

Case Profile

## SAVING LAND AND CULTURE

### How Indigenous-Led Conservation Can Protect Half of Eeyou Istchee by 2035



*Traditional camp at Baie-Penicouane, between Mistissini and Ouje-Bougoumou, off Route du Nord. Baie-Penicouane is part of Mistissini Lake. Credit @theresamacleodloon.*

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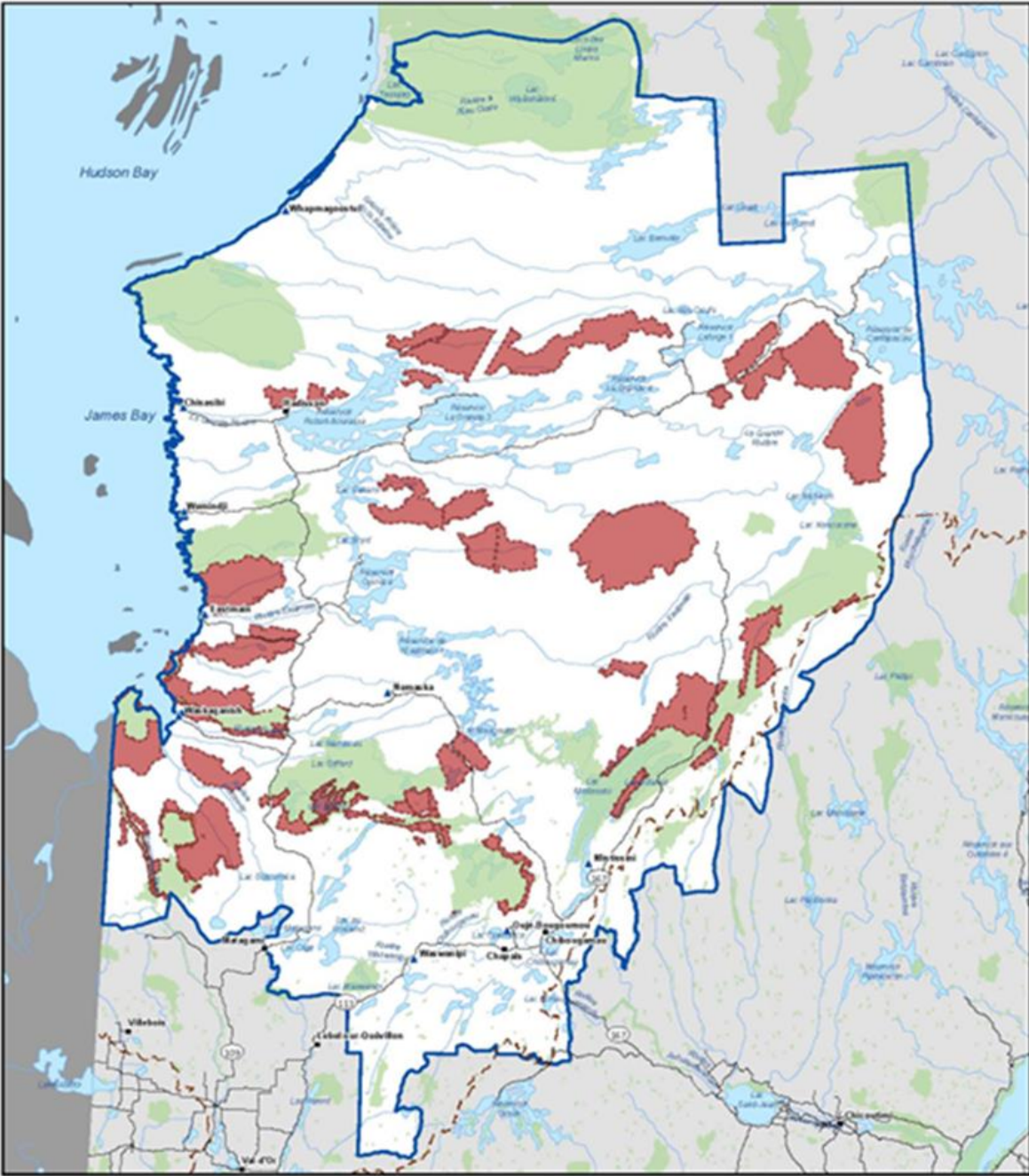
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Approximate boundaries of Eeyou Istchee, home of the Cree Nation Government and about 18,000 Cree people. Map compiled by Kostas Gouzas.



# Protected Areas Network in Eeyou Istchee



▲ Cree community	■ New Protected Areas
■ Town	■ Existing Protected Areas
— Road	
- - - JBNQA	
□ Eeyou Istchee	

Projection UTM Zone 18NAD83  
 Sources: CSACND Eeyou Istchee, NRCAN Caribou SM, MEI/CC Protected Areas  
 Occurrence Name: PA\_CND\_2021102  
 Date: 2021-01-22



Cree Nation Government  
 Gouvernement de la Nation Crée

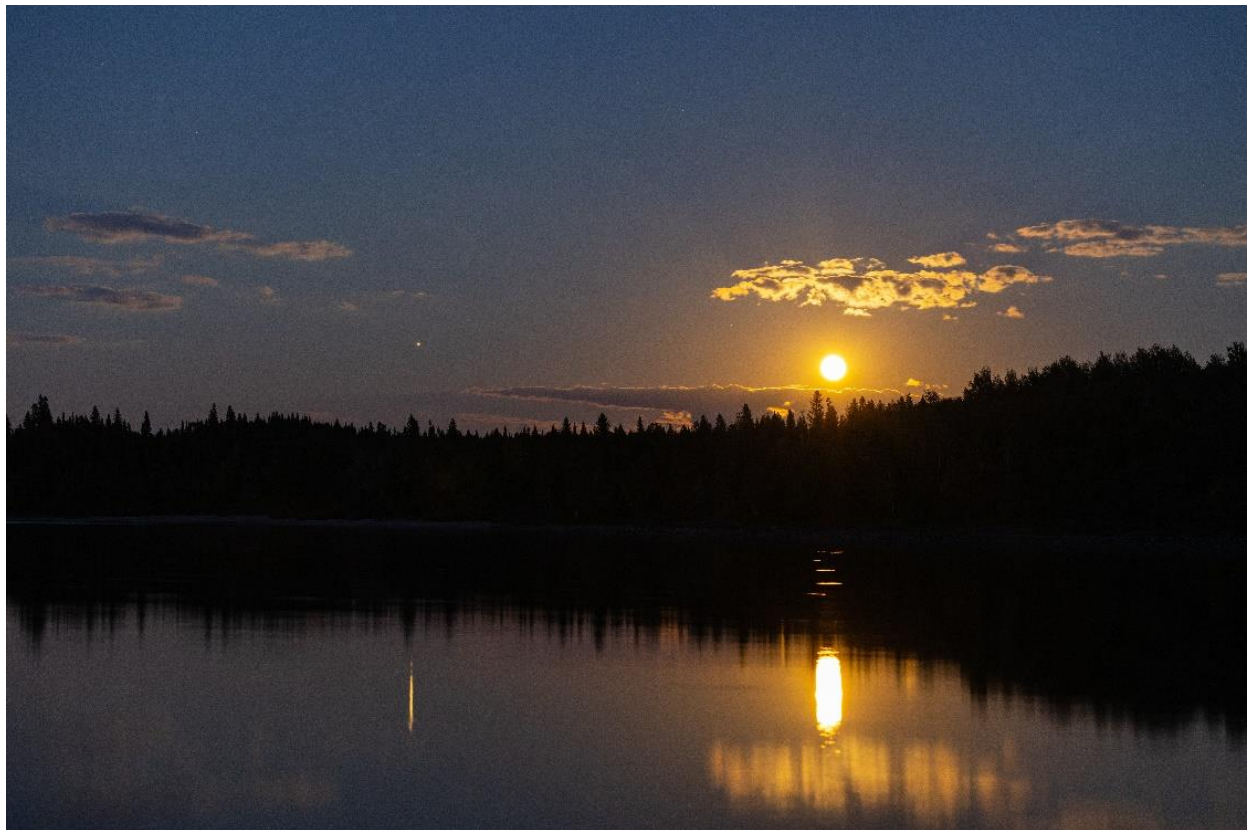


0 20 40 80 120 160 kilometers

## Introduction

Eeyou Istchee, meaning “the People’s land” in the Cree language, is the homeland of the Cree Nation, primarily located in the Province of Quebec, Canada. About 18,000 First Nation people live there.<sup>1</sup> The Cree Nation Government is the legal entity which governs Eeyou Istchee, a traditional territory of more than 400,000 square kilometers (40 million hectares, or more than 100 million acres). That is an area more than 12% larger than all of Germany -- or, for North Americans, larger than all of New England and New York, plus most of Pennsylvania.

In the southernmost region of Eeyou Istchee, where threatened boreal caribou roam lush mossy forests veined with waterways and cooled by wetlands, lies the Mishigamish “virgin forest”.<sup>2</sup> It is a 4,000-square-kilometer (988,422-acre) fragment of the Broadback River Valley that remains ecologically and culturally intact and encompasses the last three Waswanipi traplines that have escaped the impact of forestry. The area is integral to the traditional way of life for the Waswanipi Cree First Nation and is part of one of the world’s largest carbon vaults.<sup>3</sup>



*The Waswanipi Lake Aquatic Reserve spans over 577 square kilometers (142,580 acres) southwest of Waswanipi.  
Credit: Cree Nation Government.*

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<sup>1</sup> [The Eeyou of Eeyou Istchee | The Grand Council of the Crees \(Eeyou Istchee\) \(cngov.ca\)](https://www.cngov.ca)

<sup>2</sup> O Bernstien, Jaela. “Waswanipi Cree demand virgin forest, caribou be protected from logging.” *CBC*, Jan. 26, 2016.  
<https://www.cbc.ca/news/canada/montreal/waswanipi-forest-roads-threaten-caribou-1.3418531>.

<sup>3</sup> Onishi, Norimitsu. “To Fight Climate Change, Canada Turns to Indigenous People to Save Its Forests.” *The New York Times*, Nov. 17, 2022.  
<https://www.nytimes.com/2022/11/16/climate/canada-climate-change-indigenous-people.html>.

If it were not for the determined stewardship of the Waswanipi First Nation People, the old-growth forest might now be razed, pulped, and stored neatly in two-ply rolls.<sup>4</sup>

In the 1950s, development began to gnaw away at the Waswanipi region.<sup>5</sup> Mining, railways, highways, and forestry encroached rapidly on the territory and, in turn, on Cree culture. By the turn of the 21<sup>st</sup> century the First Nation was sounding the alarm on the ecological harm being done to the land. The Nation spent the next 15 years fighting to keep Mishigamish intact.

It was a corporate pulp and paper company that brought the dispute to its peak. Resolute Forest Products—a major producer of toilet paper—was clearcutting an area east of Mistissini and Ouje-Bougoumou that the Cree and Quebec governments had agreed to include in the Paix des Braves Adapted Forestry Regime. The regime was meant to enable collaborative forest management between Indigenous and state governments, but the Cree were never consulted about the project. The Cree Nation issued a formal notice to the company asking it to cease its operations and several letters to Quebec government leaders asking them to step in, but the correspondence went unanswered.

The Cree turned to the courts. They raised concerns over this and several other issues, including access to environmental data and the approval of new forestry roads.

The threat of a multi-million-dollar lawsuit got Quebec's attention and, within a year, the two governments had inked an agreement to end the forestry dispute. With those pen strokes, the Broadback River Protected Area—covering 9,134 square kilometers (about 2,257,000 acres) in and around Mishigamish—was named a biodiversity reserve.<sup>6</sup>

As of 2022, the Waswanipi Cree had succeeded in formally protecting about 70 percent of the Mishigamish virgin forest.<sup>7</sup> But the saga behind this protected area is part of a larger story playing out across Eeyou Istchee, where the Cree Nation Government (CNG) has created a strategy, rallied a diverse team, and is now protecting land at an unprecedented rate. Eeyou Istchee is also facing new and unprecedented threats, including widespread and devastating wildfires (see Addendum 1).

*The Environmental disturbances on the Waswanipi traditional territory create a barrier between our ancestral right to the practice of our culture and the preservation of our language. The teachings passed down from generation to generation, such as those related to hunting, fishing, and trapping require an undisturbed environment.*

-Brief from the Council of the Cree First Nation of Waswanipi

Council of the Cree First Nation of Waswanipi, *Brief from the Council of the Cree First Nation of*

<sup>4</sup> Skene Jennifer. *The Logging Loophole: How the logging industry's unregulated carbon emissions undermine Canada's climate goals*. New York: Natural Resource Defense Council, 2020. <https://naturecanada.ca/wp-content/uploads/2020/07/Boreal-Report-2020.pdf>.

<sup>5</sup> Council of the Cree First Nation of Waswanipi, *Brief from the Council of the Cree First Nation of Waswanipi*, February 26, 2016, [https://comexqc.ca/wp-content/uploads/Brief-to-COMEX\\_Feb26\\_\\_FINAL.pdf](https://comexqc.ca/wp-content/uploads/Brief-to-COMEX_Feb26__FINAL.pdf).

<sup>6</sup> Grand Council of the Crees. "Grand Council of the Crees (Eeyou Istchee)/Cree Nation Government and Government of Quebec Sign the Agreement to Resolve the Baril-Moses Forestry Dispute." *PR Newswire*, July 13, 2015. <https://www.prnewswire.com/news-releases/grand-council-of-the-crees-eyyou-istchee--cree-nation-government-and-government-of-quebec-sign-the-agreement-to-resolve-the-baril-moses-forestry-dispute-518056731.html>.

<sup>7</sup> Onishi, Norimitsu, 2022.

## The Cree Regional Conservation Strategy

In 2020, the Cree Nation Government hit a milestone of global significance. In the traditional territory of Eeyou Istchee in northeastern Canada, Indigenous People established 23 new protected areas, formally conserving a total 23 percent of Eeyou Istchee.

The landmark achievement is a result of the Cree Regional Conservation Strategy, which has guided the Indigenous Nation's work establishing protected areas since 2015.<sup>8</sup> The strategy also kindled a relationship between the Cree and the Nature Conservancy Canada (NCC). The collaboration enables a holistic approach to conservation, weaving traditional and western science to catalyze both partner's work.

The progress made in the first five years of the strategy fulfilled the Cree's commitment to help Canada reach Aichi Biodiversity Target 11, in which the country pledged to protect 17 percent of terrestrial, and 10 percent of coastal and marine, areas by 2020. Along with the rest of the world, Canada was not able to achieve all its goals, but the Cree Nation, in collaboration with the government of Quebec, delivered on its portion of the work.<sup>9</sup>

Several years on, the Cree have maintained pace and are now well on their way to formally protecting and conserving 50 percent of Eeyou Istchee by 2035.<sup>10</sup> The Nation is leveraging a diverse toolbox of conservation mechanisms. Some of these meet standard Protected Area criteria; others are better defined by the term Indigenous Protected and Conserved Area (IPCA), which refers to conservation initiatives that are Indigenous led, represent a long-term conservation commitment, and elevate Indigenous rights and responsibilities.<sup>11</sup>

Regardless of their formal designation, all of these demonstrate the Cree Nation's commitment to helping Canada and Quebec achieve the 30x30 targets they

### The People's Land

*"You cannot be Eeyou without Istchee."*  
-Mandy Gull Masty\*

Eeyou Istchee stretches across 400,000 square kilometers (about 98,842,152 acres) of northeastern Canada. Most of it overlaps with northern Quebec, but it also snakes down the coasts of eastern James Bay, southeastern Hudson Bay, and into surrounding watersheds.

In Cree, the Cree people are *Eeyou; Istchee* is land; and *Eeyou Istchee* means People's Land. There are more than 300 traplines within the region which is home to 11 Cree communities and over 18,000 people.

Each of the 11 communities in Eeyou Istchee have their own autonomous governments. They are also each represented by an elected Chief in the Grand Council of the Crees and the Council of the Cree Nation Government. Nine of the communities are incorporated in the James Bay and Northern Quebec Agreement (see section: *Policy in Context*). One of these communities is located in Ontario, and one does not yet have recognized territory or community.

The communities are Whapmagoostui, Chisasibi, Wemindji, Eastmain, Waskaganish, Nemaska, Waswanipi, Oujé-Bougoumou, Mistissini, Washaw Sibi, and MoCreebec.

NRDCflix. "The Waswanipi Cree Call to Protect Their Last Pristine Land." *YouTube* video. Jan 31, 2017.

<sup>8</sup> *Cree Regional Conservation Strategy*. Montreal: Cree Nation Government, 2015. chrome-extension://efaidnbnmnnibpcajpcgclcfndmkaj/https://www.eeyouconservation.com/wp-content/uploads/2018/02/cree-regional-conservation-strategy-e.pdf.

<sup>9</sup> Bernstein, Jaela. "Canada, host of the UN biodiversity summit, is struggling to meet its own targets". *CBC News*. Oct. 9, 2022. <https://www.cbc.ca/news/science/canada-failing-to-meet-biodiversity-targets-1.6610259>. (Accessed May 12, 2023).

<sup>10</sup> *Protecting & Conserving Land in Eeyou Istchee*. Toronto: Nature Conservancy of Canada and Cree Nation Government, 2022.

<sup>11</sup> "Indigenous Protected and Conserved Areas." *Conservation through reconciliation partnership*. <https://conservation-reconciliation.ca/about-ipcacs> (accessed August 8, 2023).

pledged to adopt at the 15th meeting of the Conference of the Parties to the United Nations Convention on Biological Diversity (COP15).

By surpassing land protection goals where many governments are falling short, the Cree and the Cree Regional Conservation Strategy are an example of on-the-ground work showing that international conservation targets can be achieved by many nations.<sup>12</sup> The accomplishments of the Cree Nation Government affirm an emerging narrative from which western conservation organizations will benefit, adjusting how they define conservation, developing tools to empower a more diverse practitioner workforce, and learning how to play a supporting role in collaborative initiatives to restore the earth.

## Where we are

By May 2022, the Cree Nation Government had added 23 protected areas, covering about 39,000 square kilometers (9,637,109 acres), to the region's existing network. This raised the total protected area in the region to 23 percent, surpassing both Canada and Quebec's goals of preserving 17 and 20 percent of territory, respectively.

This feat was led by the CNG and supported by the NCC, which provided technical expertise to complement Cree knowledge the Cree Nation built over thousands of years. While the initiative formally protects this land and adds to the portfolio of protected areas that are recognized by Crown governments, much of the region was already conserved, practically, by Indigenous stewards. Many Cree protected areas are managed by tallymen, trapline leaders who are responsible for overseeing hunting, trapping, and other activities within their region.<sup>13</sup> The project represents a shift in Indigenous and Crown-government relationships that has been cultivated by First Nations working over decades to broaden the scope and meaning of conservation in Canada.

### *Creating a flexible land protection model*

Biodiversity reserves and Quebec National Parks are the two main types of protected areas in Eeyou Istchee.<sup>14</sup> Biodiversity reserves do not fund tourism, but allow hunting, fishing, and outfitting by visitors. National Parks promote tourism and allow sport fishing but ban tourists from hunting. Cree People have more comprehensive land-use rights in parks and reserves, allowing them to practice cultural activities, including hunting, on these lands, but both area types preclude industrial development. Nine Cree communities have protected areas within their boundaries and not all of these have formal legal recognition. The

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*In Indigenous worldviews, conservation is achieved when the relationships and uses that have conserved the lands and waters for thousands of years remain intact or are re-established.*

*-Canada Indigenous Circle of Experts*

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<sup>12</sup> Greenfield, Patrick. "World fails to meet a single target to stop destruction of nature – UN report". *The Guardian*. Sept. 15, 2020. <https://www.theguardian.com/environment/2020/sep/15/every-global-target-to-stem-destruction-of-nature-by-2020-missed-un-report-aoe>. (Accessed May 12, 2023).

<sup>13</sup> Youdelis, Megan. "IPCA Governance Models: A snapshot of existing conservation governance arrangements." *IPCA Knowledge Basket*. <https://ipcaknowledgebasket.ca/resources/ipca-governance-scan> (accessed August 10, 2023).

<sup>14</sup> "Protected Area Proposals". CNG.gov. <https://www.eeyouconservation.com/protected-areas-and-proposals/>.



terms and structure of the areas vary, but most protect land from harmful development and infrastructure, while enabling Cree People to continue practicing traditional activities. This is an important aspect of both Indigenous and Crown policies, as the *James Bay and Northern Quebec Agreement* establishes that Cree rights to hunt, fish, and trap come above all protected areas laws and regulations (see section below under the title *Policy in Context*).

In 2014, the CNG began drafting its conservation strategy to help negotiate with the Quebec government to gain formal recognition for Cree-identified protected areas. Several protected areas were already established in *Eeyou Istchee* at that point, but most had been selected and enacted by Crown governments. This left many important cultural sites without protection and meant that Cree governments were not able to lead policies for land-use rights.

#### *Collaborating to align two opposing frameworks with a shared goal*

Before this, the Cree and other First Nations were already protecting land and water across Canada and had been for centuries. It was 17th and 18th-century colonialism that introduced a culture separating humans from nature and Crown governments that did not recognize Indigenous protected areas.

Canada's Indigenous Circle of Experts (ICE)—a panel of Indigenous leaders who are guiding Crown governments on land and resource protection policies—explain the difference between Indigenous and western views of conservation in the 2018 recommendations report *We Rise Together*.<sup>15</sup>

Indigenous worldviews differ fundamentally from the philosophies that guide many Crown-protected areas, where conservation is achieved by restricting activities and limiting access. In Indigenous worldviews, conservation is achieved when the relationships and uses that have conserved the lands and waters for thousands of years remain intact or are re-established.

In this framework, humans are seen as part of the land and elements of nature are indistinguishable from each other. ICE writes that “land cannot be considered separately from the air, wind, water and complex biodiversity that make up a natural system”. In that same vein, human health and the health of the land are inseparable and interdependent.

Where western societies strive to improve quality of life through industry and technology that may pollute and erode the natural world, the same pursuits would be counterintuitive to many Indigenous Peoples. Thus, First Nations have had less reason to establish complex legal mechanisms for protecting and restoring nature. In 2018, Canada had 55 different legislations aimed at creating protected areas and 77 types of protected areas nationwide. None of those recognized voluntary conservation by Indigenous Peoples.

Cree leaders recognized this rift and, with the Cree Regional Conservation Strategy, began the process of aligning Indigenous and Crown government conservation. Shortly after it was released in 2015, the CNG banded together with NCC to create a combined toolbox with room for Cree Knowledge and values as

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<sup>15</sup> *We Rise Together*. Ottawa: Her Majesty the Queen in Right of Canada, 2018. [chrome-extension://efaidnbmnnnibpcjpcglclefindmkaj/https://static1.squarespace.com/static/57e007452e69cf9a7af0a033/t/5ab94aca6d2a7338ecb1d05e/1522092766605/PA234-ICE\\_Report\\_2018\\_Mar\\_22\\_web.pdf](https://static1.squarespace.com/static/57e007452e69cf9a7af0a033/t/5ab94aca6d2a7338ecb1d05e/1522092766605/PA234-ICE_Report_2018_Mar_22_web.pdf).

well as leading-edge conservation tools and western scientific knowledge. These would be leveraged to achieve the strategy's eight core goals:<sup>16</sup>

1. Create an interconnected network of conservation areas of cultural and ecological importance for safeguarding biodiversity
2. Conserve wildlife populations and enhance food security for present and future generation;
3. Ensure full Cree participation in conservation planning and management;
4. Ensure Cree knowledge, culture, and land management systems play a central role in conservation initiatives;
5. Build Cree capacity for conservation planning and management;
6. Ensure Cree youth are engaged in all stages of the strategy;
7. Integrate conservation science principles and build in resilience to climate change; and
8. Ensure the strategy is adaptive and based on the best available knowledge.

A diverse chorus of Cree voices guided the project, including Cree Tallymen—who lead hunting and management of family traplines—as well as land users, Elders, women, youth, and other community members. NCC helped the Cree identify large swathes of intact and connected areas as candidates for formal protected areas. On its website NCC outlines its technical contributions, which include:<sup>17</sup>

- Geographic information system (GIS) data on biodiversity and industrial development;
- Staff training on boreal conservation planning frameworks and tools, such as BEACONS and MARXAN,<sup>18,19</sup>
- Mapping to track and summarize Cree cultural information and identify key sites; and
- Long-term planning and capacity for managing protected areas.

Once data from GIS and other computer modeling software was available to complement Cree knowledge, Cree Chiefs and council members had the final say on which areas were chosen for formal protection. Water was central to the Cree conservation strategy and the model prioritized watersheds and their riparian areas. It also highlighted land already impacted by development, recommended that protected areas be large enough to withstand the largest projected forest fires.<sup>20</sup>

Each Cree community chose areas independently, based on the robust information the CNG and NCC compiled. In 2018, the areas were mapped out and presented to the Quebec government. It took two years of negotiation before the three parties agreed on the areas and the terms of protection for the 39,000-square-kilometer (9,637,110-acre) network that now safeguards 23 percent of Eeyou Istchee.

#### *Maintaining the network with a sustainable economic model*

In 2019, the CNG launched a pilot program to establish a stewardship workforce to oversee Eeyou Istchee along with the protected area network. The Eeyou Istchee Land Keepers program trains and hires tallymen, wildlife protection officers, and assistants who monitor, protect, and manage land and wildlife

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<sup>16</sup> Cree Regional Conservation Strategy. 2015.

<sup>17</sup> "Cree Regional Conservation Strategy". Nature Conservancy Canada. *Cree Regional Conservation Strategy*. Montreal: Cree Nation Government, 2015. [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.eeyouconservation.com/wp-content/uploads/2018/02/cree-regional-conservation-strategy-e.pdf](https://www.eeyouconservation.com/wp-content/uploads/2018/02/cree-regional-conservation-strategy-e.pdf).

<sup>18</sup> "Welcome to the BEACONS Project." *BEACONS Project*. <https://ipcaknowledgebasket.ca/resources/ipca-governance-scan> (accessed August 10, 2023).

<sup>19</sup> "Why MARXAN?" *MARXAN Conservation Solutions*. <https://marxansolutions.org/> (accessed August 10, 2023).

<sup>20</sup> Cree Regional Conservation Strategy, 2015.

using culturally responsible methods.<sup>21</sup> It was funded through spring 2023 by the Quebec Ministry of Forest, Wildlife and Parks and other contributors.

This and other Indigenous-led programs are exploding across the country as part of Canada’s Indigenous Guardians initiative.<sup>22</sup> In 2017, the government of Canada dedicated \$25 million (CAD) over four years to support the pilot. Its success led to a second infusion in 2021, this time of \$100 million (CAD) over five years. Indigenous Guardians simultaneously protect natural resources, enable formally protected areas, and promote economic health for Indigenous Peoples, who are the demographic with the highest rates of poverty in Canada.<sup>23</sup> Five years after the pilot launched, Canada announced the First Nations National Guardians Network to create cohesion among individual regional initiatives. The network was created to enable a “Nation-based model of self-determination and a Nation-to-Nation-based model of reconciliation and partnership for responsible land and marine stewardship”.<sup>24</sup>

### **A Seven-Step Process**

The Cree Regional Conservation Strategy describes each phase of its work:

1. Design potential protected areas using stream flow and natural fire characteristics
2. Summarize ecological and cultural values within each area to customize protection based on each community’s individual needs and interests
3. Combine potential protected areas to form networks then score and rank them based on cultural and ecological criteria
4. Evaluate networks against the strategy’s goals, giving special consideration to environmental vulnerability and widely shared cultural values
5. Discuss options with community and territory leaders to finalize proposals
6. Negotiate new protected areas with the government of Quebec
7. Finalize new protected areas through Environmental and Social impact assessment process (ongoing)

## Policy in context

Cree work to formally protect Eeyou Istchee did not begin with the Cree Regional Conservation Strategy. The collaborative model of Crown-government- and Indigenous-led conservation emerging in Canada in 2023 is the result of nearly 50 years of negotiations and over 75 written and signed agreements.

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<sup>21</sup> “Challenge Fund”. CNG.gov. *Cree Regional Conservation Strategy*. Montreal: Cree Nation Government, 2015. [www.eeyouconservation.com/wp-content/uploads/2018/02/cree-regional-conservation-strategy-e.pdf](http://www.eeyouconservation.com/wp-content/uploads/2018/02/cree-regional-conservation-strategy-e.pdf).

<sup>22</sup> “Indigenous Guardians”. Government of Canada. Modified May 3, 2023. <https://www.canada.ca/en/environment-climate-change/services/environmental-funding/indigenous-guardians.html>.

<sup>23</sup> “Disaggregated trends in poverty from the 2021 census of population.” Statistics Canada. Nov. 9, 2022. <https://www12.statcan.gc.ca/census-recensement/2021/as-sa/98-200-X/2021009/98-200-X2021009-eng.cfm>.

<sup>24</sup> Government of Canada, “Introducing the New First Nations Guardians Network,” December 9, 2022, <https://www.canada.ca/en/environment-climate-change/news/2022/12/introducing-the-new-first-nations-guardians-network.html>.

Since the nation's first modern land-claim agreement was signed in 1975, Indigenous People have been advocating for fair, ethical, and symbiotic land laws. Even among First Nations, the Cree Nation Government has been a leader in shaping the relationship and legal context that now allows conservationists from all backgrounds to join hands to protect Earth. Placing the Cree's recent measurable conservation achievements in context illustrates how impressive their initiative is.

### *Conflicts over land rights emerged early*

Historically, Crown-government land laws in Canada harmed First Nation People. Often veiled as cooperative solutions to cultural conflicts, they were established without input from Indigenous leaders.

"All of the Canadian law, all of the western law, all of the common law has been worded, framed, and established in ways that allow for the taking of Indigenous lands from Indigenous Peoples," explained Tracey Lindberg—a scholar of Cree-Métis descent and recipient of a Canada Research Chair in Indigenous Traditional Knowledge, legal orders, and laws—in a virtual presentation for the University of Victoria.<sup>25</sup>

In the past decade, that precedent has started to shift, as Crown and First-Nation governments partner to revise harmful legislation and craft new laws to catalyze effective and ethical land protection across the nation. The Cree of Eeyou Istchee have been integral to this process, willing to put trust in the Crown government and prepared to push back when it was broken or unmet.

"I'm proud to say that my nation ... represent[s] a gold standard in trying to be a self-governing people and trying to determine our future," said Mandy Gull-Masty, grand chief of the Cree Nation Government in an Ottawa meeting of environmental delegates in 2020.<sup>26</sup>

### *The James Bay and Northern Quebec Agreement*

The James Bay and Northern Quebec Agreement (JBNQA) was Canada's first modern land-claim agreement.<sup>27</sup> It was born when Canada, Quebec, and the public company Hydro-Quebec initiated an environmentally disruptive hydroelectric project in Northern Quebec, without consulting Indigenous leadership.

First Nations People spoke up about damage to the land and encroachment on territory used for hunting, trapping, and other traditional land uses. One goal of the JBNQA was to remedy this conflict by establishing formal environmental and social rights and protections for Indigenous Communities in exchange for their consent to continue the project under close monitoring. These included a minimum family income program and rights to education in Indigenous languages, English, and French, as well as the creation

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*All of the Canadian law, all of the western law, all of the common law has been worded, framed, and established in ways that allow for the taking of Indigenous lands from Indigenous Peoples.*

-Tracey Lindberg

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<sup>25</sup> Continuing Studies at UVic. "Law as a Responsibility: Centering Indigenous Peoples, Laws and Legal Orders in Learning and Practice". YouTube video. 1:10:28. May 28, 2021. <https://www.youtube.com/watch?v=SF6RVkvR2ZI>.

<sup>26</sup> Nature Canada. "Deputy Grand Chief Mandy Gull talks conservation and reconciliation." YouTube video, 34:14. Feb. 4, 2020. <https://www.youtube.com/watch?v=rA6D9rdjs-M>.

<sup>27</sup> "James Bay and Northern Quebec Agreement." Government of Canada. Modified July 6, 2016. <https://www.canada.ca/en/impact-assessment-agency/corporate/james-bay-northern-quebec-agreement.html>.

of the James Bay Native Development Corporation, which encourages economic development for Cree people.<sup>28</sup>

Notably, the JBNQA created a three-tiered system for categorizing land, meant to give the Cree, Inuit, and Naskapi of Quebec right to self-government over certain territory. The Cree of Eeyou Istchee were the first to sign the agreement.

The agreement did not initially have the harmonious effect it was supposed to. Some Indigenous People worried that the JBNQA was designed to make First Nations more reliant on the Crown government and, as the agreement was implemented, it became clear that Canada and Quebec were not following through on their obligations. The agreement did prompt the Cree and other First Nations to speak up and apply pressure on Crown governments to honor their promises. This resulted in a chain of new legislation that amended and built on the JBNQA over decades.

### *Redefining implementation of the JBNQA*

In 2001, the Quebec and Cree governments decided to turn a new page and redraw the terms of their relationship. They collaborated in creating the Agreement Concerning a New Relationship Between the Government of Quebec and the Crees of Quebec, or *Paix des Braves*, which was signed the next year.<sup>29</sup> This promoted Cree autonomy over economic and community development; redefined forestry guidelines to better align with Cree traditional ways of life; allowed the EM-1 hydroelectric project to move forward with close monitoring; and asserted that the Cree – Quebec Standing Liaison Committee was responsible for enabling this relationship and resolving disputes that arose from it.

Another important piece of legislation sprung from the Paix des Braves. The 2008 Agreement Concerning a New Relationship Between the Government of Canada and the Cree of Eeyou Istchee—or Federal New Relationship Agreement—further improves how the JBNQA<sup>30</sup> is implemented. This was followed by a 2010 agreement regarding rights to marine territory; a 2012 agreement establishing shared governance rights in Eeyou.<sup>31</sup>

### *International commitments in the 21<sup>st</sup> century help align Canadian and First-Nations goals*

In 2011, the government of Quebec released *Plan Nord* or the Northern Action Plan.<sup>32</sup> It was meant to kickstart sustainable development that would increase access, bring economic opportunity, and maintain environmental quality in Northern Quebec. From the beginning, the Crown government consulted Indigenous Peoples as it crafted the strategy document and the Cree defined their role in carrying out the plan in their own report, the Cree Vision of Plan Nord.<sup>33</sup>

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<sup>28</sup> Yanick Turcotte, "James Bay and Northern Quebec Agreement," The Canadian Encyclopedia. July 3, 2019.

<https://www.thecanadianencyclopedia.ca/en/article/james-bay-and-northern-quebec-agreement#:~:text=On%20a%20political%20level%2C%20the,James%20Bay%20Native%20Development%20Corporation.>

<sup>29</sup> "Main Agreements of the Cree Nation Government." Cree Nation Government. Accessed May 22, 2023. <https://www.cngov.ca/governance-structure/legislation/agreements/#:~:text=In%202001%2C%20the%20Cree%20and,between%20the%20Cree%20and%20Quebec.>

<sup>30</sup> "Main Agreements," 2023.

<sup>31</sup> "Main Agreements," 2023.

<sup>32</sup> Austen, Ian. "Quebec to Spend Billions to Develop Resources in Northern Regions." The New York Times. May 9, 2011.

<https://www.nytimes.com/2011/05/10/business/energy-environment/10arctic.html>

<sup>33</sup> "Protected Areas Process." Eeyou Conservation. Accessed May 22, 2023. <https://www.eeyouconservation.com/protected-areas-process/>



Common Loon, Mistissini Lake. Credit: Theresa Macleod (@theresamacleodloon).

Since then, there have been several iterations of the 25-year plan, increasingly shifting its focus toward land and biodiversity protection. The second version was published in 2015, corresponding with the release of the Cree Regional Conservation Strategy.<sup>34,35,36</sup> The two documents align well, as both include commitments to international protected-area goals. This was one piece of kindling to the relationship between NCC and the CNG, as the two groups began to see overlap in their missions, values, and capacity to achieve long-term goals. In 2017, the Cree signed the Constitution of the Cree Nation of Eeyou Istchee (Cree Constitution), an internal document laying out terms and strategies for exercising self-government, particularly in relation to Category 1A lands.<sup>37</sup> The following year, the Cree Constitution received Royal Assent, earning it the force of law.

The UN Convention of Biological Diversity's Aichi biodiversity targets prompted Canada to develop Pathway to Target 1, aiming to conserve at least 17 percent of its territory by 2020 and 25 percent by 2025.<sup>38</sup>

In developing the strategy, Canada realized that Indigenous-led conservation is crucial to the region meeting its global commitments.<sup>39</sup> In 2017, the Indigenous Circle of Experts (ICE) was formed to create a written strategy for enabling that partnership.<sup>40</sup> It defined the term Indigenous Protected and Conserved Areas (IPCAs), which remains legally ambiguous but is enabling recognition for, and tracking of, Indigenous-led conservation.

## The Right Partner

The political landscape that emerged from several decades of legislative work brightened the horizon for conservation in Canada. Entering the 2010s it was possible to bring Traditional and western science together to heal and protect land on a much broader scale. Still, it would take the right partnership to achieve the most ambitious projects and the Cree found that in NCC.

While the NCC played its own role in the checkered history of Canadian land laws, by the 2000s, it was engaged in a comprehensive plan to become better and more responsible land stewards and to ensure

<sup>34</sup> Secretariat au Plan Nord. *The Plan Nord Toward 2035: 2015-2020 Action Plan*. Accessed May 22, 2023.

[file:///C:/Users/lrobinson/OneDrive%20-%20Lincoln%20Institute%20of%20Land%20Policy/Desktop/2015\\_2020.pdf](file:///C:/Users/lrobinson/OneDrive%20-%20Lincoln%20Institute%20of%20Land%20Policy/Desktop/2015_2020.pdf)

<sup>35</sup> Cree Nation Government. *Cree Regional Conservation Strategy*. October 2015. <https://www.eeyouconservation.com/wp-content/uploads/2018/02/cree-regional-conservation-strategy-e.pdf>

<sup>36</sup> "Our Story". The Nature Conservancy Canada. <https://www.natureconservancy.ca/en/who-we-are/impact/our-story.html>

<sup>37</sup> "Main Agreements," 2023.

<sup>38</sup> "Canada Target 1 Challenge." Government of Canada. Modified May 4, 2021. <https://www.canada.ca/en/environment-climate-change/services/nature-legacy/canada-target-one-challenge.html>

<sup>39</sup> Sing, Inayat and Hopton, Alice. "How Indigenous-led conservation could help Canada achieve land and water protection targets." *CBC News*. December 6, 2022. <https://www.cbc.ca/news/science/canada-conservation-boreal-nature-biodiversity-1.6675175>

<sup>40</sup> *Indigenous Circle of Experts' Report and Recommendations*. (Ottawa: Her Majesty the Queen in Right of Canada, 2018.) <https://static1.squarespace.com/static>

all staff were equipped to work effectively and ethically with Indigenous partners. This work allowed NCC to take on a supportive role implementing the Cree Regional Conservation Strategy in 2015. Its cultural-competency plan is still being developed and improved nearly a decade later.

#### *Relationships are embedded in the NCC's mission*

Since it was founded in 1962, the NCC has become increasingly skilled at developing and implementing tools that allow private landowners, governments, and the public to trust each other to care for and restore land in perpetuity. To ensure that it is equipped to work with Indigenous communities in an ethical and restorative manner, NCC has taken particular care to reflect on and improve internal practices to work across both political jurisdictions and a diverse cultural landscape.

It is important for non-Indigenous staff to be able to place their work in historical context and to have the skills to work with and empower Indigenous partners; Indigenous partnership needed to be embedded in the organization's mission; and staff should be guided by a network of Indigenous advisors. Creating that environment is an ongoing process but NCC has taken several large steps in recent years to improve cultural competency throughout the organization.

#### *A written framework guides the NCC's work*

In 2018 the NCC published its first Indigenous Conservation Engagement Framework.<sup>41</sup> In the 12-page document, the NCC acknowledges that Indigenous Peoples have been protecting and stewarding land for centuries and that the organization has much to learn from Indigenous knowledge and practices. It pledges its commitment to “work more purposefully with Indigenous communities and nations, in the spirit of reconciliation, to achieve more long-term conservation.”

In June of 2023, the NCC renewed this framework, with a document that re-commits the organization to reconciliation through conservation and that builds on the success and learnings emerging from the 2018 framework.<sup>42</sup> It highlights that acting as a trusted partner to Indigenous People is a pillar of one of NCC's four priorities as an organization. To achieve this, the framework employs four guiding strategies, (1) build meaningful relationships, (2) enable a culturally competent organization, (3) support Indigenous-led conservation, and (4) transform conservation practice. The framework also defines how the NCC will measure its impact in these areas, by tracking its initiatives that emerge from them.

#### *Putting its commitment on paper*

The NCC drew on knowledge from Indigenous leaders as it worked to improve its Indigenous partnerships and crafted the framework. After placing NCC's work in historical context the framework makes the following commitment:<sup>43</sup>

We envision building meaningful relationships that are grounded in mutual respect and the desire to achieve significant and durable conservation outcomes. NCC will use its capacity,

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<sup>41</sup> “Walking together to care for the land and water: NCC's Indigenous conservation engagement framework” The Nature Conservancy Canada, 2019. <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.natureconservancy.ca/assets/documents/nat/Walking-Together-NCC-Indigenous-Conservation-Engagement-Framework.pdf>.

<sup>42</sup> “Indigenous Conservation Engagement Framework” The Nature Conservancy Canada, 2023.

<sup>43</sup> “Indigenous conservation engagement: Year 1 progress report.” The Nature Conservancy Canada, 2019. <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.natureconservancy.ca/assets/documents/nat/Indigenous-Conservation-Engagement-Year-1-Donor-Report.pdf>.

expertise and influence to act as an ally in support of Indigenous-led conservation projects and as a partner in joint initiatives. NCC will expand our understanding of our lands and waters and improve our stewardship by learning from Indigenous knowledge and history.

It then lays out the principles NCC will draw from as it works to honor this commitment. The four principles state that (1) conservation of biodiversity and (re)connection to Indigenous culture go hand in hand, (2) conservation achieved through collaboration with Indigenous people is an important form of reconciliation, (3) respecting multiple knowledge systems and creating space to listen to and learn from a diversity of perspectives is critical to future success in conservation, and (4) foundational learning about Indigenous history and culture by all staff is also a form of reconciliation and will help achieve successful partnerships with Indigenous people.

To put these principles into action, NCC outlined the first steps it would take in this journey, pledging to:

1. Build relationships with Indigenous advisors;
2. Institutionalize Indigenous cultural awareness and competency;
3. Incorporate the care of Indigenous cultural heritage resources into NCC management plans and practices for NCC lands;
4. Explore opportunities to support the development of Indigenous land trusts as a model for conservation of Indigenous traditional lands within Canada's land tenure system; and
5. Lend technical skills and expertise in support of establishing IPCAs.

#### *Putting the framework into action*

As of June 2023, NCC has published three reports detailing its progress putting the framework's principles into action. By the end of 2019, the organization had partnered with a group of Indigenous advisors to explore the history of NCC lands from a cultural perspective. Some advisors preferred to share their knowledge orally with NCC staff, which took time and attention but sparked rich conversations. Other professional development offerings also prompted staff to engage with Indigenous Peoples, cultural awareness, and internationally recognized best practices.

Staff did not just listen; they were also offered opportunities to engage with Indigenous leaders and begin forming lasting working relationships. NCC established an internal Indigenous Working Group, partnered with Indigenous advisors, and worked with the Conservation Through Reconciliation Partnership to kickstart work on an Indigenous land trust model.

NCC's Indigenous Conservation Engagement Framework is available publicly as an illustration of its approaches and partnerships, and it has released several other open-access resources to the conservation community to support learning and growth. These include a page on its website compiling NCC work and resources for engaging with Indigenous Peoples; the fall 2018 issue of Nature Conservancy of Canada Magazine, focused on Indigenous content; and its 2018-2019 speaker series, NCC's NatureTalks, which featured Indigenous perspectives.



*Equipping staff with tools and training at the door*

Year one activities were continued and expanded in 2020 and 2021, with Indigenous topics incorporated into most events, publications, and professional development offerings<sup>44, 45</sup> Training in Indigenous

**Two Mechanisms for Protecting Land**

The Cree Regional Conservation Strategy defines two types of mechanisms for establishing protected and conserved areas.

A **legislated** protected area is a protected area that does not permit any industrial development. National Parks, biodiversity reserves, and aquatic reserves are all examples of legislated protected areas. These are often promoted in federal legislation.

A **non-legislated** protected area is recognized as having some unique importance but are not legally protected. Canadian Heritage Rivers, UNESCO biosphere reserves, and Indigenous and Community Conserved Areas are all tools used to draw attention to an area’s special characteristics.

“Cree Regional Conservation Strategy”. 2015.

engagement was also incorporated into the staff onboarding process. NCC began developing new tools to help staff engage with Indigenous partners, including a best-practice document, the Indigenous Territorial Acknowledgement Guide, meant to be a living document to help staff choose and work with appropriate land acknowledgement statements.

In its report published in 2022, reflecting on work done in 2021, NCC documents having trained more than 300 staff through its Indigenous Insights training sessions. The course was developed in collaboration with the University of Winnipeg and offers an option to participate in virtual seminars or move through a self-paced virtual class.

These are only some of the initiatives the NCC has implemented to empower staff to educate themselves on cultural issues, place their work in historical context, and work respectfully with Indigenous partners. Organizationally, it continues to evaluate its hiring practices to support and retain Indigenous candidates and be a trusted and culturally safe organization for all employees. It works to foster mutually beneficial relationships with Indigenous

advisors and increasingly places itself in a support—rather than a leadership—role when offering technical capacity to Indigenous-led conservation initiatives.

The organization’s goal is to continue evolving its practice so that, one day, Indigenous partnerships will be the norm and will be expected across all of NCC.

<sup>44</sup> “Indigenous Conservation Engagement: Year 2 progress Report.” The Nature Conservancy Canada, 2021. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.natureconservancy.ca/assets/documents/nat/Indigenous-Conservation-Engagement-Year-2-Public-Report.pdf

<sup>45</sup> “Indigenous Conservation Engagement: Year 3 progress report”. The Nature Conservancy Canada, 2022. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.natureconservancy.ca/assets/documents/nat/Indigenous-Conservation-Engagement-Year-3-Public-Report.pdf

## Where We Are Headed

By 2035, the Cree Nation Government expects 50 percent of Eeyou Istchee will be protected and conserved. In partnership with the NCC, it has already identified another 30 percent of the region for conservation and is working to help maintain a positive government-to-government relationship that will ensure the protected land is well stewarded. The NCC is now focused on supporting the CNG by exploring ways to potentially remove barriers to protection, such as resource tenures, in areas of Cree cultural significance.

If the plan is successful, about 20 million acres of boreal forest, marshes, tundra, estuaries, and islands will be responsibly cared for in perpetuity. Economies in Indigenous communities will flourish with the land as funding emerges to enable Eeyou Istchee Land Keepers to manage protected areas. And Cree culture and traditional ways of life that rely on free access to healthy land will be empowered.

This is still a vision, but it is one that is well-mapped, well-resourced, and staffed by one of the most diversely competent conservation teams in Canada's history. Many of the tools that will protect Eeyou Istchee in 2035 do not exist today, as the Cree carry on pushing innovation in policy and practice. In May 2022, a progress report estimated that 23 percent of the region will be in legislated protected areas and 27 percent will be guarded by other legal and policy tools that braid western and Cree knowledge.<sup>46</sup>

The conservation strategy outlined a few of the tools the CNG four main types of conservation areas and tools:<sup>47</sup>

- Core Conservation Areas, selected and managed to promote traditional Cree way of life and banning all industrial activity;
- Conservation Corridors and Connectivity, selected for their role as “stepping stones” between other protected areas to promote connectivity;
- Special Management Areas, selected and designed to promote the dual priorities of conservation and resource development that allow some infrastructure development limited by standards for ecological and cultural impact; and
- Buffer Areas, created around core conservation areas to protect against upstream stressors.

The few decades—perhaps less—ahead of society in 2023 present a critical chance to take meaningful action against climate change and biodiversity loss worldwide. Centuries of perseverance from people and groups like the Cree Nation Government have positioned contemporary conservationists to band together to achieve unprecedented goals. To expand the scope of their work, practitioners must continue to expand their minds as well. Through collaboration and knowledge sharing, current tools will become sharper and new and stronger approaches will emerge.

*“Yes, you can go in and cut a tree. Yes, you can go in, you can plant a tree again. But you have not recreated the forest. There is no way that man could recreate what nature developed.”*

-Mandy Gull Masty

Skoll.org. “Mandy Gull: “There’s no way that man could recreate what nature developed” #SkollWF2017.” YouTube video, 00:36. Oct. 21, 2019.

<sup>46</sup> *Protecting & Conserving Land in Eeyou Istchee*, 2022.

<sup>47</sup> “Cree Regional Conservation Strategy”. 2015.

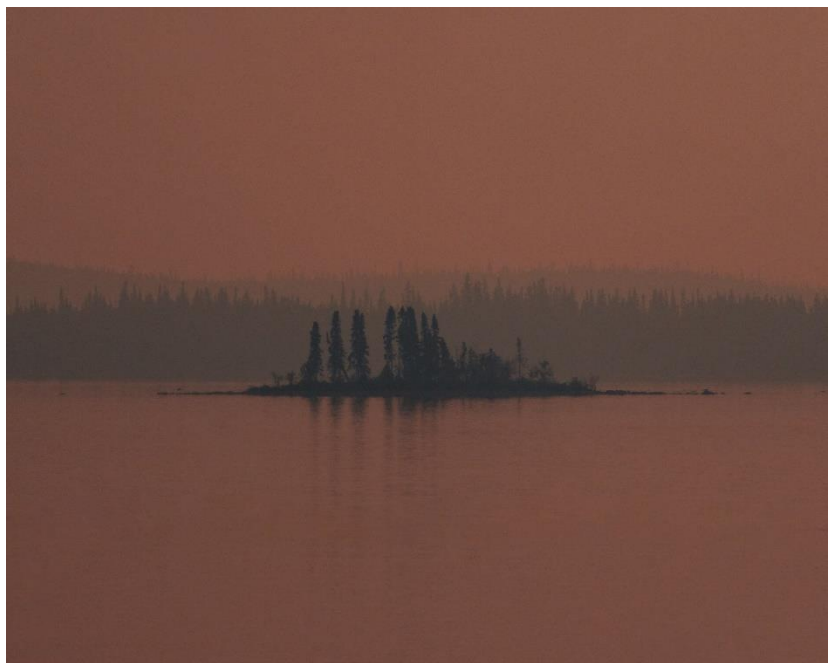
## Addendum 1. Fire Damage to Eeyou Istchee

In 2023, Quebec suffered its worst wildfire season in recent history. Flames rose early, first kindling in May. By September, 678 fires had ravaged over 2,148 ha (5,308 acres) of Quebec forests.<sup>48</sup> On average, over the past decade, 452 fires licked about 90 ha (222 acres), annually. This year nine Cree communities in the traditional territory of Eeyou Istchee fell into the fires' paths. Eight of these communities endured partial or total evacuation orders by the close of July.

"We are basically refugees of climate in this territory," Cree Nation Chief Mandy Gull-Masty told *The New York Times*. "We are constantly escaping either risk of fire or impact of smoke in the community."

The damage to Eeyou Istchee devastated wildlife on land and in water. It charred old-growth trees that provide irreplicable ecosystem services and disrupted carbon balances across huge swaths of the region.

Cree Nation People lost more than just land, they lost access to their culture and way of life. Many of the resources that were damaged and destroyed are integral to Cree traditions. Many traplines were impacted by the blazes, leaving communities uncertain of what hunting, trapping, and animal-centered ceremonies will look like in coming seasons.<sup>49</sup>



*Photo of Mistissini two days before the community was evacuated. Though the fire was at a distance at this point, it threatened the community's access road and only exit route. Credit @theresamacleodloon.*

Climate change may have been the strongest influence on the record-breaking fire season. Researchers examining the wildfires in Quebec found that its effects more than doubled the likelihood of extreme weather conditions in the province.<sup>50</sup> The region suffered its largest single fire ever recorded in June, losing 460,000 hectares in southern Quebec.

The Nature Conservancy Canada has been working with the Cree Nation Government to map the fire damage and plot a path forward.

<sup>48</sup> "Weekly Graphs," Natural Resources Canada, Canada.ca, September 13, 2023. [Canadian Wildland Fire Information System | Weekly graphs \(nrcan.gc.ca\)](#)

<sup>49</sup> Rowe, Daniel J. "Cree communities worried about Quebec wildfires' effects on trap lines, wildlife." *CTV News*, August 11, 2023. [Quebec Cree community leader concerned about wildfire effects on trap lines, wildlife | CTV News.](#)

<sup>50</sup> "Canada's record-breaking wildfires in 2023: A fiery wake-up call," Government of Canada, Canada.ca. [Quebec Cree community leader concerned about wildfire effects on trap lines, wildlife | CTV News.](#)