

## Conclusion



## CHAPTER 9

# Replacing Rights with Indigenous Relationality to Reclaim Homelands

Joshua L. Reid

University of Washington

Indigenous peoples have had and continue to have contested relations with protected spaces of nature. As is already well known, nation-states often carved out many of these spaces—including national parks, marine sanctuaries, national monuments, national wildernesses, and other public lands—from Indigenous homelands. These valued public spaces are a key component of settler colonialism, a continued and historical process that erases and replaces Indigenous peoples. While national parks may have initially begun in settler colonial countries, such as the United States, Australia, Canada, and New Zealand, protected spaces have also been a component of globalization as countries eager to benefit from international tourists embraced parks in the 20th century

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while staking a claim as being modern nation-states that value conservation. The International Union for Conservation of Nature reports that globally protected areas now cover 14.87 percent of land and 7.4 percent of the ocean as of December 2018; the World Database of Protected Areas reports that, as of January 2020, 245 countries and territories have some form of protected areas.<sup>1</sup>

Non-Natives often defined and continue to value these protected spaces as some form of “wilderness,” which is characterized as being untouched by human hands, thereby leaving no place for Native peoples in their own homelands.<sup>2</sup> Moreover, governments and park administrators, usually in the name of the common good, continue to prohibit or limit Native peoples from exercising their rights in these spaces. If a government accepts a role for Indigenous management of protected spaces, it is usually quite limited. When Native nations or governing bodies do participate in relevant management bodies, they often find that Western ecological approaches and values circumscribe Indigenous options and strategies.<sup>3</sup> Representing a selection of global case studies from Aotearoa (New Zealand), Sápmi (Scandinavia), Central America, Brazil, and the US–Canada border along the Rocky Mountains, each chapter in this volume attests to the continued conflicts between protected spaces of nature and Indigenous peoples. Many of these tensions emerge from a Western rights framework that white settlers and elites have used to prioritize the rights of nature over Indigenous peoples.

Yet, these contributions also reveal the ongoing resilience of Native nations and Indigenous communities at pushing back against the loss of their homelands and rights in protected spaces. Settler colonial attempts to dispossess and erase Indigenous peoples from these spaces and other parts of their homelands, however, are neither totalizing nor complete. Native nations and Indigenous communities fight nation-states and governing bodies through the courts and in international forums. Some try to work within the system or directly with park administrators to gain a better position in management and conservation bodies or some concessions that allow them to access and share the benefits

from the tourism, biodiversity, or protected state of these spaces. Many pursue formal and informal education strategies in their own communities to maintain Indigenous knowledge and sustainable relations with these parts of their homelands from which they have been removed.<sup>4</sup>

This conclusion seeks to accomplish two tasks. One is to provide some historical context for the ways in which three problematic and closely related “white-settler social constructs”—wilderness, preservation, and the ecological Indian—came to shape the emergence and management of protected spaces of nature, particularly under a Western rights framework.<sup>5</sup> In one way or another, the chapters in this volume all touch on these constructs and their consequences on Native peoples. The second task will make an argument about historical and continuing Indigenous relations with homelands. If a rights framework, in which white settlers and elites privilege the rights of nature over those of Native peoples, undergirds preservationist philosophies, a relationality framework offers an Indigenous-based counterpoint. Even when a rights framework is used to protect Native use and access to protected spaces, legal tools often focus on specific activities—such as hunting, fishing, whaling, and gathering, among others—failing to recognize Indigenous understandings of territory, jurisdiction, and sovereignty.<sup>6</sup> The contributions in this volume uncover the realities of the myriad ways in which Indigenous communities and nations exercise self-determination through relationality to maintain their homelands within protected areas set aside by the state. Separately, each chapter relates highly localized case studies; however, together they address trans-local dimensions, linking specific peoples and places through histories dependent on continued relations with homelands.

### **The Rise of Preservationist Philosophy and the Constructs of Wilderness and the Ecological Indian**

Many of the case studies in this volume illustrate that white-settler social constructs of wilderness, preservation, and the ecological

Indian continue to shape discussions about and management of protected spaces of nature. Government officials, non-governmental organizations, private citizens, tourists, and even Indigenous peoples in some cases have relied on the Western concepts of wilderness and preservation to justify the creation and maintenance of protected spaces, both historically and more recently. When considering Indigenous engagement in or use of today's parks, non-Natives often turn to the third problematic construct—the ecological Indian, which is closely imbricated with the concept of wilderness—to frame their narrow expectations of what Native peoples can bring to the use or management of protected spaces of nature. Moreover, concepts of wilderness, preservation, and the ecological Indian seem to have such durability and mutability because they emerged concomitantly alongside colonialism (settler colonial and otherwise), modern nation-states, and a Western rights framework. Together, they evolved to privilege the rights of nature—embodied by a wilderness unspoiled by humans and in need of preservation for use by white settlers and elites—over Native peoples. This has limited Indigenous agency and their ability to access, much less govern, homelands now claimed as protected spaces.

Historically, concepts of wilderness have transformed as they shaped non-Native experiences in North America and other places since the very beginning of colonial intrusions at the end of the 15th century. Even as they stole, traded for, or razed miles of Indian corn in the English colonies, for example, colonists seemed willfully blind to sophisticated Algonquian and Haudenosaunee techniques for cultivating and managing the land. They described the precolonial landscape as a wilderness, a vast landscape that Indians wasted and had only lightly populated. Yet, colonists and early American settlers found this wilderness that was full of wild animals and wild Indians frightening, something to be combated and subdued. These descriptions and conclusions justified a settler colonial mindset that fueled the erasure and removal of Native nations as US federal policies and settler actions resulted in most land and natural resources being developed and claimed

in some fashion as the nation expanded west through the 19th century. During the second half of that century, Romantic and Transcendentalist philosophies began to value this disappearing wilderness—even the supposedly vanishing Indian—arguing that the wilds of North America had played a valuable role in shaping the national character, especially that of white men, and could provide an antidote to enervating and emasculating urban life.<sup>7</sup>

As white Americans became increasingly concerned with vanishing wilderness across the country at the end of the 19th century, they debated the role of humans in nature—and neither side saw a place for Indigenous peoples. Conservationists like forester Gifford Pinchot advocated for scientific, rational planning for efficient development and “the use of the natural resources for the greatest good of the greatest number for the longest time.”<sup>8</sup> The “greatest number” did not include Indigenous peoples as conservation laws often targeted treaty-reserved hunting and fishing practices in Native homelands and waters both within and outside reservations.<sup>9</sup> Preservationists, embodied by John Muir, the first president of the Sierra Club (founded in 1892), redefined wilderness as a place that should be untainted by human presence. In this idealized form of wilderness, historical Indigenous peoples had never managed or changed the landscape. More troubling for Muir and other preservationists, contemporary American Indian hunters and fishers—peoples he characterized as “dark and dirty”—actively threatened the dwindling tracts that needed preservation, so they needed to be removed. Muir’s preservationist philosophy was markedly racist, a legacy that today’s Sierra Club is only now beginning to confront.<sup>10</sup>

In the United States, the emergence of national parks, the iconic protected spaces of nature and spatialization of preservationist philosophy, came at the cost of Indigenous peoples and their homelands. In 1872, Congress created Yellowstone National Park in the American West, carving it out of the homelands of the Crow, Bannock, Shoshone, Salish, Nez Perce, and Northern Paiute nations. Ignoring the many ways in which Indigenous peoples utilized, shaped, and managed this environment—hunting,

cultivating camas, gathering medicinal herbs, cutting lodgepole pines, and ceremonial gatherings—Congress sought to preserve this place’s monumental wilderness splendor. The federal government would protect Yellowstone from development, such as mining and timber exploitation, and administer the park as an uninhabited wilderness preserve for the pleasure and recreation of citizens. By 1886, the US Army was administering Yellowstone. Already in the midst of waging war against Plains Indians who resisted further encroachments on their lands and resources, the Army eagerly embraced its new role of preserving the park’s animals, fish, and trees—part of the park’s wilderness splendor—from Native hunters and fishers, eventually banning Indians from the park entirely. In the decision for *Ward v. Race Horse* (1896), the US Supreme Court uncritically pointed to Yellowstone’s hunting restrictions on Indians as an example of the power of the nation-state to abrogate treaty rights unilaterally in order to regulate the hunting of game. Park administrators subsequently treated this as a legal sanction of Yellowstone’s Indian ban, despite the fact that it clearly infringed on Shoshone and Bannock hunting rights reserved in the 1868 Fort Bridger Treaty.<sup>11</sup> By the end of the 19th century, preservationist philosophy then had the protection of the courts and the nation’s military might, a formidable settler-colonial combination. The federal government replicated this pattern of Indigenous dispossession, what is noted as part of the oft-described “Yellowstone model,” in subsequent protected spaces of nature, most notably at Glacier and Yosemite National Parks.<sup>12</sup>

Preservationist discourse related to protected spaces of nature and Indigenous dispossession proved to be mutable as settler-colonial nations across the globe implemented the concept and created national parks. For instance, the establishment of Tongariro National Park on the North Island of New Zealand exemplifies this early mutability, specifically that it could be used to explain supposed Indigenous consent for protecting their homelands. Official narratives of the park’s founding claim that their first national park, Tongariro, emerged from cooperation between Māori and Pākehā (whites). According to popular belief, the impetus for



the park began in 1887 when Horonuku Te Heuheu, the Ngāti Tūwharetoa paramount chief, gifted the sacred volcanic peaks of Tongariro, Ngauruhoe, and Ruapehu to the government to create what he called a “tapu [ritual prohibition] place of the Crown” (a national park) in order to protect them from settler encroachment and development.<sup>13</sup> When introducing the proposal for the park’s formal creation in 1894, MP John McKenzie argued: “The beauties of [Tongariro] would be preserved for all time to come for the benefit of the people of New Zealand.”<sup>14</sup> Together, McKenzie’s words and Te Heuheu’s gift seemed to set an alternative model, one based on Indigenous consent, for preserving natural spaces.

But the creation and subsequent management of Tongariro proved to be based on a misappropriation of Te Heuheu’s “gift” and the prioritization of white upper- and middle-class priorities of preservation for recreation during the late 19th and early 20th centuries. First, Te Heuheu had not gifted the mountains to the Crown, at least in the Pākehā sense of a *gift*. The Māori chief had agreed to *tuku* the peaks into joint trusteeship, inviting the Queen to share the responsibility of safeguarding this sacred space, thereby forever guaranteeing Ngāti Tūwharetoa’s special relationship with this part of their homelands. Like many Indigenous concepts about being in relations with our homelands and other-than-humans, *tuku* does not translate easily into English. It is not a straightforward gift (i.e., transference of title with no strings attached), which is what Pākehā often gloss it as to their advantage. According to the investigators of a multiyear, complex Māori claim to the Waitangi Tribunal over violations related to Tongariro National Park, Te Heuheu “was seeking an arrangement that would bind the Crown into ensuring the land’s protection ... releasing the land so that it could be kept sacred for the people.”<sup>15</sup> He was strengthening formal relations between himself and the Queen, between Ngāti Tūwharetoa and Pākehā. Instead, the Crown did not honor the partnership extended by Te Heuheu; it simply took title of the mountains for itself and established the national park—New Zealand’s first—without consulting the chief or other Māori

authorities, including people from other *iwi* (tribes) who also knew the mountains as parts of their homelands. Additionally, a clause in the 1894 bill left open the door for taking more Māori lands for the park with little to no compensation, a situation that led MP Hone Heke Ngapua (Northern Māori District) to declare this a “monstrous piece of legislation” during the debate.<sup>16</sup> The 1922 Tongariro National Park Act entrenched the dual objectives of the park, prioritizing preservation and public use, both of which had come at the cost of Māori land owners. Despite the popular myth of pointing to New Zealand’s Tongariro National Park as “the first (and last) to reserve a national park in cooperation with its indigenous people,” preservationist philosophy privileging non-Native users dominated the creation and management of that country’s protected spaces of nature from the beginning.<sup>17</sup>

The further global proliferation of preservationist discourse cemented the connection between the establishment of national parks with Indigenous dispossession and erasure. For example, in 1885, Canadian Prime Minister John MacDonald set aside a small public park, Banff Hot Springs Reserve, that the Parliament of Canada expanded into the Rocky Mountains Park in 1887. By 1930, Parliament had enlarged the park’s boundaries and renamed it Banff. Numerous First Nations, including Ktunaxa, Cree, Niit-sitapiksi, and Siouan-speaking Stoney (Nakoda), regularly incorporated the landscapes of what became Banff National Park as important places in their larger homelands. Yet, shortly after creating the Rocky Mountain Park, the Canadian Government excluded them from the park so that they could not hunt game.<sup>18</sup> In 1909, Sweden created nine national parks, including several in the far north in Sápmi, the homelands of the Indigenous Sámi peoples. These parks, along with others in neighboring Norway and Finland, followed the Yellowstone model, dispossessing Sámi peoples in the name of wilderness preservation.<sup>19</sup> Upper- and middle-class white Americans, Canadians, and Swedes, among others, had come to see wilderness as a threatened resource in their countries, and they wanted it protected for white tourists, not Indigenous peoples.

As countries began creating the initial national parks, an act that they likely hoped would signal their modernity, contemporary versions of the ecological Indian—the third problematic concept seen in many of this volume’s case studies—emerged. Stereotypes of American Indians being connected to or a part of nature have been popular since the initial encounters between Europeans and Indigenous Americans. 16th-century artists created some of the earliest drawings of the peoples Europeans encountered in the Americas, and because they had not been on these voyages, they based their art on iconic Medieval traditions, specifically those of “wild men.”<sup>20</sup> Framed as the antithesis of Christians and inhabiting a zone between humans and creatures, wild men were aggressive and violent. They lacked the crudest knowledge of agriculture and technology, living in the wilds on what they happened to gather or kill. The supposed wild, uncivilized, and pagan state of Indigenous peoples justified their servitude and slavery. Some Europeans came to more positive conclusions about Indigenous Americans, comparing them to innocent, good-natured people from the Greek legend of the Golden Age, living “free with little labor in a blissful state of nature.”<sup>21</sup> During the early years of the United States, white Americans sought to use this stereotype of the innocent, nature-bound Native of the antediluvian past to bolster their claims to an ancient republican past.<sup>22</sup> Whether positively or negatively framed, these early stereotypes of Indians conveniently justified settler colonial expansion. Land could be taken from wild Indians who did not use it and deserved conquest at the hands of Christians; as one with nature, Indians—just like land—were available for improvement. Rooted in European imaginations rather than reality, these images shaped white expectations of Indigenous peoples and, for centuries, framed non-Native stereotypes of noble savages and Native authenticity as being tied to nature and confined to the past.

By the mid-19th century, white Americans had become concerned that the country’s wild places and Native peoples were vanishing, and they linked the fates of the two in ways that shaped the limited roles Indigenous peoples could occupy in protected

spaces of nature. In 1844, George Catlin, the renowned painter of the North American West, was the first to propose the idea of a national park, and he envisioned it as a space to save both the vanishing buffalo and Indians of the Great Plains:

And what a splendid contemplation too, when one ... imagines them [buffalo] as they *might* in future be seen (by some great protecting policy of government) preserved in their pristine beauty and wildness, in a *magnificent park*, where the world could see for ages to come, the native Indian in his classic attire, galloping his wild horse, with sinewy bow, and shield and lance, amid the fleeting herds of elks and buffaloes, What a beautiful and thrilling specimen for America to preserve and hold up to the view of her refined citizens and the world, in future ages! A *nation's Park*, containing man and beast, in all the wild and freshness of their nature's beauty!<sup>23</sup>

Catlin's imagined park would preserve these "thrilling specimens" of the North American West, and Native peoples, frozen in their mid-19th-century "beauty," were literally part of this park's wilderness magnificence.

However, a generation later, as white Americans began creating national parks, they also believed that American Indians belonged on reservations, and they deployed the US Army to enforce this violently. In their minds, actual Indigenous peoples were out of place in these iconic protected spaces of nature—but preserved icons of American Indians of the past, complete with feathered headdresses and other expected accoutrements, did have a place in the parks: as park advertisements or as tourist draws themselves. For example, in the early 20th century, while the administrators of Glacier National Park were working hard to keep Blackfoot hunters out of the park and seeking to acquire more of the tribal nation's lands for the park, publicists of the Great Northern Railroad hired groups of Blackfeet to travel to East Coast cities to advertise the park. These publicists referred to them as the "Glacier Park Indians," just one of the many wilderness attractions white Americans could see, if they took a train to visit the park.<sup>24</sup> This marketing of

Indigenous peoples set the groundwork for the early-20th-century, romanticized version of the ecological Indian.

This same tension—between non-Native imaginations of the ecological Indian that was part of the park experience and actual Indigenous communities barred from the portions of their homelands taken by the park—unfolded transnationally in protected spaces of nature. For example, with the 1894 creation of Tongariro National Park, discussed earlier, Pākehā politicians and park managers “reframe[d] Māori’s complex and multifaceted relationships to landscape as a relationship to the ‘natural’ world” by promoting Tongariro’s ecological integrity and scientific, aesthetic, and conservation values.<sup>25</sup> Similarly, Native peoples in South Africa were removed or had their practices severely limited when the nation began creating national parks in the 1920s and 1930s. Those whom government officials allowed to remain, such as a small group of approximately 20 “Bushmen” in Gemsbok Kalahari Park in 1941, were seen as “part of fauna of the country” (and hence an attraction), but were no longer allowed to hunt with their dogs.<sup>26</sup> In 1934, Japan created eight national parks, including two—Daisetsuzan (the country’s largest) and Akan Mashu National Parks—in Hokkaido, the homeland of the Indigenous Ainu people. One scholar notes that “the early twentieth-century founders of Japan’s national parks confronted no removal of people because the Ainu in Hokkaido had already been sequestered in the early Meiji years [1870s and 1880s],” a popular assumption that nation-states make when they carved out protected spaces of nature from Indigenous homelands.<sup>27</sup> Yet, a sufficient number of Ainu peoples were evidently around in 1916 to create the Kawamura Kaneto Ainu Memorial Hall, the nation’s oldest Ainu museum, located just outside Daisetsuzan’s park boundaries. Today, advertisements for these national parks regularly tout Ainu presence and heritage as one reason to visit—tourists are encouraged to visit Kawamura Kaneto Ainu Memorial Hall, and the Kussharo Kotan Ainu Folklore Museum and the Akanko Ainu Kotan village in Akan Mashu.<sup>28</sup> Indigenous peoples were welcome, as long as they served the needs of the park and the visiting tourists.

After World War II, the intertwined constructs of wilderness, preservation, and the ecological Indian took on new life amid the rising popular and scientific interest in ecology and environmental causes. These interests helped justify preservationist creations of even more national parks and other protected spaces, particularly ones set aside for wilderness preservation. Many nations captured this increasing focus on wilderness preservation through legislative acts. For example, the 1952 National Parks Act in New Zealand focused on preserving the country's unique flora and fauna while giving the public access to parks, objectives that were not uncommonly at odds with each other. Concurrently, the country's largest national park, Fjordlands, which at the time was a public reserve, became part of the newly anointed park system. In 1977, the Reserves Act allowed the Department of Conservation to create reserves, including ones for wilderness preservation. Two years later, the New Zealand Forest Service, the Department of Lands and Survey, and the National Parks Authority agreed to manage wilderness areas in consultation with the Federated Mountain Clubs of New Zealand, reflecting the growing power of Pākehā upper- and middle-class users of protected spaces of nature. A new National Park Act (1980) reiterated the dual objectives of parks, but prioritized wilderness preservation, stating that the purpose of the act was to "[preserve] in perpetuity as national parks, for their intrinsic worth and for the benefit, use, and enjoyment of the public, areas of New Zealand that contain scenery of such distinctive quality, ecological systems, or natural features so beautiful, unique, or scientifically important that their preservation is in the national interest." The public would continue to have freedom of entry, but subject to "such conditions and restrictions as may be necessary for the preservation of the native plants and animals," with gazetted wilderness areas having even stricter protections. An influential poster published by the government in 1980 summarized the New Zealander wilderness philosophy of the time, defining wilderness areas "as those large tracts of land unaltered by the hand of man, remote from centres of population, and where man enters only on nature's terms."<sup>29</sup> This definition of

wilderness continued to efface Māori stewardship and management of their homelands.

More concerning, Māori rights or management of these spaces only appear twice and in very limited capacities in these acts. The National Parks Act 1952 acknowledged that the eight-member Tongariro National Park Board would have one Māori member, the paramount chief of Ngāti Tūwharetoa, as long as he was a lineal descendant of Te Heuheu. The Reserves Act 1977 had a brief section empowering the Minister of the Department of Conservation to grant Māori the right to take or kill birds, as long as the land of the reserve had been Māori land immediately before the creation of the reserve and that the prey was not already protected by the Wildlife Act 1953. Additionally, if the reserve contained a Māori burial ground, the Minister could grant the continuing interment of Indigenous remains. However, the act also granted the Minister the unilateral power to withdraw or modify these rights at any time. The scant mention of Indigenous rights in these acts reflected the limited state of Māori self-determination within New Zealand at the time.

In the United States, wilderness preservation notably gained congressional interest in efforts that culminated in passage of the Wilderness Act (1964), and white Americans shared the same ideas of wilderness with those expressed by Pākehā and others during the post-war era. The act defined wilderness as a sizeable area of at least 5,000 acres “where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.” Moreover, a designated wilderness area will be “protected and managed so as to preserve its natural conditions,” while encouraging “outstanding opportunities for solitude or a primitive and unconfined type of recreation.”<sup>30</sup> Like national parks, wilderness areas are supposed to meet the dual purposes of public access and nature preservation, with even more of an emphasis on the latter. Intersecting with the white environmental movement from the 1960s onward, Western notions of an unpeopled wilderness continued to erase Indigenous management of their homelands.<sup>31</sup> Moreover, this kind of legislation in New Zealand



and the United States provided a legal foundation for providing nature, embodied as wilderness areas unspoiled by humans, with rights, a key tenet of later 20th-century preservationist philosophy that gained momentum internationally.

After World War II, international organizations also began to focus on protected spaces of nature, thereby providing an institutional platform for the further proliferation of preservationist philosophy. With support of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), the International Union for the Protection of Nature—later renamed the International Union for Conservation of Nature (IUCN)—was formed at a conference in Fontainebleau, France, in 1948. The new organization took a preservationist stance as it sought to address the loss of species and habitats, and its influence grew rapidly. Establishing more national parks and other protected spaces of nature was a key strategy of the IUCN, which by 1959 was annually tabulating the world's parks and reserves for the United Nations.<sup>32</sup> During the 1962 Seattle World's Fair in Washington State, the organization convened the First World Conference on National Parks. President Kennedy's welcome letter to the conference delegates reflected the contemporaneous values of preserving nature through parks and reserves, as he declared that "permanent preservation of the outstanding scenic and scientific assets of every country, and of the magnificent and varied wildlife which can be so easily endangered by human activity, is imperative."<sup>33</sup> Unsurprisingly, several delegates spoke about the role of parks and reserves in helping the general public learn to value the preservation of the "pristine" state of nature through protected spaces.<sup>34</sup>

Although there appeared to be not a single delegate representing any Native nations or Indigenous interests, speakers did occasionally address the perceived place of Indigenous peoples in these protected spaces of nature. Some statements presented Indigenous peoples as threats to the wildlife and ecological balance of the parks and reserves. For example, M. A. Badshah, a wildlife officer for India, warned of the dangers of "unscrupulous" local peoples whose "presence in the sanctuaries has been fraught with



danger to wildlife ... [from] their bows, arrows, and traps." Similarly, Jacques Verschuren, a Belgian conservation biologist who specialized in national parks in Africa, noted in his remarks that: "Every attempt in the national parks to maintain so-called primitive societies in proper balance with the environment has proved itself a failure, whether it was with certain pastoral peoples in East Africa or with the pygmies of the great equatorial forest." But others seemed to embrace the durable stereotype of the ecological Indian, usually in juxtaposition with the environmental harms caused by modern societies. For example, Maria Buchinger, an Argentinian forestry advisor, explained that "Indian tribes never fish or hunt more than necessary for their maintenance, they always respect young animals ... [unlike] modern man [who] cannot be considered part of the biotic circle; he brutally upsets the balance." John Pile, a public relations officer for the Natural Resources Board of Southern Rhodesia (Zimbabwe), echoed Buchinger's sentiment, supposing that "indigenous population[s] ... are naturalists by tradition" because "in many tribes, the very names given to the children reflect strong appreciation and awareness of the importance of nature."<sup>35</sup> Whether speaking positively or negatively about Native communities, these delegates presented Indigenous peoples as static primitives who had no place in the modern world, much less in park management.

The situation had not changed much ten years later for the Second World Conference on National Parks, which also marked the centenary of Yellowstone's founding. Both the US and Canadian delegations did include one or two park officials who did outreach with Native and First Nations, but the views about Indigenous peoples still remained exceptionally limiting. One British professor reminded delegates that some national parks or reserves, such as Xingú National Park (est. 1961) in Brazil, exist "for the protection of primitive Amerindian tribes." UNESCO ecologist Kai Curry-Lindahl argued that "primitive tribes" living outside park boundaries should be allowed to hunt, fish, and gather within the protected spaces because they "make use of the environment as collectors, scavengers, and hunters in exactly the same way as wild

animals; they utilize resources without destroying them. They are a natural part of the ecosystem.” Yet other delegates, like Argentinian Italo N. Constantino of the International Commission on National Parks, complained of “indigenes” whose practices “[detract] from the unspoiled nature of the national park and, consequently, from its *raison d'être*.” Venezuelan Alberto Bruzual explained that Indigenous peoples residing in parks should be resettled because “they are almost bound to develop activities incompatible with park philosophy and this creates conflicts of a political nature which interfere with the development of parks, by degrading the scientific, natural, and touristic values.”<sup>36</sup> In the minds of these delegates, Native peoples appeared either as part of the parks, just like the “wild animals,” or as a threat to the very existence of these protected spaces of nature. Their attitudes helped to codify preservationist philosophies and a style of “fortress conservation” that prioritized nature—and white park visitors—over Indigenous peoples.<sup>37</sup>

While officials and representative of governments and non-governmental organizations convened high-profile international discussions about the state of preserving nature and wilderness, white environmentalists also grasped at the durable stereotype of the ecological Indian to add some authenticity to their claims. As historian Philip Deloria, Jr. (Standing Rock Sioux) argues, counterculture white environmentalists “played Indian” in their attempts to address the “postmodern crises of meaning,” in which they questioned the “existence of God, authenticity, and reality itself.”<sup>38</sup> Preferring icons such as the ecological Indian rather than actual Native individuals, whites—like their contemporaries attending the world conferences on national parks—turned to symbols of Indianness to root themselves authentically in the landscape that they felt was under assault by development and corporate interests. One popular touchstone was the supposed speech of the 19th-century Duwamish/Suquamish leader, Seeathl, more popularly known as Chief Seattle. On January 12, 1854, Seeathl addressed Washington Territory’s commissioner of Indian affairs and governor Isaac Stevens, likely positioning

his people to make the best of the upcoming treaty negotiations. Dr. Henry Smith, present at this event, took notes on Seeathl's stirring speech, which had to be translated from Lushootseed, the chief's native tongue, into English, likely through Chinook jargon, a local trade language; more than 30 years later, Smith wrote an English-language version, which he published in a local newspaper. In the late 1960s, a white poet revised Smith's version, and then film studies scholar Ted Perry drew from this latest version for a screenplay he wrote for the Southern Baptist Convention; the organization went on to make the eco-friendly film *Home* (1972), crediting Chief Seattle for the speech written by Perry.<sup>39</sup>

The 1972 Perry appropriation of Chief Seattle's speech made Seeathl into a global icon of the ecological Indian of this era and shaped international expectations for Indigenous relations with nature. This is the version that included words that inspired white environmentalists: "How can you buy or sell the sky, the warmth of the land? The idea is strange to us ... The earth does not belong to man. Man belongs to the earth. This we know ... What befalls the earth, befalls the sons of the earth. Man did not weave the web of life; he is merely a strand in it. Whatever he does to the web, he does to himself."<sup>40</sup> At the time, excerpts from the 1972 speech and even the entire text proliferated through print culture, films, music, and the radio and were especially popular in Europe. Seeking to add credibility to his own film script, Perry transformed Seeathl into the model ecologist of the 1970s. This speech generalized Indigenous cultures according to Western stereotypes and importantly placed Native authenticity in the safety of the past. As Deloria notes, "Seattle's words erased contemporary social realities and the complicated, often violent history of Indian land loss. Instead, all people were one, bound by a universal web of blood connections and their relations to the earth."<sup>41</sup> Chief Seattle embodied the ecological Indian in symbolic ways for a white public that had a seemingly "bottomless" appetite for environmentally correct Indians.<sup>42</sup> Perniciously, the environmental movement then used (and continues to use) this form of the ecological Indian—supposedly authenticated by the words of a

respected American Indian historical figure—to chastise Native nations and Indigenous communities for failing to live up to the stereotype when they engage in practices that white environmentalists find troublesome.<sup>43</sup>

By the last quarter of the 20th century, nation-states around the world had been drawing on the white-settler social constructs of wilderness, preservation, and the ecological Indian to create protected spaces of nature for more than a century. In the 21st century, this wilderness preservation ethos has even expanded to marine spaces, such as with New Caledonia's establishment of the National Park of the Coral Sea in 2014, as part of France's signature contribution to the Pacific Oceanscape.<sup>44</sup> Protected by laws enforced by the courts and military, these national parks and reserves often removed and continue to dispossess Indigenous peoples from their homelands, while simultaneously privileging white and middle- to upper-class users of these iconic tourist attractions. White settlers and elites in power prioritized the rights of nature (or, more accurately, their rights to enjoy nature) over those of Indigenous peoples. The largely white environmental movements of the 1970s and 1980s only appreciated symbolic Native ecologists, conveniently confined to the distant past, as authentic primitives whose values aligned with their own—real Indigenous peoples, however, threatened the natural sanctity of protected spaces. With the rise of international institutions, these white-settler social constructs proliferated across many parts of the world as growing numbers of nation-states sought to mark themselves as modern through their preservationist sensibilities, all at the cost of Indigenous peoples.

### **The Growing Influence of International Indigenous Rights**

Although Native peoples had always resisted infringements on their sovereignty and dispossession from their homelands, from the 1960s onward, Indigenous leaders in settler colonial countries mobilized in very public ways to push for their rights. They

began by pushing for Indigenous rights, often tied to historic treaties signed with colonial and federal governments, within specific nation-states. Foundational movements from fish-ins in Washington State in the 1960s and 1970s, to the 1972 Tent Assembly outside Parliament House in Canberra, to the 1975 Māori Land March from Auckland to Wellington, among others, galvanized Indigenous activists to advocate for treaty rights and land rights. Iconic occupations and confrontations—the Indians of All Tribes at Alcatraz (US, 1969–1971); the American Indian Movement at the Bureau of Indian Affairs headquarters in Washington, DC, and at Wounded Knee, SD (US, 1972 and 1973); Ngāti Whātua at Takaparawhā (Bastion Point) of the Ōrākei block in Auckland (New Zealand, 1977–1978); Sámi and Folke-aksjonen (People’s Action) in Alta (Norway, 1970–1981); and Mohawks at Oka (Canada, 1990)—helped bring Indigenous concerns to white audiences. Key court cases, such as the *Calder Case* (Canada, 1973), *US v. Washington* (1974), and *Mabo v. Queensland (2)* (Australia, 1992), began to provide legal justifications for Indigenous rights in high-level, federal, and national courts. The activism and legal victories prodded governments to establish new mechanisms, such as the Waitangi Tribunal (New Zealand, 1975) and the Royal Commission on Aboriginal Peoples (Canada, 1991), for investigating Native claims.<sup>45</sup>

The various national movements for Native rights took on global dimensions during the last quarter of the 20th century, especially with the inclusion of Indigenous activists from Latin America, Africa, and South Asia. Yet, global Indigenous identity and political formations have much older histories than just those of the post-war decades, illustrating how Indigenous rights movements have been simultaneously global and local.<sup>46</sup> As Michi Saagiig Nishnaabeg scholar Leanna Betasamosake Simpson argues, “Indigenous internationalism” is defined by deeply historical relations between humans and other-than humans and among many Native nations, long before the expansion of European colonies.<sup>47</sup> By the 18th century, Native nations were regularly sending diplomats abroad to appeal directly to monarchs about colonial and

settler colonial encroachments on their lands and rights.<sup>48</sup> Intertribal international efforts grew in the 20th century, such as when the Society of American Indians sought unsuccessfully to participate in the 1919 Paris peace talks ending World War I and to be represented at the League of Nations.<sup>49</sup> At the urging of Native activists in North and South America, the United Nations held its first conference on Indigenous peoples, the International Non-Governmental Organization Conference on Discrimination against Indigenous Populations in the Americas, in Geneva, Switzerland, in 1977. Native delegates collectively authored the 13-point “Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere,” which called for recognition of Indigenous nations, guarantee of Indigenous rights, respect for territorial claims and integrity, and environmental protection of their homelands, among other priorities.<sup>50</sup> Like a counterpoint to the internationalization of preservationist philosophy that blamed Indigenous peoples for spoiling national parks and reserves, Native activists argued that Western development and colonialism polluted the environments of their homelands.

The efforts of Indigenous activists continued to gain traction internationally, resulting in two critical developments for the protection of Indigenous rights. In 1989, the International Labour Organization adopted ILO Convention 169, the only legally binding international treaty on Indigenous peoples.<sup>51</sup> This document affirmed the rights of Indigenous peoples to exercise control over their own institutions, ways of life, and economic development and to maintain their own identities, languages, and religions. Importantly, ILO Convention 169 articulated the requirement of consultation with Indigenous peoples as an obligation of nation-states. Over almost the next 20 years, Indigenous leaders worked to draft and then secure final state approval in 2007 for the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).<sup>52</sup> The declaration drew from many pre-existing international human rights standards, adapting them to Indigenous peoples. Reaffirmed in 2014, UNDRIP strengthened the consultation requirement from ILO Convention 169, framing it as free, prior, and informed

consent for issues affecting Indigenous peoples and their lands. In addition to drafting and negotiating for the passage of these transformational international documents, Indigenous leaders also worked with the United Nations to establish mechanisms for monitoring their rights. In 2001, the United Nations appointed the first Special Rapporteur on the human rights of Indigenous peoples. This official conducts high-profile country visits to prepare thematic reports. The following year, the United Nations first convened the Permanent Forum on Indigenous Issues, which helps the organization's agencies implement the rights of Indigenous peoples. Finally, in 2007, it established the Expert Mechanism on the Rights of Indigenous Peoples, which, like the Special Rapporteur, conducts thematic studies. Together, these mechanisms have evolved into dynamic tools for examining Indigenous rights concerns. Despite continuing challenges, particularly at the recognition of Indigenous self-determination, the "international space has been important for transnational mobilization and efforts to establish global norms on indigenous rights."<sup>53</sup>

Indigenous internationalism sought to transform the way in which nation-states conceived of and managed national parks and other protected spaces of nature, specifically through the continued dispossession of Native peoples. Held in 1992, the Fourth World Congress on National Parks and Protected Areas included a workshop dedicated to Indigenous views of protected areas. Organized by the Dene Cultural Institute of Canada and chaired by Chief Bill Erasmus (Yellowknives Dene), this workshop aimed to "demonstrate how the knowledge held by local people can be applied to management problems, and how the perceptions of indigenous people can be incorporated within protected area management."<sup>54</sup> The formal recommendations emerging from this conference included a number shaped by Indigenous concerns, particularly those related to customary resource management practices, traditional land tenure systems, consultation, and marine areas.<sup>55</sup>

While these recommendations represented a step in the right direction, the IUCN continued to advocate for management of



protected spaces of nature along Western ideas of wilderness, preservationist philosophy, and the ecological Indian stereotype, which together continued to exacerbate tensions with Native peoples. At the next gathering in 2003, about 150 Indigenous activists participated in the Fifth World Parks Congress, the first time that such a large number had attended. They offered a more pointed critique of the international organization, condemning past preservationist practices. Drawing from their strengthening international position on human rights and the increasingly important rhetoric on Indigenous consent—as articulated in ILO Convention 169 and being discussed in what eventually became UNDRIP—Native delegates pushed the IUCN to recognize and respect their rights, responsibilities, and conservation contributions. In the closing plenary statement of the Indigenous Peoples Ad Hoc Working Group, Otovalo Kichwa (Quechua) intellectual Luz María de la Torre reminded delegates that:

The declaration of protected areas on indigenous territories without our consent and engagement has resulted in our dispossession and resettlement, the violation of our rights, the displacement of our peoples, the loss of our sacred sites and the slow but continuous loss of our cultures, as well as impoverishment. It is thus difficult to talk about benefits for Indigenous Peoples when protected areas are being declared on our territories unilaterally. First we were dispossessed in the name of kings and emperors, later in the name of State development, and now in the name of conservation.<sup>56</sup>

This resulted in one of the official outcomes being the creation of a Truth and Reconciliation Commission to promote the “restitution of indigenous peoples’ lands, territories and resources that have been taken over by protected areas without their free, prior informed consent, and for providing prompt and fair compensation, agreed upon in a fully transparent and culturally appropriate manner.”<sup>57</sup> In 2008, the IUCN endorsed UNDRIP, and during the 2016 World Conservation Congress they changed their governance structure, creating a new category of membership for



Indigenous Peoples' Organisations. The IUCN currently participates in the UN Permanent Forum on Indigenous Issues, one of the key bodies for monitoring Indigenous rights. In their most recent statement to the Permanent Forum, the IUCN declared: "It is an absolute priority to address the situation of indigenous peoples in protected areas that do not recognize their rights and that create restrictions and hardship to inhabiting and user communities."<sup>58</sup> Along with numerous other initiatives supporting Indigenous environmental rights, this represents a substantial change from the 1970s rhetoric castigating Native peoples for spoiling national parks. Indigenous leaders and activists drove this change.

### **The Limits of the Western Rights Framework**

Indigenous scholars and others have critiqued the ways in which the Western rights framework fails to protect Native nations or reflect Indigenous values.<sup>59</sup> Many of the case studies in this volume also highlight these shortcomings. Even with the substantial progress of Indigenous rights at nation and global levels, a rights framework continues to enable white settlers and elites to use a preservationist philosophy to protect nature at the expense of Native peoples. By privileging the rights of nature, those in power continue to situate Indigenous rights as inferior to those of white settlers and elites. As Brad Coombes demonstrates through the example of Te Urewera, one of four national parks in Aotearoa, New Zealand, that has or will be personified through legislation, bestowing person rights on national parks simply repackages the old preservationist "for the common good" argument (Chapter 2, this volume). It is more difficult for Māori, in this case, to secure rights to a newly embodied person than to fight the New Zealand Government for restoration of stolen land. Moreover, it writes Ngāi Tūhoe out of Te Urewera's history because the latter is now a new person. Similar rights of nature, whether they are defined specifically as people or as analogous to people, have appeared in a number of countries in the 21st century, including Ecuador, Bolivia, India, and local jurisdictions in the United States. Some of these, such as

those in Ecuador, Bolivia, New Zealand, and in some US cases, are assumed to be connected to or emerging from Indigenous activism and epistemologies.<sup>60</sup> For example, Christopher Finlayson, a New Zealand MP who helped negotiate the Whanganui River Settlement, lauds the 2017 government act conferring personhood on the Whanganui River as “using a novel legal theory that was in alignment with the ancient beliefs of the Māori who lived alongside the river.”<sup>61</sup> Yet, Coombes reveals that this assumption must be questioned as those in power often deploy their understandings of Native epistemologies to frame the rights of nature. As he concludes, bestowing personhood rights on the Whanganui River and Te Urewera is another Western construct.

Similarly, Elsa Reimerson (Chapter 3, this volume) explains how reforms to the management of protected spaces usually affirm preservationist assumptions and values, often while simultaneously claiming to protect Indigenous rights. For example, the 2010 Norwegian reforms of protected area management gave Sámi new opportunities for influence and participation while failing to reconsider the preservationist discourses that underlay protected spaces themselves, thereby reinforcing asymmetrical power relations and colonial stereotypes. It seems like the 2010 Norwegian reforms, 2014 Te Urewera Act, and 2017 Whanganui River Claims Settlement Act (Te Awa Tupua) repackaged the old stereotype of the ecological Indian, while strengthening the hands of government elites to limit Sámi and Māori claims to their homelands. In other words, the ecological Indian continues to be a useful foil to distract from calls for Indigenous self-determination and decolonization.

While the national and global Indigenous rights movements have resulted in growing co-management strategies in some national parks and reserves, those in power still manage to protect or restore preservationist discourses at the expense of Native nations. As the two case studies from the Maya Region in Central America demonstrate, local Maya communities hope to profit from managing parks and reserves, benefiting financially from tourists and employment in the parks and for archaeological surveys.

In other contexts, Native peoples hope that co-management may restore treaty-reserved hunting, fishing, and gathering rights. Yet, Coombes and Reimerson warn that co-management agreements often impose a ceiling on Indigenous rights. Drawing on the right of the “common good,” preservationist values and practices prevail when Indigenous uses threaten Western-defined conservation goals. This results in entrenching the hierarchical and disproportionate power relations that co-management was supposed to replace. More insidiously, this kind of limited co-management tokenizes Indigenous participation and gives the new management approaches the validation of supposedly being aligned with Native priorities and values.

The Western rights framework also risks setting up a false equivalency. Meaghan Peuramaki-Brown and Shawn Morton argue for a collaborative co-management, inclusive of Indigenous communities, non-profits, government agencies, foreign researchers and archaeologists, and even tourists (Chapter 4, this volume). While the authors recognize the need to differentiate among rights-holders, stakeholders, and interest groups, the fact that many governments, including Belize (the site of their case study), claim that they hold the rights to protected spaces in the name of the people or the common good continues to efface the unique political status of Indigenous peoples in their homelands. Nor does this big-tent approach to co-management engage critically with the complicity of non-organizations, academics, and tourists at propping up unequal power relations. As Reimerson and Coombes convincingly argue, the participation of Indigenous peoples without the dismantling of power relations and repatriation of land perpetuates the problem (Chapters 3 and 2, respectively, this volume).

Together, the case studies in this volume show that under a Western rights framework, Indigenous protections are only as strong as the will of the government, despite the many gains made by Native activists in the last several decades. Pirjo Kristiina Virtanen and Lucas Artur Brasil Manchineri’s example (in Chapter 6, this volume) of the Manxinerus’ efforts to protect the Yine Hosha Hajene, one of the isolated Indigenous peoples of the Amazon,

along the Brazil–Peru border demonstrates this. Recently, government officials and institutions have failed to implement or follow the international Indigenous and human rights laws and policies; this has only worsened under the current Bolsonaro administration of Brazil. The authors’ fears that these failures may lead to genocide are not overstated. With the limited protection offered by the rights framework to Native nations and Indigenous communities, a new approach is needed.

### **The Need for a Different Framework: Indigenous Relationality and Homelands**

All of the chapters speak to a range of efforts Indigenous peoples have made to maintain relations with homelands now claimed by protected spaces of nature. Popular historical understandings tell an incomplete story, that these protected spaces dispossessed Native peoples and have done so for a long time. This creates a totalizing and problematic narrative that makes it difficult for non-Natives to understand that these areas remain important to tribal nations because they continue to be crucial parts of Indigenous homelands. Historically, Native peoples and communities shaped landscapes and waterscapes into homelands to provide a “good life” for themselves, and homelands remain essential for Indigenous nations today.<sup>62</sup> In the past, homelands supported both subsistence and commercial uses, particularly in the exchange and sale of natural commodities to neighboring Indigenous communities and eventually non-Native newcomers, such as European explorers, traders, colonists, and settlers. Today’s Indigenous nations seek to continue developing homelands in ways to support their economies and cultures and in alignment with their specific values.

But homelands had a deeper meaning than just practical use of terrestrial and aquatic resources. Indigenous peoples were in relations with these places and the flora and fauna found there. At the risk of engaging too closely with sweeping generalizations, one commonality that many Indigenous epistemologies share is

an understanding that humans are not separate from nature—we are an integral part of nature. Kettunen and Cuxil explain that this core belief, shared by many of the Maya peoples with whom they work, would greatly benefit sustainability practices in the Maya Region, which is why local Indigenous communities should be co-managers in protected spaces (Chapter 5, this volume). Native societies articulated—and continue to express and maintain—these relations through specific practices that differed from one community and region to another. This should not be understood within the limited Western construct of the ecological Indian. As explained earlier, there are numerous problems with this dehumanizing stereotype, specifically in limiting the opportunities for real Indigenous peoples to manage relations with and practices relative to their homelands. Instead, we should see Indigenous relations with nature as specifically grounded in and anchored to homelands. These relations are historical and political, and remain relevant today.

Indigenous relationality and homelands offer a counterpoint to the dominant Western-oriented rights framework when it comes to understanding humanity's integral place in nature. The chapters in this volume suggest several important components of this different framework based on Indigenous epistemologies. These include the ways in which homelands shape identity; how Native societies use Indigenous knowledge to know and maintain their homelands; that Indigenous governance of homelands often focuses on environmental health; and that these relations and practices, even the homelands themselves, are adaptable.

Being in relations with homelands, inclusive of both terrestrial and marine spaces, occupies a foundational component of specific, placed-based Indigenous identities. For many Native societies, the homelands themselves are closely related to who they are as a distinct people. This is what Blackfeet elders express when they state that Glacier National Park is both the Backbone of the World—what they call *Mistakis*—and themselves (Carbaugh and Grimshaw, Chapter 7, this volume). Powerful spirits, such as Wind Maker, Cold Maker, Thunder, and Snow Shrinker (the Chinook

winds) lived in *Mistakis*, along with Napi, the trickster creator of the Blackfeet themselves, and Thunderbird, who gave them their first Medicine Pipe.<sup>63</sup> Similarly, the Manxineru of eastern Brazil describe the headwaters of the Yaco River, part of the reserve they manage, as the “source of life” and an important “place of ancestors” (Virtanen and Manchineri, Chapter 6, this volume). *Mistakis* and the Yaco River’s headwaters are places where the Blackfeet and Manxineru became a people. Sites like these remain important as elders seek to teach new generations about specific Indigenous identities. For example, the Maya villagers with whom Peuramaki-Brown and Morton work cite this as one of the reasons why they want access to and management over nearby protected spaces of nature—these locations continue to be important places of “being Maya” and remaining Maya for future generations (Chapter 4, this volume).

Native societies come to know and manage their homelands through Indigenous knowledge, also called traditional ecological knowledge.<sup>64</sup> Indigenous peoples develop, accumulate, and refine this kind of knowledge across many generations of place-based practices related to hunting, fishing, gathering, and cultivation. Blackfeet elder Rising Wolf reminds us that one method for gaining and maintaining Indigenous knowledge is through listening to the landscape (Carbaugh and Grimshaw, Chapter 7, this volume). Careful observations of lands, waters, and the other-than-human members of extended communities offer many lessons that help to sustain relations with homelands. Native practitioners apply Indigenous knowledge through practices and activities, such as the creation of culturally specific material objects and medicines from plants harvested from homelands. This explains why Ngāi Tūhoe sought the ability to gather flora in Te Urewera; these important usufruct rights were affirmed in the 2017 Urewera Board’s management plan (Coombes, Chapter 2, this volume). Dependent on material from homelands, Native arts, such as basketry and weaving, help to codify Indigenous knowledge and pass it on from one generation to another.<sup>65</sup> As Hanna Ellen Guttorm explores in Chapter 8 in this volume, language similarly

encodes Indigenous relationality with homelands, connecting peoples, places, knowledges, and practices. Traditional ecological knowledges are also central to the exercise of Indigenous governance over homelands.<sup>66</sup> Through organizations such as the International Union for Conservation of Nature and meetings like the 2010 Convention on Biological Diversity, Native activists have made this argument with some success, which has encouraged Norway, for example, to support Sámi co-management of protected spaces along the lines of traditional ecological knowledge (Reimerson, Chapter 3, this volume).

In exercising governance over their homelands, most Indigenous authorities seek to restore or maintain the health of the environment. Because Native peoples are in relations with their homelands and the other-than-human members who also share these same spaces, Indigenous authorities engage in numerous protocols to maintain these relations. For example, the various Coast Salish tribal nations of the Pacific Northwest observe the First Salmon Ceremony. Once the first salmon of the season is caught in the early spring, the fish is carefully handled, prepared, and shared among the community. Its bones are specially arranged on a cedar-bough raft and returned to the sea so that it will tell the Salmon People that this particular village had been “good to us, [so] let’s be good to them.”<sup>67</sup> Practices such as the First Salmon Ceremony reflect layers of Indigenous knowledge specific to salmon and the water. By respecting the Salmon People, keeping the rivers clean, and ensuring that plenty of fish return upriver to spawn, Coast Salish authorities—owners of specific fishing sites—are exercising governance, while taking an active role in responsibly managing the health of their homelands.

For most, if not all, Indigenous societies, ownership rights come with many reciprocal responsibilities that usually relate to maintaining the health of the environment. Among Māori authorities, these responsibilities are an important part of *rangatiratanga* (chieftainship).<sup>68</sup> As Coombes explains, Ngāi Tūhoe leaders pursued the restoration of Te Urewera so that they could once again exercise *rangatiratanga* over this important part of their homelands



(Chapter 2, this volume). While most Tūhoe favorably recognize that the new co-management arrangement helps to protect treasured and unique species, such as the *kererū* (native woodpigeon) and the iconic kiwi, they remain concerned that the governance rooted in the rights of nature may inhibit *rangatiratanga*. Similarly, in taking the lead for reserving a large portion of their homelands for the preservation of the related Yine Hosha Hajene, Manxineru authorities see this as an important way to maintain healthy relations of the human–environment assemblage that is connected by interactions, reciprocity, relatedness, and dependency (Virtanen and Artur Brasil Manchineri, Chapter 6, this volume). Moreover, as Reimerson’s case study highlights, the Sámi Parliament continues to push the Norwegian Government for greater participation and inclusion in protected area governance so that management practices will safeguard their homelands, waters, and natural resources along Indigenous values and priorities (Chapter 3, this volume). Numerous studies beyond this volume have shown that recognizing and supporting Indigenous peoples’ rights to and epistemologies about their homelands and waters, along with benefit sharing, is critical to meeting conservation and biodiversity goals.<sup>69</sup>

Finally, the case studies in this volume illustrate the many ways in which Native nations and Indigenous communities adapt to maintain relations with homelands, especially in the face of colonial and settler colonial expansion. Analyses of Indigenous relations with homelands can overstate the fixity of Native peoples.<sup>70</sup> But nearly all Indigenous communities exercised a high amount of purposeful mobility annually, such as in seasonal rounds, and across longer periods of time. Archaeological field studies of Northwest Coast winter villages in the North American West, for example, demonstrate that “people ... return[ed] to these older villages, sometimes after 10 years, 100 years, or even 1,000 years”—they did not always just stay in one winter village.<sup>71</sup> As Peuramaki-Brown and Morton learned in their work in Central America, more than 40 years ago, some Mopan Maya families moved 100 kilometers into the Stann Creek District, alongside other settled Maya relations and a few Garifuna (Chapter 4, this volume). Within a decade, they were



making territorial claims and proposing “homelands” status for their villages. These Maya villages have also sought to share in the profits from ecotourism related to nearby reserves, representing another adaptation of their relations with homelands. Ngāi Tūhoe and Sámi peoples are trying new co-management strategies with governments in order to restore some measure of governance over their homelands that are currently defined as national parks and reserves (Coombes and Reimerson, Chapters 2 and 3 respectively, this volume). And when the state ultimately fails to manage protected spaces, such as is the case in Brazil, Indigenous peoples like the Manxineru step in to exercise their authority over these portions of their homelands (Virtanen and Artur Brasil Manchineri, Chapter 6, this volume). Manxineru leaders have worked collaboratively with non-governmental organizations, other Indigenous communities, and even foreign governments in their protection efforts. Toward the end of Chapter 8, Guttorm asks: “How does the meaning of traditional ecological knowledge change if or when it turns from a nomadic necessity, ecological responsibility, and reciprocal respect to strengthening cultural identity?” While it is probably more accurate to note that Sámi cultural identity has long been tied to their mobility, ecological responsibility, and reciprocal respect (these are not mutually exclusive), Guttorm is correct in noting that Indigenous knowledges and practices do adapt in response to many factors, including settler colonialism. Indeed, scholars of traditional ecological knowledge often note that Indigenous peoples adapt their knowledge systems and practices to meet the challenges of changing environmental, social, and political conditions.<sup>72</sup>

. . .

As long as our understanding of humanity’s relationship with nature is defined by the mutable white-settler social constructs of wilderness, preservation, and the ecological Indian, Native nations and Indigenous communities will continue to have troubled relations with national parks and reserves. White settlers and other elites used, and continue to deploy, these constructs to

privilege their rights over those of Indigenous peoples. At best, the entire rights framework only offers limited protections for Native nations, denying them the opportunity to exercise self-determination over their homelands. This has become even more pressing as consortia of nation-states and non-governmental environmental organizations push to protect 30 percent or more of the planet for biodiversity by 2030.<sup>73</sup> As several of the chapters in this volume have revealed, current gains in co-management and participatory governance over protected spaces of nature remain limited as long as they are bound by a Western rights framework and premised on models that keep humans separate from nature. Despite these limitations, Indigenous peoples covered in this volume's case studies continue to maintain relations with the portions of homelands from which they have been dispossessed by national parks and reserves. Governance and management models based on historical and contemporary Indigenous relationality to homelands offer a foundation for moving forward in a new way.

## Notes

- <sup>1</sup> IUCN, *IUCN 70 Years*, 40; "January 2020 Update of the WDPA."
- <sup>2</sup> Most other people of color have also been excluded from national parks and wilderness spaces, especially in settler colonial nations. For this in the US context, see Finney, *Black Faces, White Spaces*.
- <sup>3</sup> There is considerable literature across numerous disciplines about these issues. For an introduction, see Colchester, "Conservation Policy and Indigenous Peoples"; Cronon, "The Trouble with Wilderness"; Dowie, *Conservation Refugees*; Igoe, *Conservation and Globalization*; Spence, *Dispossessing the Wilderness*; West, Igoe, and Brockington, "Parks and Peoples."
- <sup>4</sup> There are numerous case studies outlining how Indigenous peoples seek to overcome the problems of protected spaces of nature. For a range of these globally, and some of the continued challenges, see Berkes, Colding, and Folke, "Rediscovery"; Stevens, *Indigenous Peoples*; Stevens and De Lacy, *Conservation through Cultural Survival*.
- <sup>5</sup> I am extending environmental justice activist Dina Gilio-Whitaker's (Colville Confederated Tribes) argument that wilderness is a

- “white-settler social construct” to encompass all three of these problematic concepts. See Gilio-Whitaker, *As Long as Grass Grows*, 100.
- <sup>6</sup> For a concise discussion of the problems with the rights paradigm, see Hamilton, “Indigenous Legal Traditions,” 39–42.
- <sup>7</sup> Coleman, *Vicious*; Cronon, *Changes in the Land*; Marsh, *Man and Nature*; Merchant, *Columbia Guide*, 120–33; Taylor, “Wasty Ways”; Thoreau and Emerson, *Excursions*. For an introduction to settler colonialism, see Wolfe, “Settler Colonialism.” North America was not the only Indigenous space seen by colonists as a wilderness. Scholars have noted that “early Pakeha [white] settlers saw New Zealand as a wilderness: a landscape devoid of geographical meaning inhabited by a people without history ... a sort of intellectual terra nullius.” See Moorsom and White, *Crown Laws*, 8.
- <sup>8</sup> Pinchot, *Breaking New Ground*, 326.
- <sup>9</sup> Jacoby, *Crimes against Nature*; Reid, *Sea Is My Country*, 184–96 and 229–53; Warren, *The Hunter’s Game*.
- <sup>10</sup> Merchant, “Shades of Darkness,” 382–83 (“dark and dirty,” 382); Tompkins, “Sierra Club.”
- <sup>11</sup> *Ward v. Race Horse*, 163 U.S. 504 (1896); Wilkins, “Indian Treaty Rights.”
- <sup>12</sup> Frost and Laing, “From Yellowstone to Australia and New Zealand,” 65–67; Jacoby, *Crimes against Nature*, 81–146; Spence, *Dispossessing the Wilderness*.
- <sup>13</sup> Hall and Shultis, “Railways, Tourism and Worthless Lands,” 65–67 (quote on 66).
- <sup>14</sup> 86 New Zealand Parliamentary Debates (September 17–October 24, 1894), 679.
- <sup>15</sup> Wai 1130, vol. 2, 446.
- <sup>16</sup> 86 New Zealand Parliamentary Debates (September 17–October 24, 1894), 679.
- <sup>17</sup> Hall and Shultis, “Railways, Tourism and Worthless Lands,” 66 (quote). Anthropologist Melissa Baird argues that “narratives surrounding the Gift of Tongariro silence the colonial histories of the Park.” See Baird, “Breath of the Mountain,” 327.
- <sup>18</sup> Binnema and Niemi, “Let the Line Be Drawn Now.”
- <sup>19</sup> Adams, “Beyond Yellowstone?”; Riseth, “Indigenous Perspective.”
- <sup>20</sup> Colin, “The Wild Man.”
- <sup>21</sup> Greene, *Intellectual Construction of America*, 18. Enlightenment thinkers often turned to this stereotype to critique European society.

- See Berkhofer, *White Man's Indian*, 72–80. For more on the stereotype of the Noble Savage, see Ellingson, *Myth of the Noble Savage*.
- <sup>22</sup> Deloria, *Playing Indian*, 50–51; Vance, *America's Rome*, 302–15.
- <sup>23</sup> Catlin, *North American Indians*, 294–95. Emphases in original.
- <sup>24</sup> Spence, *Dispossessing the Wilderness*, 83. Similar use of the stereotype of the ecological Indian happened in other national parks, most notably in Yosemite. See Spence, *Dispossessing the Wilderness*, 171–94. Yet, historian Cothran reminds us that Indigenous peoples often used these opportunities to meet their own priorities. See Cothran, “Working the Indian Field Days.”
- <sup>25</sup> Baird, “Breath of the Mountain,” 328.
- <sup>26</sup> Anthony, “Dual Nature of Parks,” 236; Volkman, “Hunter-Gatherer Myth,” 25 (quote).
- <sup>27</sup> Havens, “Introduction,” 9.
- <sup>28</sup> These Ainu attractions are prominently advertised, complete with photos of Ainu people today, on the Japan Travel website. See <https://www.japan.travel/national-parks/parks/akan-mashu/story/> and <https://www.japan.travel/japan-heritage/popular/172dba96-6ae7-4e5f-96bc-9be57c6e1403>.
- <sup>29</sup> National Parks Act 1952 (1952 No. 54); Reserves Act 1977 (1977 No. 66); National Parks Act 1980 (1980 No. 66); “Appendix 1: A New Zealand Wilderness Philosophy,” in Cessford, *State of Wilderness in New Zealand*, 95 (“those large tracts of land”); Davies, “Planning in the New Zealand National Park”; Roche, “Time and Place for National Parks.”
- <sup>30</sup> Wilderness Act of 1964, Pub. L. No. 88-577, 78 Stat. 890.
- <sup>31</sup> For more on the historical context of this era of environmentalism, see Merchant, *Columbia Guide*, 174–90.
- <sup>32</sup> For the history of the IUCN, see Brouder, “International Union.”
- <sup>33</sup> Kennedy to the Delegates of the First World Conference on National Parks, June 23, 1963, in Adams, *First World Conference*.
- <sup>34</sup> See, e.g., statements from Thai conservation scientist Boonsong Lekagul and executive secretary and general counsel of the US National Park Service, Anthony Wayne Smith. Adams, *First World Conference*, 131 and 175.
- <sup>35</sup> Badshah, “National Parks,” 28; Buchinger, “Undisturbed Conditions,” 73; Pile, “Interpretation and Understanding,” 230; Verschuren, “Science and Nature Reserves,” 269, in Adams, *First World Conference on National Parks*.
- <sup>36</sup> Richard, “National Parks in Wet Tropical Areas,” p. 222; Curry-Lindahl, “Projecting the Future in the Worldwide National Park

- Movement,” p. 92; Costantino, “Present Trends in Worldwide Development of National Parks,” p. 72; Bruzual comment on Joseph L. Fisher, “Population and Economic Pressures on National Parks,” p. 110 in Elliott, *Second World Conference on National Parks*.
- <sup>37</sup> Brockington, *Fortress Conservation*. For a more complete overview of the international application of “fortress conservation,” see Brockington and Iggo, “Eviction for Conservation.”
- <sup>38</sup> Deloria, *Playing Indian*, 156–57.
- <sup>39</sup> Buerge, *Chief Seattle*, 125–26; Hilbert, “When Chief Seattle (Si AL) Spoke”; Kaiser, “Chief Seattle’s Speech(es)”; Krupat, “Chief Seattle’s Speech Revisited.” The Suquamish Tribal Nation has posted the version (closest to Smith’s original) they prefer on their website: <https://suquamish.nsn.us/home/about-us/chief-seattle-speech/>.
- <sup>40</sup> Perry’s speech is excerpted in Kaiser, “Chief Seattle’s Speech(es),” 525–30.
- <sup>41</sup> Deloria, *Playing Indian*, 167.
- <sup>42</sup> Jones and Sawhill, “Just Too Good to Be True.”
- <sup>43</sup> Ranco, “Ecological Indian.” Makah whaling illustrates this tendency. See Bowechop [Ledford], “Contemporary Makah Whaling”; Erikson, “A-Whaling We Will Go”; Reid, *Sea Is My Country*.
- <sup>44</sup> New Caledonia is a special collectivity of France in the Pacific Ocean. A collaboration of 16 Pacific Island states and six territories, such as New Caledonia, the Pacific Oceanscape seeks to sustainably manage 40 million square kilometers of ocean. The Coral Sea Park concerns the Indigenous Kanak peoples of the region. Cambou, Gilbert, and Degremont, “Marine Protected Areas,” 191–211.
- <sup>45</sup> The literature on Indigenous activism in the United States, Canada, New Zealand, Australia, and beyond is large. For these moments discussed above, see Alfred, *Heeding the Voices*; Anderson, Binney, and Harris, *Tangata Whenua*, 416–53; Blansett, *Journey to Freedom*; Dalland, “Last Big Dam in Norway,” 41–56; Foster, Webber, and Raven, *Let Right Be Done*; Havemann, *Indigenous Peoples’ Rights*; Maddock, *Your Land Is Our Land*; Smith and Warrior, *Like a Hurricane*; Russell, *Recognizing Aboriginal Title*; Wilkinson, *Blood Struggle*; Wilkinson, *Messages from Frank’s Landing*.
- <sup>46</sup> Brysk, *From Tribal Village to Global Village*.
- <sup>47</sup> Simpson, *As We Have Always Done*, 55–70.
- <sup>48</sup> Thrush, *Indigenous London*, 68–98.
- <sup>49</sup> Estes, *Our History Is the Future*, 204. Estes identifies this as one of the first attempts at radical Indigenous internationalism in the 20th century.

- <sup>50</sup> The declaration is reprinted in Cobb, *Say We Are Nations*, 172–75. Present at the conference, historian Roxanne Dunbar-Ortiz identifies the declaration as “the fundamental political document of the international indigenous movement.” See Dunbar-Ortiz, “Indigenous Peoples at the United Nations,” 126. She also provides the full text of the declaration.
- <sup>51</sup> Yupsanis, “ILO Convention No. 169.” Text of the convention itself is available on the International Labour Organization’s website at [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C169](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169).
- <sup>52</sup> The United States, Canada, Australia, and New Zealand initially voted against UNDRIP before eventually supporting it. For an insightful overview of UNDRIP within the context of international Indigenous rights, see Lightfoot, *Global Indigenous Politics*. Appendix 2.4 contains the text of the declaration.
- <sup>53</sup> Lennox and Short, *Handbook of Indigenous Peoples’ Rights*, 8. Anishinaabe political scientist Sheryl Lightfoot argues that Indigenous activists, through UNDRIP, have helped forge a new understanding of self-determination, one that is not bound to the Westphalian system of sovereign states. See Lightfoot, “Emerging International Rights Norms.”
- <sup>54</sup> McNeely, *Parks for Life*, 85.
- <sup>55</sup> *Ibid.*, 25–54.
- <sup>56</sup> As quoted in Stevens, “New Protected Area Paradigm,” 48.
- <sup>57</sup> IUCN, “World Parks Congress Recommendation 5.24.” See also Brosius, “Indigenous Peoples and Protected Areas,” 610.
- <sup>58</sup> IUCN, “Advancing Indigenous Peoples’ Rights,” 15. This document also outlines the governance change. As of 2017, there are 17 Indigenous Peoples’ Organization that are members of the IUCN: eight are in Central or South America, two are in South Asia (Bangladesh), four are in the United States or Canada, one is in Australia, and two are transnational (Indigenous Peoples of Africa Coordinating Committee, and the Inuit Circumpolar Council).
- <sup>59</sup> See, e.g., Bargh, *Resistance*; Kuokkanen, “Achievements”; Champagne, “Rethinking Native Relations”; Coulthard, *Red Skin, White Masks*; Simpson, *Mohawk Interruptus*.
- <sup>60</sup> Gordon, “Environmental Personhood.”
- <sup>61</sup> Finlayson, “A River Is Born,” 259.
- <sup>62</sup> As environmental historian Louis Warren argues, “all peoples change nature to achieve their notion of the good life.” See Warren, *American Environmental History*, 4.

- <sup>63</sup> Environmental historian Mark Spence provides an overview of the spiritual importance of Glacier National Park to the Blackfeet Nation. See Spence, *Dispossessing the Wilderness*, 73–74. Blackfeet oral histories speak of the historical and continued importance of Mistakis. For a representation, see Bullchild, *The Sun Came Down*; Grinnell, *Blackfoot Lodge Tales*, 135–74; Schultz, *Blackfeet Tales*; Wissler and Duvall, *Mythology of the Blackfoot Indians*.
- <sup>64</sup> For a helpful introduction to TEK/Indigenous knowledges, see Kimmerer, *Braiding Sweetgrass*; Menzies, *Traditional Ecological Knowledge*.
- <sup>65</sup> Bunn-Marcuse and Jonaitis, *Unsettling Native Art Histories*; Wray, *Hands of a Weaver*.
- <sup>66</sup> Whyte, “Indigenous Knowledges.”
- <sup>67</sup> This is a brief summary of the ceremony as practiced in the Lummi Nation. For a more complete description, see Hillaire and Fields, *Rights Remembered*, 274–77 (quote 277).
- <sup>68</sup> For a more complete discussion of *rangatiratanga*, especially as related to property rights and the environment, see Tomas, “Māori Concepts.”
- <sup>69</sup> For an introduction to this and some successful case studies, see Garnett et al., “Spatial Overview”; Godden, “Evolving Governance,” 123–48; Jaireth and Smyth, *Innovative Governance*; Todd, “Fish Pluralities.”
- <sup>70</sup> This is a more general problem in ethnographies and scholarship about Indigenous peoples. See Appadurai, “Putting Hierarchy in Its Place.”
- <sup>71</sup> Stein, *Exploring Coast Salish Prehistory*, 64.
- <sup>72</sup> Menzies and Butler, “Introduction,” 8; Whyte, “On the Role,” 3–5.
- <sup>73</sup> For more information on what is known as the “30 × 30” push, see the High Ambition Coalition for Nature and People website, <https://www.hacfornatureandpeople.org/>. For a critical response raised by more than 128 Indigenous rights groups and others, see Survival International, “NGO Concerns.”

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