

# ABORIGINAL AND INDIGENOUS LAW

**Indigenous Peoples have stewarded coastal lands and waters — including blue carbon ecosystems — for millennia. Today, the protection, restoration and management of coastal ecosystems involves a complex interplay of Canadian and Indigenous governance, highlighting the need for nation-to-nation relationships that respect the co-existence of these legal systems.**

© Mike Ambach / WWF-Canada

*“To see from one eye with the strengths of Indigenous ways of knowing, and to see from the other eye with the strengths of Western ways of knowing, and to use both of these eyes together” - Elder Albert Marshall*

## ABORIGINAL LAW

---

Aboriginal law refers to the legal relationships between Indigenous Peoples and the Crown within the Canadian legal system. Canada's Aboriginal law can affect Indigenous governance in blue carbon ecosystems to varying extents through Aboriginal and treaty rights and the duty to consult. Recognition of these rights can support Indigenous governance in coastal areas, but significant restrictions remain, alongside limitations related to culture and worldview.

## INDIGENOUS LAW

---

Indigenous Peoples' own laws may be expressed through Indigenous knowledge, languages, stories and songs, and are grounded in the deep connections that Indigenous Peoples have with their lands and waters. Legal orders are specific to unique Indigenous societies. Increasingly, Indigenous Nations and communities are advancing conservation initiatives in their territories through Indigenous Protected and Conserved Areas — a vehicle for a paradigm shift in conservation that holds Indigenous expertise, science and governance as equal parts in conversations around ecosystem governance.

## TWO-EYED SEEING AND LEGAL PLURALISM

---

Protecting blue carbon requires ecosystem-based management that weaves together Indigenous and scientific knowledge. In this context, environmental co-governance that draws on the concept of two-eyed seeing is an important path forward. Partnerships, such as the Marine Plan Partnership for the North Pacific Coast or the Gwaii Haanas Agreement, demonstrate the opportunities for building strong, resilient coastal ecosystems using a collaborative approach.