

Indigenous Land Trusts and Land Back

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Introduction

Indigenous peoples across lands known as Canada continue to assert and reclaim their responsibilities and relationships with lands, waters, and all beings, as well as their own languages, cultures and spiritualities. This is part of a wider resistance and resurgence of Indigenous peoples in response to centuries of colonization. An important part of this process is reclaiming roles with respect to holding and caring for land. With many dimensions to it, returning lands and responsibilities to Indigenous communities has come to be known as “Land Back”. Indigenous-led land trusts can play important roles in Land Back, conservation, and the relationships and resurgence that can result.

Indigenous Land Trusts

A “land trust” is a community-based organization with purposes to hold and care for (“own and manage”) lands for public purposes. Often, the form of organization is a not-for-profit corporation and registered charity with purposes to conserve natural, agricultural, recreational or other types of lands and waters. Education and research are common related purposes and practices of land trusts.

An Indigenous-led land trust (ILT) is an organization where the form, purposes and activities are established and operated by Indigenous people, including holding and caring for lands. This may be the same as for other land trusts, yet these may be expressed in somewhat different ways and will include purposes and activities that reflect local Indigenous concepts and priorities. “Indigenous-led” could involve exclusively or predominantly

Indigenous people, as recognized by their own communities. Currently, there are about a dozen ILTs in Canada, with some in the process of forming.

An Indigenous-led Land Trust (ILT) can help to serve a variety of Indigenous community purposes (discussed further below). Fundamentally, an ILT can bring people and land together into a renewed relationship. This is particularly so when communities have been separated from contact with those lands, waters and other beings through colonization, land sales, displacement, privatization, exclusion, and other barriers. An ILT can also contribute on the journey towards reclaiming land-based learning, culture, language, kinship, and spirit.

Indigenous Land Trusts and Land Back

The land trust model operates within a colonial context of private property, corporations, tax, funding, and state laws (such as the *Indian Act*). This is a foreign and hard to navigate system for most Indigenous communities and thus has philosophical, legal and practical limitations for them. For example, in most provinces, a First Nation can't legally own land in its own name; it thus must form a corporation or trust, such as an ILT. Unless private lands become part of a reserve, then they may be subject to property or land taxes. While an ILT may help people reconnect with land in the shorter-term, it may well need to evolve into something else as relationships and laws decolonize over time.

An ILT can play a variety of roles to bring about the return of land to Indigenous communities. Among others, an ILT can:

- receive donations of or buy lands important to their community, such as significant ecological sites for harvesting, or village, sacred or ceremonial sites;
- arrange to acquire surplus lands from governments;
- add lands to expand reserves;
- connect people with the lands the ILT holds, such as for restoration, harvesting, land-based learning, culture, and ceremonial purposes;
- qualify for holding special conservation agreements and providing tax benefits;
- receive grants and hold funds for community projects; and,
- work with other partners on larger conservation and community plans.

Such roles have resulted in ILTs receiving donations from land holders of ecologically and culturally important sites (such as an island near Vancouver Island), making arrangements with conservation partners to hold lands in the future when the community is ready (such as in PEI and New Brunswick), gaining access to important harvesting and historical sites (Saugeen Peninsula, Ontario), and bringing Elders and youth together for cultural learning (in B.C.).

While currently operating in a colonial context with some challenges, Indigenous Land Trust can play important roles to achieve community goals. They can provide creative and partnership solutions for returning lands and reclaiming relationships with lands, waters, and all our relations.

The Alliance of Canadian Land Trusts (ACLT) continues to develop resources to support the forming and functioning of Indigenous Land Trusts. ACLT also seeks to support conservation land trusts in developing closer relationships with the Indigenous communities where they work and learn. For further information, please see ACLT's website at: <https://acli-acoc.ca/>