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Indigenous and decolonial futures: Indigenous Protected and Conserved Areas as potential pathways of reconciliation

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Crown governments, the conservation sector, academics, and some Indigenous governments, communities, and organizations are framing Indigenous Protected and Conserved Areas (IPCAs)—a newly recognized form of Indigenous-led conservation in Canada—as advancing reconciliation with Indigenous Peoples. Yet it is often unclear what is being, or could be, reconciled through IPCAs. While highly diverse, IPCAs are advanced by Indigenous Nations, governments, and communities who protect them, with or without partners, according to their Indigenous knowledge, legal, and governance systems. IPCAs may be expressions of "generative refusal," visions of Indigenous futures, and commitments to uphold responsibilities to the lands, waters, and past and future generations. IPCAs refuse settler colonial ontologies including the expectation of ongoing white settler privilege, which relies on the continued appropriation of lands and resources. By examining the practical, relational, and systemic challenges Indigenous Nations advancing IPCAs encounter, we discuss opportunities for Crown governments and the conservation sector to cultivate decolonial responses. Indigenous Nations advancing IPCAs may face challenges with resource extraction, laws and legislation, financing, relationships and capacity, and jurisdiction and governance. We contend that IPCAs could be pathways of reconciliation if Crown governments and the conservation sector support IPCAs in ways consistent with the recommendations of Indigenous leaders. This requires dismantling the roadblocks arising from settler ontologies and institutions that impede IPCA establishment and ongoing stewardship. Thus, not only could Indigenous futures be advanced, we might also cultivate decolonial futures in which all peoples and species can thrive.

KEYWORDS

Indigenous Protected and Conserved Areas (IPCAs), reconciliation, conservation, settler colonialism, decolonial, futures, Canada

1 Introduction

In their final report in 2015, Canada's Truth and Reconciliation Commission (TRC) documents the nation's imperialistic and colonial actions that amounted to "cultural genocide" (TRC, 2015, p. 1). Churches, missionaries, and governments used insidious tactics intended to oppress Indigenous Peoples and appropriate their territories for private and state profit. These tactics included the Doctrine of Discovery, residential and day schools, the *Indian Act*,

the reservation system, and banning Indigenous languages and ceremonies, which have had traumatic effects on Indigenous Peoples in what is now known as Canada. The residential school system was part of Canada's Aboriginal[1] policy, which—for over a century—sought to "eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada" (TRC, 2015, p. 1). Wealth remains concentrated in white settler society while Indigenous Peoples continue to fight for their rights to exist and thrive in their own territories (Yellowhead Institute, 2021).

Reconciliation means different things to different people. The Government of Canada describes reconciliation as "building a renewed relationship with Indigenous Peoples based on the recognition of rights, respect and partnership," which involves efforts "to address past harms, support strong and healthy communities, and advance self-determination and prosperity" (CIRNAC, 2022).[2] Yet, there is disagreement over who must become reconciled to what and to whom. The TRC (2015, p. 187) has pointed out that the federal government's approach to reconciliation requires "Aboriginal peoples' acceptance of the reality and validity of Crown sovereignty and parliamentary supremacy," while Indigenous Peoples "see reconciliation as an opportunity to affirm their own sovereignty and return to the 'partnership' ambitions they held after Confederation." In addition to the TRC's work, the impetus for state reconciliation is influenced by Canada's adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Canadian case law that has affirmed and clarified Indigenous rights and title,[3] and national frameworks and principles that recognize Indigenous rights, jurisdiction, laws, and self-governance.[4] Though contested, reconciliation is being increasingly mobilized in contexts ranging from health care, education, the justice system, and the environment.

Various actors—from Indigenous leaders, Crown governments (i.e., federal, provincial, territorial governments), scholars, to conservationists—are framing Indigenous Protected and Conserved Areas (IPCAs), a newly recognized form of Indigenous-led conservation in Canada, as potentially facilitating or even *being* reconciliation. The Indigenous Circle of Experts, who coined the term IPCA in the Canadian context, describe them as "an opportunity for true reconciliation to take place between Indigenous and settler societies, and between broader Canadian society and the land and waters, including relationships in pre-existing parks and protected areas" (2018, p. 6). Many Indigenous Nations, governments and communities (Indigenous Nations)[5] are also invoking reconciliation in their IPCAs. For example, the Dasiqox Nexwagwêẑ?an Initiative describes its IPCA "as a reconciliatory pathway to reconstruct the relationship with the Crown" (Dasiqox Tribal Park, 2016, p. 5) and Lutsel K'e Dene First Nation's Chief Negotiator describes the establishment of Thaidene Nëné (IPCA) as "an example of what reconciliation looks like for us" (Conservation Through Reconciliation Partnership, 2020). Meanwhile, the federal agency that administers a national grants program for IPCAs describes Canada's related initiative (Target 1 Challenge) as advancing "Indigenous-led conservation and reconciliation" (ECCC, 2020).[6] In 2019, a national Indigenous-led academic research initiative was established to support Indigenous-led conservation and reconciliation with the support of prominent environmental non-governmental organizations (ENGOs).[7] The emerging interest in reconciliation in the conservation sector has antecedents in high-profile environmental conflicts and campaigns in Clayoquot Sound and the Great Bear Rainforest in BC between the 1980s and 2016. These were sites of struggle among environmentalists, First Nations, scientists, forestry companies, and politicians, which, through the persistence and hard work of Indigenous leaders, effectively reoriented planning and policy discussions around Indigenous laws, governance, rights, and aspirations in precedent setting ways (Curran, 2017; Murray and Burrows, 2017).

Yet, it is unclear *what* exactly is being, or could be, reconciled through IPCAs. In Canada, there is a growing interest in Indigenous-led conservation and IPCAs matched by a surge of federal and philanthropic funding. Although Indigenous Peoples have been in relationship with their territories for millennia, IPCAs gained popularity in Canada following

Abbreviations: BC, British Columbia; CIRNAC, Crown-Indigenous Relations and Northern Affairs Canada; ECCC, Environment and Climate Change Canada; ENGO, Environmental non-governmental organization; IPCA, Indigenous Protected and Conserved Area; TRC, Truth and Reconciliation Commission; UNDRIP, United Nations Declaration on the Rights of Indigenous Peoples.

1 "Aboriginal" includes First Nations, Inuit, and Métis peoples and is the term included in Section 35 of the Canadian Constitution that outlines the protection of Aboriginal rights. The term "Indigenous" is now more commonly used in Canada.

2 Crown-Indigenous Relations and Northern Affairs Canada.

3 Indigenous case law has included rulings about when and how the Crown must consult and accommodate Indigenous Peoples (e.g., Haida Nation v. British Columbia (Minister of Forests), 2004; Taku River Tlingit First Nation v. British Columbia (Project Assessment Director), 2004; Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage), 2005), the failure to protect treaty rights from cumulative impacts (e.g., Yahey v. British Columbia, 2021) and rights and title cases including the watershed Tsilhqot'in title ruling in 2014 (Calder et al. v. Attorney-General of British Columbia, 1973; Delgamuukw v. British Columbia, 1997; Tsilhqot'in Nation v. British Columbia, 2014).

4 These include for example, "recognition of rights and self-determination discussion tables," "principles respecting the government of Canada's relationship with Indigenous Peoples," and "new permanent bilateral mechanisms with First Nations, Inuit, and Métis Nation leaders" (CIRNAC, 2017a,b; Department of Justice Government of Canada, 2017).

5 Henceforth, we refer to "Indigenous Nations" in an encompassing way that includes Indigenous (First Nations, Métis, and Inuit) governments and communities across Canada. When referring to specific Indigenous Nations or communities we adopt their preferred naming convention where known (e.g., "Tsilhqot'in communities" to refer to the six First Nations that make up the Tsilhqot'in Nation).

6 Environment and Climate Change Canada.

7 The Conservation through Reconciliation Partnership is an Indigenous-led and Canada-wide network of partners working together to advance IPCAs and Indigenous-led conservation (www.conservation-reconciliation.ca).

the Indigenous Circle of Experts (2018) report, *We Rise Together*. According to the authors, IPCAs "are lands and waters where Indigenous governments have the primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems" (Indigenous Circle of Experts, 2018, p. 5). Although potentially helpful under some circumstances, Indigenous Nations do not need Crown approval, recognition, or collaboration for their IPCAs. In their final report, the Indigenous Circle of Experts outlined recommendations for Crown governments and ENGOs to support Indigenous leadership and conditions that enable IPCAs. These recommendations involve addressing past harms related to conservation, building relationships, discontinuing harmful practices, and advancing new approaches that support IPCAs.

In this article we engage with IPCAs as potential pathways of reconciliation that illuminate possibilities for, as well as obstacles to, reconciliation that lead to divergent futures. We contend that IPCAs could be pathways of reconciliation if Crown governments and the conservation sector appropriately support IPCAs. This requires meaningful and sustained efforts to dismantle the roadblocks arising from settler ontologies and institutions that impede IPCA establishment and governance. IPCAs are not just places but processes led by Indigenous Peoples and shaped by diverse actors who influence relationships (i.e., between Indigenous and Crown governments, Indigenous and settler communities, amongst Indigenous Nations, and between people and the environment more broadly). These relationships shape present and future configurations of land, governance, and power. We use this dynamic and relational framing of IPCAs to question the relationships between decolonization, reconciliation, and conservation in Canada. After situating ourselves in this research, we discuss the intersections of conservation and reconciliation in Canada before analyzing five key challenges Indigenous Nations may face as they establish and care for their IPCAs. While this study pays attention to reconciliation in an environmental context, some of the findings may be generalizable to reconciliation in other sectors and to other Commonwealth or settler colonial states where reconciliation discourse is mobilized. Drawing on a political ecological approach, this article contributes to the growing bodies of literature on IPCAs in North America (Murray and King, 2012; Carroll, 2014; Murray and Burrows, 2017; Tran et al., 2020a; Youdelis et al., 2021; Mansuy et al., 2023) and reconciliation in the context of conservation (Curran, 2017; Finegan, 2018; Moola and Roth, 2019; Zurba et al., 2019; Artelle et al., 2021; Littlechild et al., 2021; M'sit No'kmaq et al., 2021; Vogel et al., 2022).

2 Methods

As second-generation Canadians with treaty obligations, and white women of European descent, we write from the perspective of newcomers enacting our responsibilities to the lands and waters we call home. Since the experts on IPCAs are the Indigenous Nations advancing them, we amplify Indigenous voices and perspectives in the literature and insights shared with us by our research collaborators who are establishing IPCAs. Given the heterogeneity of Indigenous Peoples in Canada, a myriad of perspectives and concerns about Indigenous-led conservation and IPCAs abound, as do the strategies Indigenous Nations pursue in their territories. The perspectives in this article also reflect the first author's observations as a community-engaged researcher and her work with an Indigenous-led organization whose mandate is to empower IPCAs in Canada.[8] Both authors' involvement in a nation-wide decolonial research partnership[9] with Indigenous leaders and collaborators also inform our perspectives. We write primarily to a settler audience including Crown governments, the conservation sector, industry and the public while thinking through what meaningful reconciliation looks like in the context of conservation.

The first author's research collaborations with Dasiqox Nexwagwẑ?an Initiative and Kitasoo Xai'xais Stewardship Authority have been instrumental to our understanding of the pragmatic, entrenched, and systemic obstacles to reconciliation in the context of IPCAs and environmental governance. Xeni Gwet'in First Nation and Yunesit'in Government are jointly advancing Dasiqox Nexwagwẑ?an IPCA (Dasiqox Nexwagwẑ?an) in Tsilhqot'in territory in the interior of the province of British Columbia (BC).[10] In Kitasoo Xai'Xais[11] territory on the central coast of BC, Kitasoo Xai'xais Stewardship Authority supports Kitasoo Xai'xais Nation with stewardship decisions guided by Kitasoo Xai'xais law. This includes the advancement of Kitasoo Xai'xais Protected Areas and Gitdisdzu Lugyeks (Kitasu Bay) Marine Protected Area. Discussions with leaders and staff with both initiatives shaped the first author's understanding of the motivations that propelled the Tsilhqot'in communities of Xeni Gwet'in and Yunesit'in and Kitasoo Xai'xais Nation to establish IPCAs. These collaborators also shared their reflections about possibilities for reconciliation through IPCAs as well as the challenges they face.

Following the principles of community-engaged (Cahill, 2007; Stanton, 2014), decolonizing (Smith, 1999; Tuck and Yang, 2014), and Indigenous (Wilson, 2008; Kovach, 2009) methodologies, the first author worked with the Dasiqox-Nexwagwẑ?an Initiative and Kitasoo Xai'xais Stewardship Authority to design the research scope and identify methods in each context. In 2020, she conducted key informant interviews with the leadership and core staff of Dasiqox Nexwagwẑ?an and Kitasoo Xai'xais Stewardship Authority. She was also an invited participant in Dasiqox Nexwagwẑ?an's leadership and governance meetings between 2019 and 2020.

8 The IISAAK OLAM Foundation (www.iisaakolam.ca) is an Indigenous-led organization that builds capacity for IPCAs by supporting Indigenous leadership and managing a knowledge mobilization project called the "IPCA Knowledge Basket" (https://ipcaknowledgebasket.ca).

9 Conservation through Reconciliation Partnership (www.conservation-reconciliation.ca). The second author is the Principal Investigator. The first author is an active partner conducting community-engaged research and supporting collaboration and knowledge mobilization in the conservation sector with an emphasis on Indigenous-led conservation and IPCAs.

10 In an effort to decolonize language and geographical place names we use the name of the Indigenous territory or treaty number first followed by the English name. When referring to the country of Canada as a geographic place, this includes acknowledgment of the pre-existing and co-existing sovereignties of over 640 distinct First Nations communities, as well as Inuit and Métis communities throughout the country.

11 Pronounced "KI-ta-soo Hay hays."

This experience, combined with multiple trips to Tsilhqot'in territory to attend meetings related to Dasiqox Nexwagweẑ?an, title discussions, and land-based gatherings facilitated relationship building and her understanding of Dasiqox Nexwagweẑ?an, including struggles to protect it in the face of a proposed mine (Youdelis et al., 2021). Meanwhile, the first author's collaboration with Kitasoo Xai'xais Stewardship Authority directly responds to their request to address legal and legislative issues related to IPCAs (Townsend, 2022, Chapter 5). The first author coupled these in-depth and sustained engagements with interviews with Lutsel K'e Dene First Nation's lead negotiator for Thaidene Nëné[12] (Akaitcho territory in the Northwest Territories) and representatives of leading Indigenous organizations supporting Indigenous-led conservation, as well as federal and provincial agencies with roles in conservation and individuals with expertise in conservation and land use planning. In total, the first author conducted 24 interviews and organized six public webinars[13] between 2018 and 2021 featuring Indigenous conservation leaders across Canada. Together with the authors' experience supporting Nations with IPCAs, these methods offered a clear look into the struggles many Indigenous Nations face, as well as the creative ways they overcome challenges, as they protect their lands and waters for past, present, and future generations.

The Tsilhqot'in communities of Xeni Gwet'in and Yunesit'in and the Kitasoo Xai'xais Nation have had different experiences and histories with colonial regimes of resource management and conservation, influencing their motivations for pursuing IPCAs. We draw on examples from both contexts, as well as from Thaidene Nëné led by Lutsel K'e Dene First Nation (see Townsend, 2022, Chapter 5), and occasionally other IPCAs in Canada. Together, these diverse initiatives illustrate how IPCAs may be facilitating reconciliation, or could facilitate reconciliation, under certain circumstances. Given the diversity of IPCAs and the Indigenous Nations pursuing them, we caution against an uncritical extrapolation of insights from Dasiqox Nexwagweẑ?an and Kitasoo Xai'xais Protected Areas to other IPCAs in Canada. However, this analysis of the challenges to and opportunities for reconciliation through IPCAs offers a framework for investigating other IPCAs. While the specifics differ, shared experiences of settler colonialism have created similar challenges for many Indigenous Nations in Canada. As such, the roadblocks to reconciliation through IPCAs discussed here are likely relevant to a number of IPCAs across the country, and potentially to an international context.

3 A closer look at reconciliation

After decades of legal battles that established more clarity around Indigenous rights and title (notably Calder et al. v. Attorney-General of British Columbia, 1973; Delgamuukw v. British Columbia, 1997; Tsilhqot'in Nation v. British Columbia, 2014) (see also footnote 3), it was the tabling of the TRC report in 2015 that catalyzed widespread discussion of reconciliation in Canada. Corresponding societal transformations at institutional and systemic scales, however, are just getting underway. The Government of Canada removed their objector status to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2016, with implementing legislation enacted in 2019 in the province of BC and federally in 2021. This requires BC and federal governments to review and amend existing legislation, or enact new legislation, to align their laws with UNDRIP, including those articles dealing with lands and resources, which the Crown appears reluctant to address (Statnyk in Jewell and Mosby, 2021). While the previous federal government described UNDRIP as an "aspirational document" (Wilt, 2017), former Indigenous Circle of Experts Co-Chair Danika Littlechild (Ermineskin Cree Nation/Treaty 6)[14] describes UNDRIP as the *minimum* standards that require fulfilling, that is, the "floor, not the ceiling" (see also Danesh and McPhee, 2019; Youdelis et al., 2020, p. 247). In addition to UNDRIP, Canada has adopted other non-binding policies intended to advance reconciliation (Department of Justice Canada, 2018; CIRNAC, 2019). Further, Indigenous Peoples in Canada have protected rights under the Canadian constitution (Section 35), including an inherent right to self-government "with respect to their special relationship to their land and their resources" (Constitution Act, 1982; CIRNAC, 2008). Collectively, these laws and policies articulate principles and guidance for improving relationships among Crown governments and Indigenous Nations.

Despite the growing fanfare around reconciliation in Canada, many Indigenous scholars are skeptical about reconciliation and see it as a state project concerned about optics over substance (e.g., Alfred, 2005; Corntassel, 2009; Coulthard, 2014; Simpson, 2014, 2017; Manuel, 2017; McGregor, 2018; Whyte, 2018; Daigle, 2019). Just as decolonization has become a metaphor (Tuck and Yang, 2012), scholars critique reconciliation discourse for centering settler guilt, soothing settler anxieties related to Indigenous resurgence, and attempting to secure settler futures (Mackey, 2016). Through performative acts of reconciliation, such as apologies that are not accompanied by timely and significant actions of redress and restitution, white settlers avoid taking responsibility for the perpetuation of harm while attempting to appear progressive (Daigle, 2019; Slater, 2019; DiAngelo, 2021). Yet superficial reconciliation is palatable to settler society precisely because it is less affronting. Addressing systemic colonialism at all scales is a precursor to reconciliation, including with the Earth. This *should* feel confronting, and it *does* ask something significant of settler society. Certainly, there are strong moral grounds for an intersectional confrontation of systemic colonialism. Additionally, the industrial-colonial complex threatens countless species, humans included (Whyte K., 2017; Whyte K. P., 2017; LaDuke and Cowen, 2020). As an alarming number of species, cultures, and languages diminish so do knowledge systems encoded with wisdom for living in reciprocity and balance (Gorenflo et al., 2012; Wilder et al., 2016; Kimmerer, 2017; Jessen et al., 2022). A growing awareness of these interconnected issues, in concert with

12 Pronounced THIGH-den-nay NEN-ay.

13 The Virtual Campfire Series webinars are available at https://www.youtube.com/@conservationthroughreconci9116.

14 We follow Liboiron (2021) (Red River Métis/Michif/Treaty 6 territory) when referring to authors in text (3–4). The first time we introduce an author we note their self-identification or territorial ties, regardless of their ethnicity, following their name. Where we could not find this information, we signal the author as "unmarked," as per Liboiron's example.

more widespread recognition of Indigenous rights, is catalyzing the conservation sector to discuss reconciliation.

Although the critiques of reconciliation are troubling, we grapple with reconciliation in conservation since redress, restitution, and justice are sorely needed in the sector, and the onus is on Euro-settler society. As the TRC (2015, p. 12) stated, "reconciliation is not about 'closing a sad chapter of Canada's past,' but about opening new healing pathways of reconciliation that are forged in truth and justice." Within conservation policy and practice, the political, legal, socio-economic, cultural, and ecological opportunities for reconciliation are significant. Conservation can be "a tool for reconciliation," part of a broader process of relational repair among peoples and nations, and with the environment (Zurba et al., 2019, p. 13). The winding paths of conservation and reconciliation have something important to show us. First they reveal where settler society, particularly white settler society, needs to move beyond polite rhetoric into respectful action. Secondly, the intersection of conservation and reconciliation offers clues for charting a course away from mass species extinction, climate change, and disparity toward more just, inclusive, and ecologically viable futures.

4 Conservation through reconciliation/reconciliation through conservation

What do genocide and reconciliation have to do with the conservation of ecosystems and biodiversity? Two things are important to take away from Canada's troubled start to nation building. Firstly, jurisdiction over Canada's lands and waters is contested and unresolved (Borrows, 2015; Indigenous Circle of Experts, 2018; Yellowhead Institute, 2019). Secondly, building on earlier regimes of displacement, state-led conservation has expropriated land from Indigenous Peoples, this time under the banner of environmentalist, recreational, and capitalist objectives (Youdelis, 2016). Indigenous civilizations predate European settlement by many thousands of years in what came to be known as the Dominion of Canada in 1867. Prior to the settlement of European colonists, Indigenous Peoples had sophisticated environmental stewardship and governance systems, informed by Indigenous law (Clogg et al., 2016; Dick et al., 2022). Since European colonization, Indigenous knowledge, governance, and environmental stewardship systems have been disrupted by successive waves of industrial expansion including resource extraction, energy development, urbanization, and infrastructure development (Yellowhead Institute, 2019; Dick et al., 2022). Paulette Fox (Blackfoot elder and scholar), reflecting on the colonial policy of *terra nullius,* points out, "the resources have been the target and the Indigenous Peoples have been the collateral damage" (see also Craft and Regan, 2020, pp. xi–xii; Townsend, 2022, p. 134).

Since the late nineteenth century, and as recently as the 1930s, Indigenous Peoples across Canada were forcibly removed from their territories to create parks and game preserves (Binnema and Niemi, 2006; Sandlos, 2008). While conservation practice has evolved, Crown governments in Canada still exclude Indigenous Peoples from, and criminalize livelihoods within, some parks established in their territories (Dragon Smith and Grandjambe, 2020). Co-management arrangements for parks and protected areas—where they exist —tend to limit Indigenous governance to varying degrees of advisory roles (Nadasdy, 2005; Sandlos, 2014). Conservation is thus part of the structure of settler colonialism and embedded within Eurocentric ideologies of wilderness and modernity (Loo, 2001; Youdelis et al., 2020). Unsurprisingly, there are ample opportunities for redress, restitution, and reconciliation in conservation, particularly given the "dark history of protected areas of Canada" (Indigenous Circle of Experts, 2018, p. 27). The TRC (2015) has also been clear that reconciliation must permeate all aspects of Canadian society.

In a prominent example that mobilized reconciliation discourse in conservation, in 2017, federal, provincial, and territorial governments launched a program to meet non-binding biodiversity conservation targets set by the international Convention on Biological Diversity, to which Canada is a signatory.[15] Following the advocacy of Indigenous leaders, the Government of Canada agreed to support the convening of the Indigenous Circle of Experts in 2017 to Indigenize policy recommendations for conservation while advancing reconciliation.[16] With input from Indigenous Peoples across the country, the Indigenous Circle of Experts' overarching recommendation was for Crown governments to support the creation of IPCAs (see also Zurba et al., 2019). Unlike mainstream parks and protected areas that limit Indigenous governance over and use within their borders, IPCAs are a promising alternative for Indigenous Nations wishing to protect their territories on their own terms. As a result, IPCAs are being declared and established by Indigenous Nations across Canada and the federal government has made significant investments in Indigenous-led conservation, including IPCAs and Indigenous Guardians (ECCC, 2021c). IPCAs are part of a growing international Indigenous-led conservation movement. For example, the International Union for the Conservation of Nature has a classification for Indigenous and Community Conserved Areas, or ICCAs (though these are sometimes led by non-Indigenous communities), and in Australia IPCAs are referred to more commonly as Indigenous Protected Areas or IPAs, a name also taken up in Canada (ICCA Consortium, 2021). The first IPCAs

15 As a signatory to the international Convention on Biological Diversity, the Government of Canada strove to protect 17% of its lands and freshwaters, and 10% of its marine environment by 2020 (goals that were met for the marine targets with some quality concerns, but not for the terrestrial targets). The Government of Canada is now striving for 30% protection of its lands and waters by 2030 under new targets.

16 The core membership of the Indigenous Circle of Experts included two Indigenous co-chairs and nine Indigenous, or Indigenous-appointed, members from First Nations and Métis governments across the country. Inuit governments chose to engage with Crown governments through different forums. The group was tasked with providing guidance to Crown governments for increasing protected areas in the context of reconciliation with Indigenous Peoples. The Indigenous Circle of Experts held four regional gatherings across Canada to engage Indigenous leadership in the development of their recommendations. The group's mandate culminated when members ceremonially transferred their report, *We Rise Together,* to the federal government in 2018.

in Canada, declared in the 1980s by Indigenous Nations, were referred to as Tribal Parks, a name that persists to this day along with other variations.

The diversity of Indigenous Nations in Canada manifests in the diversity of IPCAs being proposed and established across the country, in large part galvanized by a recent influx of federal funding. While IPCAs are defined by the Indigenous Nations creating them, they share a core characteristic of being *Indigenous-led* and represent a long-term commitment to conservation. IPCAs are guided by Indigenous knowledge and legal systems, elevate Indigenous rights and responsibilities, and are the foundation for local economies (Indigenous Circle of Experts, 2018). As decided by the Nations declaring them, IPCAs may also be a means of revitalizing culture, language and Indigenous law, healing, increasing food security, restoring degraded ecosystems, protecting cultural keystone species as well as lands and waters for future generations (Tran et al., 2020a; Mansuy et al., 2023). IPCAs are further evidence of Indigenous resurgence reflected in a host of strategies Indigenous Peoples are using to reclaim their territories and advance their visions for, and responsibilities to, current and future generations. Former Indigenous Circle of Experts Co-Chair and Ha'uukmin Tribal Park[17] Co-Founder Eli Enns describes IPCAs as "a modern-day innovation and application of very old values and principles together with modern day science and technology for sustainability. By its very nature it's a reconciliation model" (Enns, 2021, interview).

While federal funding initiatives reference the reconciliatory potential of IPCAs (ECCC, 2019, 2023a) many Indigenous Nations are wary of reconciliation. Marilyn Baptiste, a former Chief of Xeni Gwet'in First Nation (Dasiqox Nexwagweẑ?an IPCA) explains, "reconciliation is one of those dirty words that the government throws around just like sustainability" (2020, interview). Reconciliation—particularly when interpreted as an end state rather than a process—is premature in the face of ongoing harm. Yet, sustained acts of meaningful reconciliation can contribute to a longer, dedicated process of settler redress and reconciliation with Indigenous Peoples and our shared lands and waters. Russell Myers Ross, a former Chief of Yunesit'in Government (Dasiqox Nexwagweẑ?an IPCA) contends that reconciliation requires acknowledging that "we never relinquished our responsibilities and rights to this land and that the true reconciliation is really going to be on the state to redefine their relationship with Indigenous People and their values and aspirations" (2020, interview). While sovereignty and jurisdiction are contested in Canada by Indigenous Nations and Crown governments, IPCAs can be "Section 35 innovations" that animate the right to self-determination and Indigenous governance in their territories (Indigenous Circle of Experts, 2018, p. 79; CIRNAC, 2020).

Reconciliation through IPCAs necessitates broad actions of support (e.g., policy and legislative changes) and potentially tailored support as articulated by the Indigenous Nations leading IPCAs. When Indigenous Nations invite reconciliation or partnerships with state and non-state actors, this is a generous opportunity that—if Canadians are serious about reconciliation—requires appropriate, meaningful, and timely actions. As the Indigenous Circle of Experts (2018) describes, IPCAs can be "beacons of reconciliation" and opportunities to repair relationships between Indigenous Peoples and newcomers and between all peoples and the earth (2018, p. 47). It is critical to listen to what Indigenous Nations are articulating as the barriers and frustrations they face as they establish and care for their IPCAs and the kinds of support they are requesting. As a technical advisor to Dasiqox Nexwagweẑ?an explains,

> The testing ground for the practice of reconciliation by (Crown) government is really, 'are you going to walk the walk?' You know, can you come to the table and be creative and accept the idea of a shift in jurisdictional autonomy and take direction from an (Indigenous) Nation…? (Bhattacharyya, 2020, interview)

In dialogue with Indigenous Nations, Crown and municipal governments, the conservation sector, and industry can work to remove barriers that impede IPCAs.

In their final report, the Indigenous Circle of Experts outlined 28 recommendations directed primarily to Crown governments, but also to ENGOs and philanthropists, for advancing reconciliation through IPCAs. The recommendations are varied and include support for conservation-based Indigenous economies, redress for historical grievances pertaining to parks and protected areas, efforts related to existing parks and protected areas, amendment or creation of new legislative tools and policies, holistic and integrated approaches, capacity building, and sustained funding. If fulfilled, these recommendations could facilitate systemic changes needed in conservation. In this way, IPCAs have the potential to be "beacons of teachings" when they "serve as a forum for demonstrating how to live well and respect each other and the land (Indigenous Circle of Experts, 2018, p. 47)." Yet, for many Indigenous Nations reconciliation is not the primary motivator for establishing IPCAs. Therefore, it is important that Crown governments, ENGOs, industry, and non-Indigenous allies do not impose a reconciliation agenda on IPCAs to advance their goals for equity, diversity, inclusion, and indigeneity. Instead, these actors can support the conditions that enable Indigenous Nations to establish and care for their IPCAs as part of a broader political and ecological project involving redress and restitution.

5 Roadblocks to reconciliation through Indigenous Protected and Conserved Areas

IPCAs, as "living example(s) of reconciliation," present opportunities for Crown governments, the conservation sector, industry, and the public to examine the tensions IPCAs are surfacing (Indigenous Circle of Experts, 2018, p. 11). Building on earlier analyses and recommendations (e.g., Indigenous Circle of Experts, 2018; Artelle et al., 2019, 2021; Zurba et al., 2019; Tran et al., 2020a,b; M'sit No'kmaq et al., 2021; Youdelis et al., 2021; Mansuy et al., 2023), we examine some of the ways that

17 Ha'uukmin Tribal Park is one of four IPCAs that make up Tla-o-qui-aht Tribal Parks in Nuu-chah-nulth territory on the west coast of Vancouver Island, BC.

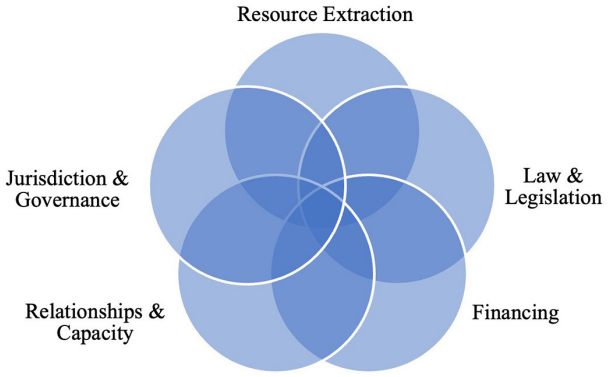

FIGURE 1
Challenges and roadblocks to IPCA establishment and governance.

IPCAs are hindered in the key areas of resource extraction, law and legislation, financing, relationships and capacity, and jurisdiction and governance (Figure 1). IPCAs expose how mainstream institutions and systems need to adapt to be aligned with the Indigenous Circle of Experts (2018) recommendations, as well as national and international frameworks, guidance, and agreements. Since reconciliation is an active and ongoing process, the challenges to IPCAs are opportunities for Crown governments, the conservation sector, and industry to breathe life into reconciliation by changing mindsets, behaviors, practices, policies, and laws. As former Indigenous Circle of Experts Co-Chair Danika Littlechild describes,

> Part of the challenge of reconciliation is it requires dynamic, continuous engagement with people who are being thoughtful, and considerate and respectful…We're asking for systems change that is much bigger than placing recommendations within an established framework and saying "that's good enough." (What is Ethical Space?, 2020)

If settler society celebrates reconciliation in Indigenous-led conservation while ignoring the challenges Indigenous Nations are encountering with IPCAs, then a "substance-free reconciliation" is being performed (Jewell and Mosby, 2021, p. 10). In the following sections we outline some of the core challenges that must be addressed—while heeding the guidance of Indigenous Nations—in order for IPCAs to be pathways of reconciliation.

5.1 Resource extraction

One of the main impediments to reconciliation through IPCAs is resource extraction over which Indigenous Nations often have little control. Many Nations establish IPCAs to enact their responsibilities to their territories and future generations in the face of rampant resource extraction (Youdelis et al., 2021). The motivations for declaring IPCAs are often in stark contrast to the development agendas of governments and industry that "threaten and destroy certain parts of our territory and leave us with something that we have no chance of surviving in the long run" (Myers Ross, 2020, interview). Some IPCAs include ecosystems devastated by resource extraction and environmental disasters such as Grassy Narrows Indigenous Sovereignty and Protected Area in Treaty 3/Ontario. The cumulative and ongoing impacts of these developments can breach treaty rights as was found in the case of Blueberry River First Nations in Treaty 8/BC (Yahey v. British Columbia, 2021). While the visions of many IPCAs (e.g., Dasiqox Nexwagwezʔan) include Indigenous-led economic growth and development, such as fostering conservation-based economies, they also embrace a long-term commitment to conservation (Indigenous Circle of Experts, 2018). Jurisdictional tensions reveal the paradoxical nature of Crown support for IPCAs. Provinces, territories, and federal agencies allocate tenures and licenses that enable logging, mining, oil, gas and hydroelectric development, commercial fishing and fish farms, and associated roads and infrastructure. To reduce pressures on lands and "communities overwhelmed by development pressures" Indigenous Circle of Experts called for "cooling-off periods" where Crown governments pause development while Nations are planning and establishing IPCAs (2018, p. 23, 55).[18]

Implementing interim protection and deferring or retiring tenures are critical measures needed to support many IPCAs. Douglas Neasloss, Chief Councilor of Kitasoo Xai'xais Nation, explains that First Nations require the cooperation of Crown governments to reduce relentless industry referrals (i.e., from hydroelectric, fishing, forestry, and mining companies) that overwhelm many First Nations (2020, interview). However, corporations and Crown governments are reticent to do so over fears of profit loss and possible lawsuits. IPCA establishment can require significant time as Indigenous Nations engage their citizens, develop their governance model, fundraise, and in some cases build partnerships. Without cooling-off periods, the values, relationships, species, and ecosystems central to a future IPCA can be damaged by resource extraction. Without interim protection, Crown governments may fail to uphold their legal obligations to protect Indigenous and treaty rights while ignoring their own frameworks for reconciliation. In the end, this can also be more costly for Crown governments if they are found in contempt of upholding Indigenous rights by the courts.

While interim protection measures have directly supported the establishment of IPCAs in some Canadian jurisdictions, they are not the norm. For example, federal and territorial land withdrawals prevented mining and development over a 33,000 km^2 area in Treaty 8/Northwest Territories while processes leading to the establishment of Thaidene Nëné[19] were

18 For Nations with impacted territories, IPCAs can be "restoration areas" where healing the land is a priority (Indigenous Circle of Experts, 2018, p. 48). Actuating this vision requires the cooperation of Crown governments and corporations with existing or proposed operations in potential IPCAs. This approach differs from mainstream parks and protected areas that prioritize the protection of intact landscapes.

19 Lutsel K'e Dene First Nation established Thaidene Nëné as an IPCA under Lutsel K'e Dene legal orders. Part of the IPCA is designated as a national park reserve in partnership with Parks Canada, and as a territorial protected area and a wilderness conservation area in partnership with the Government of the Northwest Territories.

underway. Meanwhile, in Ktunaxa territory/BC, the development rights and tenures associated with a proposed ski resort were permanently extinguished with a $16.2 million contribution from the Government of Canada and $5 million from philanthropic sources (Nature Conservancy Canada, 2022). This buy-out supports the Ktunaxa Nation Council's establishment of Qat'muk Tribal Park. In both instances, land withdrawals and tenure purchases supported IPCAs that otherwise would have been irrevocably altered by development. Yet land withdrawals and tenure deferrals or buy-outs can be politically risky and costly. Taxpayers may not support expensive tenure buy-outs and corporations can be litigious, such as some mining companies in Tsilhqot'in territory who have opposed Dasiqox Nexwagweẑ?an (Bhattacharyya, 2020, interview; Myers Ross, 2020, interview). In other instances, Crown governments may want to support an IPCA but face institutional constraints that limit creative solutions. Roger William, former Team Coordinator-Community Outreach for Dasiqox Nexwagweẑ?an explains how some provincial staff support the IPCA but "have to answer through their government system" (William, 2020, interview). These institutional constraints highlight the need to address underlying conditions that hinder Indigenous-Crown relationships, including the need for legislative reform. Despite BC and Canada having signed a reconciliation agreement in 2019 with Tsilhqot'in communities, mining exploration and proposed logging remain a threat to the IPCA. As William explains, though BC and Canada are trying to work with them,

> They are not removing any mining claims, they are not removing any logging cutblocks. What they are saying is, let us sit down and work together under their laws and orders and that's what we're trying to change. (2020, interview)

Although a 2020 court ruling halted the mining project Tsilhqot'in communities fought for over 30 years, the province did not extinguish the proponent's mineral tenures. The same, or a different, company could propose a new mine triggering another environmental assessment that could lead to a mine being constructed and operated in Dasiqox Nexwagweẑ?an (Youdelis et al., 2021). The laws, regulatory process, and tenure system that enable this economic paradigm—without regard for free, prior and informed consent—exemplify the roadblocks many IPCAs reveal. While addressing these issues at a systemic level is challenging, not doing so undermines reconciliation efforts. As the TRC declared, "the ultimate objective must be to transform our country and restore mutual respect between peoples and nations" (2015, p. 183). This includes addressing the legal dimensions of reconciliation.

5.2 Law and legislation

Despite the impetus for reconciliation between Crown and Indigenous legal systems, Indigenous Nations exercising Indigenous law are often ignored or face backlash. Indigenous law pre-existed Canadian law by millennia and has a proven track record in conservation (Clogg et al., 2016) yet it is neither widely understood nor afforded the same weight as Canadian law. Crown governments, industry, and the conservation sector routinely discount Indigenous law. This contradicts a growing recognition of the need for Crown governments to acknowledge the sovereignty of Indigenous Nations and their legal traditions (e.g., UN General Assembly, 2007; TRC, 2015; Department of Justice Canada, 2018; CIRNAC, 2019) as well as impetus for legal reform (i.e., UNDRIP implementation legislation for Canada and BC). However, substantive legal innovations in Canada have yet to be implemented (Jewell and Mosby, 2021; Townsend, 2022, Chapter 5).

Currently, Indigenous Peoples cannot enact their responsibilities to their territories under their own legal systems or enforce their laws on settler society without the possibility of repercussions. An example of this is when members of Kitasoo Xai'xais Nation enacted Kitasoo Xai'xais law to protect critical food sources such as herring and crab in their territory in coastal BC. In Kitasu Bay, where the Nation has since declared a marine IPCA, members temporarily closed some key cultural use areas to commercial fishing despite the federal regulator, Fisheries and Oceans Canada, declaring them open. The regulator initially undermined the Nation's initiative while some commercial fishers reacted negatively and resisted the Nation's orders and suggestions for alternate areas to fish in the vicinity (Neasloss, 2020, interview). As Kitasoo Xai'xais' legal advisor points out, "There is no reconciliation between the two legal systems. And as a result, there's uncertainty" for commercial fishers and other businesses and interests wishing to operate in the territory (Harrison, 2020, interview). Despite these legal tensions, Indigenous Nations are pursuing innovative legal approaches to IPCAs and guardianship and continue to exercise Indigenous law.

IPCAs established and governed under Indigenous law alone may be vulnerable to unwanted resource extraction and development. Tla-o-qui-aht Nation has developed Tla-o-qui-aht Tribal Parks with relative success in Tla-o-qui-aht territory/BC, which includes a UNESCO Biosphere Reserve, a popular National Park Reserve, and a world class tourist destination. However, Indigenous Nations with less locational privilege, or without territories involved in globally renowned environmental activism, have encountered different challenges. For the Tsilhqot'in, Dasiqox Nexwagweẑ?an "is about setting down our laws of the land and water for our peoples' use, and the future sustainability for our generations to come" (Baptiste, 2020, interview). Yet, in Tsilhqot'in territory, including Dasiqox Nexwagweẑ?an, Crown governments have not recognized Tsilhqot'in law. Therefore, Tsilhqot'in communities dealt with unwanted mineral exploration and a proposed open pit mine in the heart of their territory for decades, which Baptiste describes as "a waste of resources, time and energy" (Youdelis et al., 2021). While Dasiqox Nexwagweẑ?an could be a pathway for reconciliation with Canada and BC, it would require the Crown to "dismantle parts of their laws in order to accommodate (the Tsilhqot'in)," something that has yet to occur (Myers Ross, 2020, interview). Similar challenges exist in other IPCAs where Nations lack legislative tools to prevent resource extraction in their territories. This points to the legal authority of Crown governments to allocate tenures and licenses to commercial operators that threaten the future of many IPCAs. As a result, some Nations end up in costly court challenges and active resistance such as blockades as a last resort to protect their territories. These reactive tactics divert time and resources away from developing IPCA initiatives (Youdelis et al., 2021).

Indigenous Nations wishing to secure Crown protection for their IPCAs are likely to encounter inadequate legislative tools and protected area designations. Outside of the Province of Quebec, there is no legislation federally, provincially, or territorially that explicitly enables a pathway for the establishment of IPCAs. In the rest of Canada, Nations must use existing protected area legislation and designations such as provincial, territorial, and national parks. This is problematic for many reasons. First, there are few legal triggers requiring Crown governments to consider the protected area proposals of Indigenous Nations wishing to secure Crown protection. Second, there is a lack of legal mechanisms to enable interim protection of proposed protected areas, leaving potential IPCAs vulnerable during negotiations. Third, mainstream protected areas typically limit Indigenous governance to advisory roles while provincial and federal Ministers retain full authority, even in co-management arrangements. Fourth, most marine ecosystems and species are under federal law and jurisdiction, while terrestrial environments are under provincial and territorial law and jurisdiction. This siloing creates additional bureaucratic and jurisdictional hurdles for Nations pursuing holistic approaches to conservation across their territories (Indigenous Circle of Experts, 2018; M'sit No'kmaq et al., 2021).

Conservation-related legislation and policies were largely created without Indigenous input and have not been updated to reflect new guidance, principles, and frameworks that center Indigenous rights, consent, and reconciliation. Consequently, Indigenous Nations may not view Crown legislation as a complementary tool for protecting their IPCAs, while simultaneously encountering the limits of Indigenous law when settler society disregards it. While IPCAs do not require Crown protection, for those Nations desiring parallel Crown protection it would be beneficial if Crown governments amended or created new legislation in collaboration with Indigenous Peoples (Indigenous Circle of Experts, 2018). While there are some promising co-governance frameworks derived from legally pluralistic approaches to IPCAs (e.g., Thaidene Nëné in the Northwest Territories), these are not widespread.

5.3 Financing

Since IPCAs generally operate outside the mainstream parks and protected areas system, financing is a ubiquitous challenge for Indigenous Nations (Indigenous Circle of Experts, 2018). IPCAs require substantial and sustained investments for establishment as well as ongoing operations and management, including related programming and initiatives. Nations pursuing IPCAs are exploring diverse funding mechanisms including government and philanthropic grants (e.g., 52 Challenge Fund recipients and Dasiqox Nexwagweẑ?an respectively), trust funds (e.g., Thaidene Nëné), carbon offsets (e.g., Coastal First Nations Great Bear Initiative), as well as allyship programs, ecotourism, and small-scale resource development such as run-of-river hydroelectric projects (e.g., Tla-o-qui-aht Tribal Parks). While there are examples of large endowment funds enabled by Indigenous, Crown and philanthropic contributions, these major investments are the exception. For example, Thaidene Nëné Fund was seeded with a $30 million philanthropic and federal investment. The fund supports Lutsel K'e Dene First Nation's responsibilities for management and operations within Thaidene Nëné, with Parks Canada covering the annual shortfall of available trust fund income.

Funding, while critically needed, comes with many considerations. There is a perception that large Crown investments into IPCAs could hinge on an expectation of close partnerships with the Crown or co-governance, something not all Nations desire. Given the funding shortfall, many Indigenous Nations must pursue piecemeal funding opportunities. This effort diverts resources to monitor and apply for opportunities which can require significant capacity and can be challenging for any fledging non-profit initiative. While the development of Indigenous-led carbon offsets as a financing mechanism has generated significant interest, it also comes with various obstacles and is not yet a readily accessible financing pathway (Townsend et al., 2020; Reed et al., 2022). Meanwhile, for Nations with territories impacted by resource extraction, ecotourism may not be feasible. Although government and philanthropic grants can significantly enable the establishment and stewardship of IPCAs, granting agencies must ensure their priorities do not override those of the Nations whom they support.

While federal funds have been an important source of revenue for Indigenous Nations pursuing IPCAs, Crown funding is discretionary and vulnerable to the election cycle. Since 2018 the Government of Canada has made unprecedented investments in biodiversity conservation ($3.6 billion committed between 2018 and 2026), which includes funding for the establishment of new protected areas, Indigenous Guardians programs, and conservation partnerships (ECCC, 2022). These investments are intended to support Canada's goals of protecting 30% of its lands and freshwaters, and 30% of its oceans by 2030. The funding includes up to $340 million over 5 years (2021–2026) to support Indigenous-led conservation (ECCC, 2021a). To date, the federal government has funded 27 Indigenous communities for the creation of IPCAs across the country, and another 25 communities for activities that could lead to IPCAs (ECCC, 2021b), as well as an additional $800 million for up to four Indigenous-led conservation initiatives (ECCC, 2023a) and $500 million for Canada, BC, and First Nations to co-develop new protected areas (ECCC, 2023b).

While Indigenous Nations do not need the endorsement or funding of Crown governments to establish IPCAs, these funds can be critically important. It is important that Nations are compensated for their stewardship initiatives, particularly if governments intend to count them toward state conservation targets. However, not all Indigenous-led conservation initiatives encompass activities that contribute to Canada's area-based targets. Although the federal government is currently investing in Indigenous-led conservation and IPCAs, provinces and territories have generally not followed suit, for example arguing that they have reached their conservation targets or that they do not have a mandate to support Indigenous-led conservation and IPCAs (Cox, 2020). This can lead to uncoordinated efforts, with the federal government signaling support for IPCAs while provinces and territories allocate tenures and licenses that threaten them. Further, the federal government's recent efforts to advance reconciliation and IPCAs have occurred under a more supportive Liberal government, advancements that are less assured under a Conservative government.

Collectively these issues raise questions about the sustainability of Crown funding.

Crown funding could lead to an extension of state governance into Indigenous territories that undermine IPCAs. In an effort to increase the number of hectares protected, governments may use IPCAs to meet their targets without doing the transformative work required to advance IPCAs "in the spirit and practice of reconciliation" (Pathway to Canada Target 1, 2021). At best, Crown recognition and financial support of IPCAs are likely to have unintended consequences, and at worst they could undermine Indigenous Nations. Being vigilant about Crown governments mobilizing IPCAs to further their own agendas without advancing transformative change in the conservation sector is critical. Crown funding is contingent on state recognition and "…settler colonialism will always define the issues with a solution that retrenches its own power" (Simpson, 2017, p. 178). Since federal IPCA funding is currently administered through grants, Crown agencies play a prominent role deciding which IPCAs to fund. When resource extraction and development conflicts with the vision of IPCAs, it is unlikely these initiatives will be funded. For example, the Dasiqox Nexwagwêʔan Initiative's application for federal IPCA funding was reportedly unsuccessful due to a significant mining interest within the IPCA (Bhattacharyya, 2020, interview; Myers Ross, 2020, interview). Despite Crown governments having signed two reconciliation agreements with Tsilhqot'in communities, the Province of BC approved the mining project (which ultimately did not proceed) against the Tsilhqot'in' wishes, and the federal government has not provided funding for the IPCA since its establishment in 2014.

While there have been a few examples of government tenure buyouts to support IPCA creation, these are costly, typically require large philanthropic campaigns, and tend to be politically amenable and publicly palatable. These tensions suggest political recognition and state financing of IPCAs can be self-serving, superficial, and convenient to the Crown consistent with a performative approach to reconciliation. While Crown recognition and funding that empowers Indigenous self-governance is valuable, it appears as though the current structures for support place pressure on Indigenous Nations to engage with the Crown to fulfill their visions for IPCAs.

5.4 Relationships and capacity

In order for IPCAs to be pathways of reconciliation, good relations must be forged between Crown governments and Indigenous Peoples, and between all peoples and the Earth (Indigenous Circle of Experts, 2018). Following centuries of Euro-settler violence toward Indigenous Peoples, it will take significant redress and an ongoing commitment from Crown governments and settler organizations, institutions, corporations, and the public to build trust with many Indigenous Peoples. When Indigenous Nations invite support from Crown governments, the conservation sector, and industry for their IPCAs, these are openings for reconciliation. As per the wishes of individual Nations, this could include providing funding, enacting new or revising existing policies and legislation, negotiating agreements, returning land, or buying out, extinguishing, or transferring resource tenures. Building decolonial relations for reconciliation also requires reducing bureaucratic inertia and onerous government processes. For example, Kitasoo Xai'xais Nation worked on over 60 drafts of a management plan with the Province of BC and still could not secure measures to protect sensitive and sacred cultural sites in their territory with the province. The effort for Indigenous leaders and staff to engage in such processes is unsustainable, erodes trust, and limits possibilities for reconciliation and co-governance.

IPCAs have revealed settler anxieties and racist attitudes among some neighboring communities and governments over fears that IPCAs may be giving land back to Indigenous Peoples or limiting economic growth and settler access to lands and resources. For example, Dasiqox Nexwagwêʔan has faced fierce opposition and racism from some non-Indigenous area residents including the mayor of the nearest city as well as vandalism of infrastructure marking the entrance to Tsilhqot'in title lands (Bhattacharyya, 2020, interview; Dunsby, 2020, interview; Lamb-Yorski, 2015, 2016). As Jenna Dunsby, a former Team Coordinator for Dasiqox Nexwagwêʔan, describes,

> I mean, there's so much racism wrapped up in this idea of handing over "control." Although it's not about that, but I think that's how people perceive it. I think the idea of Tsilhqot'in "control" on Tsilhqot'in territory is terrifying for a lot of people, because it is such a shift in settler relationships to land and means a lot of change. (2020, interview)

Public backlash against IPCAs reveals the need for inter-societal reconciliation at the individual/neighbor as well as systemic levels. Being multi-dimensional, reconciliation also extends to all relations, not just humans (McGregor, 2018). Indigenous worldviews that foster reciprocity, balance, and abundance among humans and all species are not well reflected in Euro-settler society including mainstream conservation. This highlights the need for ontological flexibility to cultivate support for IPCAs at deeper levels. The relational dimensions of reconciliation require significant capacity to address, as do IPCA establishment and protection in general.

The impacts of "centuries of systemic imperialism" can manifest as capacity issues for some Indigenous Nations which may hinder IPCAs and potential partnerships (TRC, 2015, p. 385). IPCA establishment and ongoing care requires capacity for community engagement, planning and mapping, research and monitoring, stewardship, cultural expertise, and collaborative governance (Indigenous Circle of Experts, 2018). Capacity development requires funding just as fundraising requires capacity. In many co-management processes the playing field is not level, thus opportunities for influencing outcomes are unequally distributed. As Baptiste explains,

> When we have no capacity it's very difficult for us to be able to work together with governments when they have lawyers, everybody under the sun working with them. And we have next to nobody, and we don't have that capacity. So how is it a fair process, right? (2020, interview)

For reconciliation of Crown-Indigenous relations, at a bare minimum Crown governments and other actors must inform themselves about the perspectives, histories, and priorities of the Nations with whom they are collaborating or affecting. Indigenous Nations are experienced at working within Crown political systems and institutions of governance. However, "the balance is skewed" and "there's some catching up to do before everybody moves forward together" even though there is potential for "knowledge sharing and collaboration to…support those Nations to manifest their way of stewarding that land" (Bhattacharyya, 2020, interview).

It is incumbent on Crown governments, and other potential allies of IPCAs, to develop internal capacity to be effective and ethical partners while ensuring that Indigenous Nations have the necessary capacity to engage with them. Philanthropic and environmental organizations can support IPCAs by fundraising and leveraging support (Indigenous Circle of Experts, 2018). While there are many individuals within Crown agencies, conservation organizations, and corporations who are championing decolonial approaches and relational repair at the individual or departmental scales, broad systemic change is also needed. This will take creativity, innovation, and risk taking among Crown governments, the conservation sector, industry, and settler society.

Despite various federal initiatives intended to advance IPCAs and reconciliation, federal, provincial, and territorial governments face constraints that limit their support for IPCAs and their ability to be good partners. Turnover of government leaders, staff and political parties severely limit the ability of Crown governments to build relationships at individual, institutional and leadership levels. Indigenous Nations must frequently start the relationship building process over with new contacts, placing an undue burden on Indigenous Nations to get new government officials briefed on their IPCA files (Bhattacharyya, 2020, interview). Because building trust takes time, sustained good will, and meaningful action, Crown staff turnover combined with lack of trust can be barriers to advancing Crown-Indigenous relationships. Simultaneously, Crown leaders and staff may be constrained in ways that prevent them from building relationships with communities over apprehensions about what could be construed as "consultation." Since consultation is a formal legal process, it can come at the cost of building informal and personal forms of relationship building. Systemic, legislative, and institutional changes require long-term effort well beyond the elected terms of Crown governments. As Kitasoo Xai'xais Nation's legal advisor points out,

> …we hear a lot of great noises from the province and from Canada and it's a matter of having those governments in power long enough to achieve these. Enacting or amending legislation takes a long time and so do these agreements (Harrison, 2020, interview).

At the core of many of the tensions IPCAs are illuminating are jurisdictional conflicts, something the Indigenous Circle of Experts (2018) identified as a core issue needing resolution.

5.5 Jurisdiction and governance

At the heart of many challenges IPCAs are surfacing is the continuation of settler colonialism, as an ideology and structure, combined with failures to uphold treaty commitments and resolve conflicts over untreatied lands. Since settler colonialism is founded on the expropriation of land and "a logic of elimination" (Wolfe, 2006, p. 387), IPCAs may be a form of "generative refusal" of Crown sovereignty and recognition as well as capitalist imperatives (Simpson, 2017, p. 9). For example, Dasiqox Nexwagweẑ?an was "born out of conflict; conflict to the land and who claims to own it" in a place where mining interests "threaten our own cultural integrity or our intention to live there for generations" (Myers Ross, 2020, interview). Yet, IPCAs, as well as Indigenous governance or strong co-governance models, could be a step "toward reconciliation of Crown and Indigenous title, which is really the root of everything in BC—unceded land" (Harrison, 2020, interview). In the province of BC, few historical treaties were signed and the modern day treaty process has only resulted in eight finalized treaties compared with more than 200 distinct First Nations in the province (Province of BC, 2023). The resulting jurisdictional uncertainty provides opportunities for reconciliation through IPCAs which are expressions of Indigenous self-governance.

As discussed, tensions between IPCAs, resource extraction and development put reconciliation frameworks like UNDRIP—and its foundational principle of free, prior and informed consent—to the test. In order to reconnect humanity to the natural world in a balanced way, Canada must cede "real jurisdiction to Indigenous Peoples for this transformation" (Yellowhead Institute, 2019, p. 8). This means not obstructing, but including or deferring to Indigenous governance, jurisdiction, and authority. Despite having guidance to proceed in this way, in Canada there has been widespread failure to fulfill and implement early treaties between settlers and Indigenous Peoples. Many of these treaties describe parallel governance systems and collective responsibilities to the Earth and all relations, such as the *Kaswentha* or Two Row Wampum (Reid et al., 2021). For some Nations, establishing IPCAs can support the fulfillment of treaty obligations and impact benefit agreements. For example, the establishment of Thaidene Nëné supports the implementation of the Treaty of 1900 (Treaty 8; Thaidene Nene, 2020) and the establishment of Tallurutiup Imanga National Marine Conservation Area (Nunavut) is being co-established and co-governed by Qikiqtani Inuit Association and Parks Canada in compliance with the Nunavut Agreement and UNDRIP (Parks Canada, 2020; Qikiqtani Inuit Association, 2022). These examples illustrate how Crown governments and Canadians can uphold their responsibilities to the lands and waters by supporting Indigenous Nations who are declaring IPCAs.

IPCAs are challenging the Crown's constant reassertion of its assumed authority which contradicts its own frameworks and principles for reconciliation including the recognition of Indigenous rights, legal systems, and self-governance. Indigenous Peoples often experience the Crown's unwillingness or lack of capacity to recognize the pre-existing and parallel authority and sovereignty of Indigenous governments. Yet, Indigenous Nations are empowered by their own laws to make decisions about their territories, a fundamental tenet upheld by UNDRIP, TRC Calls to Action, the Canadian Constitution, the Department of Justice Principles. For example, "the Government of Canada recognizes that relations with Indigenous Peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government" (Department of Justice Canada, 2018, p. 5). For Kitasoo Xai'xais Nation, who recently declared a marine IPCA, reconciliation involves "…developing a model that includes First Nations in decision-making. It incorporates our own laws and our practices that protect our cultural sites…" (Neasloss, 2020, interview). Yet, as the Chief Councilor of Kitasoo Xai'xais Nation explains,

> A response we are always getting from government is you cannot fetter the authority of a Minister, and I will tell them that you cannot fetter the authority of our Hereditary Chiefs as well. (Neasloss, 2020, interview)

This contradictory Crown behavior—issuing statements, adopting policies, and implementing legislation that recognizes Indigenous rights and jurisdiction, but without enacting their own framework for reconciliation—reinforces a paternalistic dynamic.

Crown governments continue to assume a position of superiority by controlling decision making over Indigenous territories, in ways that can compromise possibilities for Indigenous self-governance and IPCAs. Despite the efforts of Crown governments to affect positive changes,

> They have certain agendas that they're not willing to give up. Especially decision making. They try to water down decision making in the end. They still want to make the final decision in parts of Tsilhqot'in territory not encompassed by the Title lands win. (William, 2020, interview)

For reconciliation to occur, the Crown must "(transfer) the asserted Crown right to make decisions over these areas back to the Nation that never gave it up" (Harrison, 2020, interview). Relatedly, Bhattacharyya wonders "whether (Crown governments) can transition into a supporting role—to me that's the ultimate act of reconciliation at a government level" (2020, interview). IPCAs, as enactments of Indigenous law and governance, could be pathways of reconciliation if Crown and other actors stop implementing their (often industrial) visions that conflict with the visions Nations hold for their territories and future generations. While this may not be palatable to some Crown agencies or to industry, the opportunities are worth considering.

6 Indigenous and decolonial futures

The potential of IPCAs to advance reconciliation is really a question of what sort of future/s, might IPCAs work to bring about? For the Tsilhqot'in, this present and future-oriented framing is reflected in the name of their IPCA, "Dasiqox Nexwagweẑ?an," where Dasiqox refers to the watershed and Nexwagweẑ?an translates to "it is there for us." The Dasiqox Nexwagweẑ?an Initiative describes the Tsilhqot'in people's "deep, rich relationship with our land that extends through the past, present and future" and is bringing about a time in which "Tsilhqot'in culture and language can thrive" (Dasiqox Tribal Park Initiative, 2021). Whereas, mainstream conservation, arising from modernist and Eurocentric philosophies, reproduces settler colonialism in various ways, IPCAs center Indigenous continuity and resurgence, and ecological health. If settler society continues to reproduce the five major roadblocks to IPCAs described above, settler colonialism will persist in ways that counteract Indigenous and decolonial futures, thereby foreclosing opportunities for reconciliation. As Kyle Whyte (Potawatomi) contends, "indigenous conservation approaches aim at negotiating settler colonialism as a form of human expansion that continues to inflict anthropogenic environmental change on Indigenous Peoples" in ways that signal a "dystopian future" (2017, p. 207). While "the future is very often *already present*" (Baldwin, 2012, p. 174; emphasis original), we propose a non-deterministic approach to the future that is open to possibility and transformation.

IPCAs are not only challenging status quo conservation but also have the potential to interrupt settler colonialism since they contest settler futures, while advancing Indigenous futures. As Glen Coulthard (Yellowknives Dene) and Leanne Simpson (Michi Saagiig Nishnaabeg) describe, the settler colonial project in Canada is founded on "the dispossession of Indigenous bodies from Indigenous lands and by impeding and systemically regulating the generative relationships and practices that create and maintain Indigenous nationhoods, political practices, sovereignties, and solidarities" (2016, p. 254). The continued vibrancy, strength, and resilience of Indigenous Peoples in Canada are in stark contrast to the colonial plan to "kill the Indian in the child" (TRC, 2015, p. 130). While Indigenous Nations do not necessarily frame their IPCAs as resurgent initiatives, asserting, imagining, and securing Indigenous futures subverts settler colonialism. IPCAs encompass powerful visions for the continuity of Indigenous Peoples thriving in their territories for generations to come. As the Chief Councilor of Kitasoo Xai'xais Nation explains, "there is a resurgence in First Nations right now. Our next generation is excited to uphold their ancestral stewardship responsibilities" (Neasloss, 2020, interview). While IPCAs may be a form of "generative refusal" rejecting state recognition or settler tolerance for multiculturalism and difference, they also hold the potential for nurturing decolonial relations (Simpson, 2014, 2017; Coulthard and Simpson, 2016). Decolonization "requires the repatriation of Indigenous land and life" (Tuck and Yang, 2012, p. 21) which aligns with the purpose of IPCAs (Indigenous Circle of Experts, 2018). However, it is not incumbent on Indigenous Nations advancing IPCAs to accommodate settler futures or placate settler anxieties evoked by

deep rooted expressions of Indigenous law and governance on the land.

If settler society can turn toward the discomfort that IPCAs can invoke, for example, by resolving the challenges discussed above, then a decolonial and ultimately reconciliatory response could be cultivated in lieu of a retrenchment of colonial power relations. A decolonial response includes decentering settler normativity, whiteness, and capitalist imperatives while allowing Indigenous ontologies, or "grounded normativities," to flourish[20] (Coulthard and Simpson, 2016; Simpson, 2017). In the wake of centuries of colonial impacts, many Indigenous Nations have been on the defensive, reacting to the agendas of settler and corporate interests. As a former Chief of the Yunesit'in Government puts it,

> We'll let you in (to our territory) if we want to consent. And let us live and let us try to regain what we had here so we're not constantly bombarded and taken off our direction. (Myers Ross, 2020, interview)

Cultivating decolonial relations as the necessary precursor to reconciliation requires settlers being conscious of and addressing their feelings, not just as personal reactions, but as social responses endemic to settler colonialism and white privilege (see also Rice et al., 2022). Eva Mackey (settler-Canadian) examines the drive for settler certainty which encompasses settler "fantasies of entitlement" that promote expectations of ongoing privilege (Mackey, 2016, p. 9). "Settler states of feeling" include anger and fear in response to Indigenous Peoples' reclaiming land, resisting development in their territories, or asserting rights (p. 17). These feelings derive from settler ontologies including private property and racialized identities. Mackey encourages settlers to "embrace unsettlement and disorientation as a difficult yet creative first step to engaging processes of imagining and putting into practice the making of a decolonized world" (p. 38). Eve Tuck (Unangax) and K. Wayne Yang (unmarked) point out, "decolonization is not accountable to settlers, or settler futurity. Decolonization is accountable to Indigenous sovereignty and futurity" (2012, p. 35). For reconciliation to stand a chance, settler society must work through the intentional amnesia of "settler ignorance," and dismantle the ongoing structure of settler colonialism (Rice et al., 2022, p. 17). Otherwise, reconciliation looks a lot like "rescuing a settler future" (Tuck and Yang, 2012, p. 35).

Just as reconciliation requires justice and relational accountability from settler society for transformative change, so do the interconnected biodiversity, climate, and colonial crises (TRC, 2015; IPCC, 2018; M'sit No'kmaq et al., 2021). For conservation to be reconciliatory a different mindset must be cultivated than the dominant logic that gives rise simultaneously to the commodification of the Earth and to parks and protected areas. This requires moving beyond the limitations of a worldview that views webs of reciprocal ecological relationships as natural resources for human consumption and profit. In this expansive view of intersocietal and interspecies reconciliation we can locate the possibility for decolonial futures. These futures embrace relational accountability and non-dominance as guiding principles—wisdom contained in many Indigenous worldviews. Coulthard describes Indigenous anticolonialism as being "deeply *informed* by what the land *as system of reciprocal relations and obligations* can teach us about living our lives in relation to one another and the natural world in non-dominating and non-exploitative terms" (2014, p. 13; emphasis original). If, through various circumstances and maneuvers, Crown governments and settler society appropriate Indigenous resurgence or undermine Indigenous governance, IPCAs could become hollow metaphors for reconciliation. There is a risk too that non-Indigenous interests are capitalizing on IPCAs to further their own goals such as facilitating economic certainty, promoting the optics of reconciliation for personal or institutional gain, and fulfilling mandates in contrast to those of the Nation's leading IPCAs. Like greenwashing, IPCAs could become (indeed, already are) associated with the agendas of Crown governments, industry, and other actors thereby eroding the generative and disruptive basis of IPCAs. If this happens not only will opportunities for reconciliation be foreclosed, but opportunities for Indigenous Peoples to secure abundant futures—which are beneficial to all—could be compromised. When this happens so too will futures founded on relations of reciprocal co-existence in balance with the Earth.

7 Conclusion

IPCAs are often enrolled in reconciliation rhetoric by Crown governments and ENGOs as well as by Indigenous leaders. To the beneficiaries of colonization, particularly those wishing to relieve their guilt, reconciliation is often a superficial performance of good will. But given the harm experienced by Indigenous Peoples as a result of colonization and conservation, what is being, or could be, reconciled through conservation, and how? IPCAs are more than Indigenous-led parks. They are generative expressions of refusal, visions of Indigenous futures, and exercises in upholding responsibilities to the lands, waters, and past and future generations. They interrupt status quo resource extraction, development agendas, and mainstream conservation and challenge settler and capitalist logics. Though IPCAs have been garnering increasing attention and funding in recent years, Indigenous stewardship, law, and governance pre-exist conservation targets and reconciliation mandates. Despite Canadians having various frameworks and processes for reconciliation, progress has been slow, and the environmental dimensions of reconciliation have often been ignored. With the Indigenous Circle of Experts' recommendations as the signposts, and by responding effectively to Indigenous requests for support, settler society can work to dismantle the roadblocks to IPCA establishment and governance. Since these roadblocks are deeply entrenched and institutionalized, transforming them necessitates changes in behaviors, practices, policies at individual to systemic levels, which Canadian frameworks for reconciliation affirm.

IPCAs illuminate significant challenges to, and therefore opportunities for, advancing decolonial relations among settler and

20 Coulthard and L.B. Simpson define "grounded normativity" as the "ethical frameworks provided by these Indigenous place-based practices and associated forms of knowledge" that regenerate "practices and procedures, based on deep reciprocity, that are inherently informed by an intimate relationship to place." (2016, p. 254).

Indigenous Peoples and with the Earth. Resource extraction, upheld by Canadian law and policy, threatens to irrevocably damage the ecosystems Indigenous Nations are trying to protect within IPCAs. Meanwhile, Indigenous laws are often ignored or challenged by Crown governments and industry. This leaves many IPCAs under sole Indigenous jurisdiction and management vulnerable. A lack of IPCA specific legislation can be limiting for Indigenous Nations pursuing a hybrid approach to protecting their IPCAs under Indigenous and Canadian law. Financing is a challenge for many Indigenous Nations while funders can undermine IPCAs by asserting an array of influences. All of these challenges are exacerbated by capacity issues that many Indigenous Nations face in the wake of colonialism. Simultaneously, Crown governments face institutional constraints that limit their ability to advance decolonial relations and reconciliation. A crosscutting tension through these challenges are jurisdictional and governance conflicts that stem from assumed Crown sovereignty over pre-existing, and persisting, Indigenous sovereignties.

How settler society responds to these interconnected challenges matters deeply to reconciliation as a healing and restorative process as well as to our collective ecological futures. IPCAs invoke settler anxieties by challenging the assumption of ongoing privilege and access to lands and resources. If approached with curiosity and openness, these anxieties are fruitful opportunities for settler work at the individual and collective levels that could advance reconciliation within the conservation sector and Canadian society at large. If we do not address these challenges to IPCAs, and only support Indigenous Nations and IPCAs when convenient, we miss fruitful opportunities for reconciliation. If instead we approach the challenges IPCAs encounter as catalysts for transformative change then IPCAs may indeed be pathways of reconciliation. By making space for Indigenous and decolonial futures to flourish through IPCAs, we may all have an opportunity to be enriched by the beacons of teachings they are.

Data availability statement

The datasets presented in this article are not readily available because data from the interviews will not be shared to protect the confidentiality of interview participants and to comply with the research ethics certificate for this study. All other data is cited and included in the References.

Ethics statement

The study involving humans was approved by the Research Ethics Board at the University of Guelph. The participants provided informed consent to participate in this study. Written informed consent was obtained from the individuals for the publication of their comments and quotes.

Author contributions

JT: Conceptualization, Formal analysis, Funding acquisition, Investigation, Methodology, Writing—original draft, Writing—review & editing. RR: Supervision, Writing—review & editing, Funding acquisition.

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Conflict of interest

The authors declare that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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