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IN CLIMATE CHANGE POLICY

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# NEWSLETTER

ENVIRONMENT, CLIMATE CHANGE, CONSERVATION, AND BIODIVERSITY NEWSLETTER

## Indigenous Treaty Rights, Resource Extraction, and Climate Justice on Turtle Island

Treaty agreements play a crucial role in shaping land use, governance, and environmental protection. However, they often intersect with resource extraction and climate change in complex ways. Across Canada, there are 70 [historic treaties](#) (1701-1923), including pre-Confederation treaties (1726-1862) and Confederation Era treaties (1871-1923). The latter introduced the numbered treaties, which facilitated westward and northern settler expansion. By 1923, treaty-making was effectively frozen as the government shifted its focus to assimilation policies, such as amendments to the Indian Act in 1927 and 1951.

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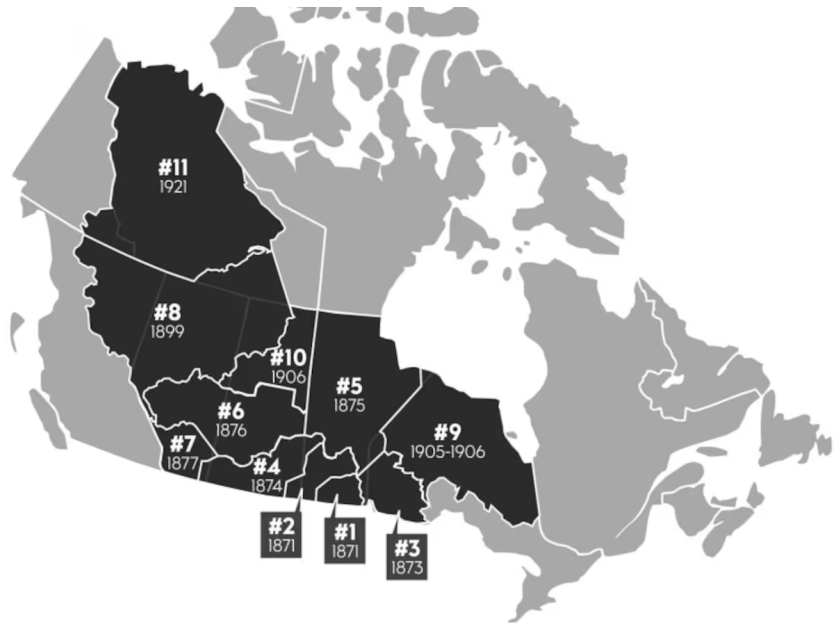
Stacked logs under a cloudy sky with sun rays, Unsplash.





It wasn't until 1973 that the Supreme Court of Canada recognized Indigenous land rights for the first time. This led to the [James Bay and Northern Quebec Agreement](#) in 1975, the first modern treaty. Since then, [26 modern treaties](#) have been signed. While treaties are meant to establish mutual agreements between nations, their maintenance and governance remain contentious. Treaties were traditionally documented in various ways, including through [wampum belts](#) among the Haudenosaunee. These intricately woven beads served as [memory tools](#) for agreements rather than written documents in the European tradition.

### Numbered Treaties in Canada



Understanding treaty rights is essential to environmental and climate justice, particularly for Indigenous women and gender-diverse peoples, who are often at the forefront of resistance against resource extraction.

For an interactive treaty map that offers Indigenous perspectives, visit [Yellowhead Institute's Treaty Map](#).

Additional Resources: [The Numbered Treaties – Canadian History Ehx](#)

Beaded wampum belts with intricate patterns, Shutterstock.





# Indigenous Treaty Rights: A Foundation for Environmental Protection

For millennia, Indigenous nations have practiced environmental stewardship, not simply as conservation but as a way of maintaining balance within ecosystems. Treaties play a critical role in land use, self-governance, and environmental protection. Many agreements affirm Indigenous rights to traditional territories, which include responsibilities to care for the land. In some cases, treaty rights support the establishment of [Indigenous-led conservation initiatives](#), such as Indigenous Protected and Conserved Areas (IPCAs), which recognize Indigenous leadership in protecting biodiversity.

However, resource extraction often clashes with treaty rights and environmental integrity. Many extractive projects, such as mining, logging, and oil pipelines, disrupt traditional territories without proper consultation or consent. By asserting their treaty rights, Indigenous communities can push back against projects that pose environmental risks and advocate for sustainable, land-based governance.

*Top: Aerial view of a turquoise river cutting through forest, Getty Photos.*

*Bottom: Indigenous woman in a patterned shawl watching the sunset, Getty Photos.*







# Resource Extraction and Its Impact on Indigenous Lands

Resource extraction, including mining, oil drilling, and deforestation, has profound environmental and social impacts on Indigenous lands. A [report](#) by the Prospectors and Developers Association of Canada (PDAC) analyzed how mining projects affect Indigenous communities, particularly Indigenous women. Many mines are established in remote areas near Indigenous communities, bringing a transient, predominantly male workforce. According to the [MMIWG report](#), this leads to increased rates of violence, substance abuse, and human trafficking, with Indigenous women being disproportionately affected.



Forest showing a stark contrast between trees and deforestation., Getty Photos.

Environmental damage is another major concern. Habitat fragmentation from mining sites disrupts wildlife, such as caribou populations in the Arctic. A 2014 study ([Herrmann et al.](#)) found that mining projects significantly obstructed caribou migration routes, leading to population declines that impacted northern Indigenous communities relying on them for food. Other effects of resource extraction include water contamination, habitat loss, and disruption of Indigenous livelihoods and cultural practices due to loss of access to land.

Despite these impacts, industry representatives argue that mining companies are working to build trusting relationships

with Indigenous communities. The [Mining Association of Canada](#) (MAC) highlights over 500 agreements with Indigenous communities and claims to be the largest private-sector employer of Indigenous peoples in Canada (proportionally). MAC also promotes commitments to Free, Prior, and Informed Consent (FPIC) and intercultural training for industry staff. However, many Indigenous leaders and environmental advocates argue that these efforts do not go far enough in addressing the deeper power imbalances between industry and Indigenous nations.







## Duty to Consult vs. Free, Prior, and Informed Consent (FPIC)

Under Canadian law, governments and industry must fulfill the “duty to consult” Indigenous nations before approving projects that affect their lands. However, consultation does not always mean Indigenous peoples have the power to say no—this is where FPIC becomes critical. FPIC is an international standard that upholds Indigenous peoples’ right to give or withhold consent for projects affecting their lands, waters, and rights.

*Top: Mikisew Cree First Nation v. Canada (2018).  
Photo by Shari Narine of Wind Speaker*

*Bottom: Gavel resting on a laptop keyboard,  
Getty Photos*

The case of [Mikisew Cree First Nation v. Canada \(2018\)](#) is an example of the fight for stronger consultation processes. The Mikisew Cree challenged the Canadian government’s attempt to pass legislation that would impact their treaty lands without proper consultation. While the Supreme Court ruled that consultation isn’t required when drafting legislation, it reinforced that meaningful consultation is legally necessary when decisions directly affect treaty rights. This ruling set an important precedent in ensuring Indigenous voices are included in environmental decision-making.







# Indigenous Women and Gender-Diverse Peoples in Climate and Legal Advocacy

Indigenous women and gender-diverse peoples have long been at the forefront of resisting harmful resource extraction projects. A powerful example of this resistance is the Standing Rock protest of the Dakota Access Pipeline in the United States. In 2016, [five Lakota and Dakota women from the Standing Rock Sioux Tribe](#) established the Sacred Stone Camp to oppose the pipeline, which they referred to as the “Black Snake”—a prophecy of environmental destruction passed through generations.

Over 10,000 people gathered in solidarity within weeks, making it the [largest Indigenous-led protest in 225 years](#). Protesters were met with violence from authorities, but their movement gained global attention, bringing Indigenous-led environmental activism into mainstream discourse. Although the pipeline was ultimately completed, the resistance at Standing Rock influenced Indigenous-led legal battles against extractive projects across Turtle Island. Attorney [Ariadne Montare](#) said the protests “may well signal a new paradigm for civil disobedience in the modern corporate age.”

“A nation isn’t defeated until the hearts of the women are on the ground.”

- Pearl Daniel-Means.

[End of the Line: The Women of Standing Rock](#)

Indigenous knowledge, often passed down through matriarchal leadership, remains crucial in protecting lands, waters, and biodiversity. Many Indigenous

women continue to lead climate justice initiatives, blending traditional ecological knowledge with legal advocacy to challenge extractive industries.



Protester with megaphone confronts police at environmental demonstration, [Magnum Photos](#).





## What Needs to Change?

The Canadian legal system has a role to play in strengthening protections for both Indigenous rights and environmental sustainability. Without stronger enforcement of FPIC and meaningful consultation, extractive industries will continue to operate at the expense of Indigenous sovereignty and ecological health.

For a just and sustainable future, treaty rights must be recognized and upheld in environmental decision-making. Governments must move beyond the bare minimum of consultation and implement

legally binding FPIC processes that respect Indigenous authority over their lands and hold accountability for industries that violate treaty agreements.

Incorporating Indigenous knowledge systems into climate policy is another crucial step. Indigenous communities have successfully managed ecosystems for thousands of years—policies that integrate these knowledge systems can lead to more effective and sustainable solutions.

Protecting Indigenous treaty rights is essential not just for

Indigenous communities but for the broader fight against climate change. These rights provide a legal framework for challenging harmful projects, preserving ecosystems, and advancing sustainable land stewardship. As climate crises intensify, recognizing and upholding these rights is crucial for creating a just and ecologically sound future for all.



*Top: Indigenous women in traditional regalia performing a blessing ceremony by the water, Getty Photos.*

*Bottom: Sunlit autumn trees contrast against a dense evergreen forest, Unsplash.*