusts across multiple territories. All recorded comments are anonymous.

Recommendations and Considerations

Land return and protection for Indigenous Peoples under a non-profit, privatized framing requires that communities 'fit' into the land trust model. Below is a short summary of recommendations from those who have established land trusts in different settings, and these comments are directed at other Indigenous Peoples looking to establish land trusts.



Practical*:



Enhance your visibility and accessibility.

“It is important to have a website. A high quality aesthetically appealing website is important for donations. It is a worthwhile investment, good for do-it-yourself (DIY) crowdfunding and recurring donations. People have been responsive to that. Paying rent to tribes whose land they live on.”

Plan for longevity and paradigm change.

“All must be rooted in indigenous knowledge, driven by land, and speaking with the land who is giving us instructions. We have interpreted and are passing on those instructions.

It is slow, intentional, and there are so many ways that advance land access: inspiring people to think differently---we’ve inspired the rematriation of land by building ideas and tools that lead to cultural respect and creating permanent, unfettered access.

We ask, how do we take ‘no trespassing’ signs down for people who have responsibilities to this place?”

Involve the community at every opportunity.

“Developing the organization requires intensive collaboration and relationship building within communities and can connect Elders, youth, and those with very specific skillsets to share knowledge amongst each other. The land trust can be built in such a way that Indigenous knowledge and governance are included in every step of the process.”

“Our process involved listening to youth, Elders, knowledge holders, resource users, community members. Document what you heard and use the input; provide regular updates, involve the community.”



*These anonymized quotes are recommendations from those who have established land trusts in different settings. These comments are directed at other Indigenous Peoples looking to establish land trusts.

Philosophical*:



Put knowledge systems into action at all levels of decision-making.

“Ecosystem-owned ecosystems create true land sovereignty where the land is governing itself and we are working with the nonhuman and the human, a circle of care—in relationship with the land and not over the land. We must uphold the rights of nature and personhood.”

Be strategic in your collaborations and site selection.

“We don’t buy land for the sake of buying or hoarding it.”

“Our homeland is for all aspects of our lives. Some areas are for living, some are for medicines, wild foods, planting, ceremony. We have to let the land make the rules and tell us what its purpose is and how we need to respond to it.

We need to be responsive and creative. We need to have a roadmap to gather community memory, information, what the land remembers, what the land taught our ancestors.”

Support young generations.

“We want to mentor the next generation, teach young ones, but also give them room to learn for themselves. Let nature be their teacher. We can prepare them mentally, emotionally, physically, and spiritually. We have two ears and one mouth for a reason.

We can spend time listening, to be in contact with the tall grass prairies, trees, and others. We can know these lands intimately. It starts with young people; we have to let them know that everything on the land is supporting them. We can support the beings on the land to flourish, to not be extirpated, threatened, endangered.”



*These anonymized quotes are recommendations from those who have established land trusts in different settings. These comments are directed at other Indigenous Peoples looking to establish land trusts.

Some Indigenous-led Land Trusts in Canada and the U.S.

The following chart contains the names, regions, and websites of known Indigenous-led land trusts in North America. There may be others in development or otherwise unlisted here. The [Oregon Land Justice Project](#) also maintains a running list of Indigenous-led land trusts in the U.S.

Name	Region/Area	Website
Dishgamu Humboldt	Wiyot Tribe, California	https://www.wiyot.us/350/Dishgamu-Humboldt-Community-Land-Trust
Sogorea Te'	Lisjan Ohlone Land, California	https://sogoreate-landtrust.org/
Willamette Falls Trust	Oregon	https://www.willamettefallstrust.org/
Native Conservancy	Cordova, Alaska	https://nativeconservancy.org/landback-land-conservation.html
Bomazeen Land Trust	Wabanaki Territory, Maine	https://www.bomazeenlandtrust.org/
Northeast Farmers of Color	Northeastern region of the U.S.	https://nefoclandtrust.org/
Native Land Conservancy	Wampanoag Land, Massachusetts	https://www.nativelandconservancy.org/
Walpole Island Land Trust	Bjekwanong, Ontario	https://www.walpoleislandlandtrust.org/
Sespite'tmnej Kmitknu	Mi'kmaq Territory, Nova Scotia	<p><i>At the time of publication there was no website for Sespite'tmnej Kmitknu.</i></p> <p>Here are some other resources:</p> <ul style="list-style-type: none"> • CBC News. "Mi'kmaw-led conservation trust takes over Mary Harper Nature Reserve in Cape Breton." • CBC News. "New Mi'kmaw-led land trust aims to protect culturally significant lands." • CBC Podcasts. Mainstreet Cape Breton. "Property near Glooscap Cave joins Mi'kmaw-led Land Trust."

The Temiskaming District Community Land Trust	Northern Ontario	https://www.cmhc-schl.gc.ca/nhs/nhs-project-profiles/2021-nhs-projects/temiskaming-district-community-land-trust
The Calgary Urban Indigenous Community Land Trust Development Project	Calgary, Alberta	https://www.cmhc-schl.gc.ca/blog/2022/community-land-trusts-create-affordable-housing-indigenous-peoples
WSÁNEĆ Lands Trust Society	WSÁNEĆ Lands, British Columbia	https://wsanec.com/w%cc%b1sanec-lands-trust/



4. The Canadian Context for Indigenous-led Conservation

The Indigenous Circle of Experts and the Conservation through Reconciliation Partnership

The [Conservation through Reconciliation Partnership \(CRP\)](#) is one example of several interdisciplinary, networked projects that work to fulfill multiple goals. The CRP prioritizes work relating to conservation, biodiversity protection, and bringing groups together for collaboration.

There is a clear and defined focus on supporting Indigenous-led initiatives in the CRP's work which builds from the 2018 report, [We Rise Together](#), from the [Indigenous Circle of Experts](#).⁶

The *We Rise Together* report engaged in advancing the terms “Indigenous-led conservation” and “Indigenous Protected and Conserved Areas” to reflect that the land-based relationships and practices of Indigenous Peoples are often not recognized as conservation efforts but are in fact large contributors to biodiversity and ecological integrity.

We Rise Together is an official Government of Canada publication that lays out some ideas and terms for Crown governments and others to identify and recognize Indigenous-led conservation in new ways. The report grew from the input and collaboration of multiple parties including Elders and members of Indigenous governments.

It is important to understand that the report's recommendations frameworks grow from those specific spaces, where “two eyed seeing” and “ethical space” are seen as ideal foundations of practice. The report advances the terms (Indigenous-led conservation and Indigenous Protected and Conserved Areas) for building renewed relations built on the hope of reconciliation.

The document, in its “We Rise Together” approach, emphasizes the opportunities for Indigenous governments to work in partnership with crown governments, and conservation sector actors as a way of addressing ongoing violations of treaty, dispossession, denial of inherent rights, and other betrayals.

⁶ Indigenous Circle of Experts. [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](#). (2018).

Land and “Everything” Back

Land trusts create opportunities for Indigenous Peoples by working through and around the legal structures that created interlocking systems of dispossession. Some specific critiques of the land trust model rest on the clear evidence that land trusts are not always Indigenous designed and uphold non-Indigenous systems of governance by working within the structures of fee simple land.

Running a non-profit can create a lot of administrative work that ultimately does not secure land title in a legal sense. It may also be unfair for Indigenous governments, organizations, or communities to purchase land that was unjustly taken in the first place.

A call for the return of Indigenous land and resource management is encapsulated in the growing Land Back movement. Land Back can appeal to a higher standard of ecological integrity that is embedded in Indigenous knowledge systems, legal traditions, and land-based relationships.

Land Back is not new: it is as old as the invasion of settler-colonists that originated several hundred years ago in multiple territories. The spirit of Land Back lives in the legal traditions, languages, spiritual foundations, and histories of persistence that live in Indigenous communities.

The expression and realization of Land Back is self-determined and is locally and even personally specific. It is about more than returning land; it is about the return of Indigenous governance and knowledge systems holistically implemented. The phrase itself, Land Back “is a nod to the wave of emerging artists and members finding new ways to communicate old demands” ([King and Pasternak, 2019](#)).

Young artists of multiple approaches and methods, including digital content creators, have been creatively expressing Land Back in various avenues. Their efforts must be credited—the growing visibility of grassroots and frontline work has enabled more people to get involved with understanding the immense call to action that is Land Back. Land Back transcends colonial borders and does not depend on government or non-profit entities to convey its messages.

Additional Resources on Land Back

The chart below lists additional resources on Land Back, exploring its interpretations, definitions, and its potential as a means of social change benefiting all people and ecologies, not just Indigenous governments and communities.

‘Land Back’ means many things to many people. The comments from Indigenous leaders affiliated with land trusts insisted that partners, collaborators, and wider society have an awareness of the many nuanced expressions of Land Back and how it is interpreted and applied across all sectors.

Document name and type	Authors and Affiliations	Key Points
Land Back: A Yellowhead Institute Red Paper	Yellowhead Institute (Shiri Pasternak and Hayden King)	Evaluating Canadian context including specifics like environmental assessment and related procedures that “grapple with federal and provincial bureaucrats and/or industry on rights, title, and jurisdiction.
Governance Back	David Suzuki Foundation with Aimee Craft, Rachel Plotkin, and Max McQuaig	Elaborates on Land Back to include practices of Indigenous governance on the Land. Features profiles of approaches taken to restore Indigenous governance in multiple territories.
Land Back: NDN Collective	The NDN Collective	Definitions and actionable items: “It is the reclamation of everything stolen from the original Peoples: Land, Language, Ceremony, Food, Education, Housing, Healthcare, Governance Medicines, Kinship.”
Water Back	Kelsey Leonard (Shinnecock Nation and 17 multi-national Indigenous co-authors)	Centres the perspectives of Indigenous women and the restoration of authority and decision making over waterscapes.

Land back, governance back, water back, and repatriation are related concepts. [Sogorea Te' Land Trust](#) defines repatriation as follows: “to restore sacred relationships between Indigenous people and their ancestral land. Honoring our matrilineal societies and lineages ways of tending to the land, in opposition of patriarchal violence and dynamics” ([Sogorea Te', 2021](#)).

The word “repatriation” is affiliated with several land trusts and the efforts they make to centralize the leadership of women as an ancient and enduring practice for Indigenous governments across North America and beyond.



5. The Potential for Collaboration and Change

There is great potential for collaboration between private property owners and Indigenous communities looking to gain access to their traditional lands.

Leaders of Indigenous land trusts have communicated that there are several things conservation groups can do to better support and understand Indigenous realities and perspectives. These are outlined below:

Legal and policy dimensions

- Recognize the ongoing impact of the Indian Act and other imposed governance restrictions on First Nations peoples.
- Indigenous and non-Indigenous knowledge framings do not always have the same ideas about what constitutes ‘conservation.’ Indigenous relationships exist “beyond the spatial constructs of private property and the temporal frame of settler colonialism” ([Ramirez, 2020, p. 688](#)).

Land-based learning

- Normalize the presence of Indigenous ways of knowing, including ethics of care and ideas about species significance, wellness, and other relationships. For example, species that might be valuable for “conservation” from a Western viewpoint may be vastly different from Indigenous understandings of specific species.
- Realize that non-Indigenous ideas about conservation are relatively new and depend upon the idea that “nature” is separate from people. Indigenous ways of knowing suggest that people are an important contributor to nature and part of all of nature’s systems.

Organizational dimensions

- Evaluate fiscal timeframes and realize that restrictive deadlines can set people up to fail.
- Support the development of long-term endowment funds to support the work ‘forever’ in the same ways that conservation protections are said to last ‘forever.’
- Guaranteed funding sources enable Indigenous communities to focus on the work of engaging youth, building relationships, and reclaiming all that was taken through generations of assimilative policies and practices.
- Support non-profit experience training to build the capacity of community members.

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