

INDIGENOUS RIGHTS & CARBON PROJECTS ON “CROWN” LAND

»» INFOSHEET ««

BACKGROUND

Canada has committed to advancing reconciliation, implementing the [Paris Agreement](#), and aligning federal laws with the [United Nations Declaration on the Rights of Indigenous Peoples](#). At the same time, the federal government claims to promote unity through major projects legislation, all in a context of an escalating climate crisis. Within this context, Indigenous Nations are taking a leadership stance to advance regenerative economies. **Yet, a key barrier persists for Indigenous-led carbon projects.**

MORE INFO



Looking for an introduction to carbon and carbon markets? We've got you covered. [Click here](#) or visit radnetwork.ca for more resources.

QUICK SUMMARY

Carbon Ownership

To register and sell carbon offset credits, projects must show who owns and can benefit from the credits. This is pretty clear when the land is privately owned, but that's not the case for most of Canada's forests.



“Crown” Land & Indigenous Peoples

Over 88% of land in Canada is considered “Crown” or public land. This means that federal, provincial, or territorial governments are responsible for managing these lands. At the same time, roughly half of Canada is covered by historic treaties, and modern treaties now cover more than 40% of Canada's land mass, creating a shared set of responsibilities. All of Canada is Indigenous traditional territory and Indigenous Peoples have constitutionally and internationally recognized rights and asserted title.

Policy Pathways & Barriers

As of April 2026, B.C. is the only province where a policy framework has been established to clarify how carbon rights and revenues are shared between Indigenous Nations and the Province (summarized on page 2). In other Provinces, Nations have been met with resistance and provinces have not engaged in establishing a policy pathway to create carbon markets and enable Indigenous leadership in these markets. With unclear rules and multiple governments involved, it can be difficult for Indigenous Nations to move projects forwards.

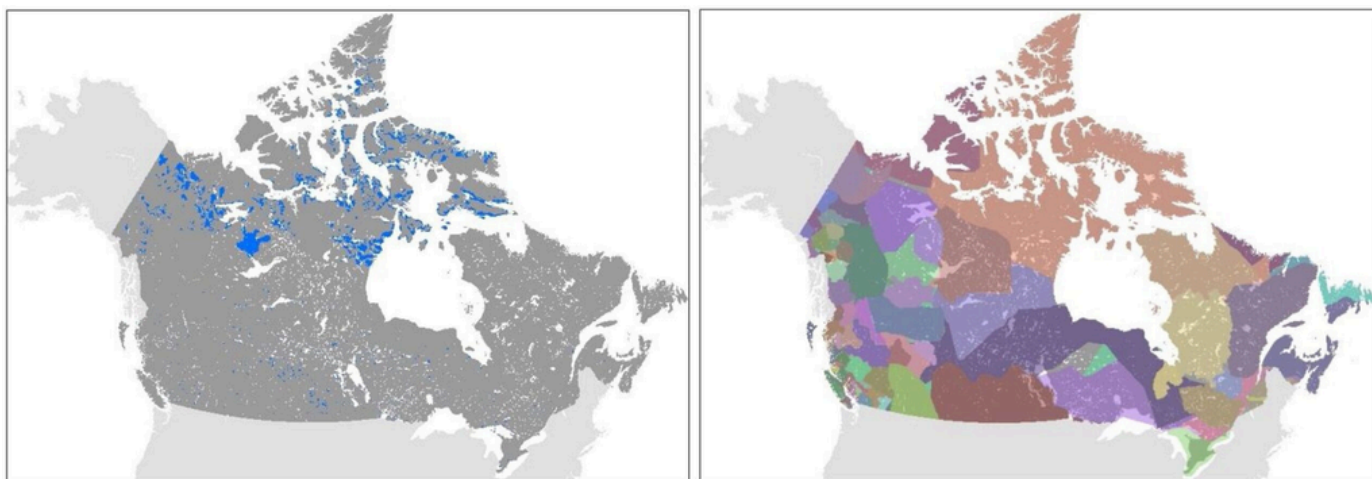
RIGHTS & AUTHORITY TO MANAGE CARBON



In most provinces, governments administer the land and resources on provincial “Crown” land and issue tenures and licenses for forestry companies to harvest and manage forestry activities. Canadian law devolved the power to provincial governments to manage and create policy guiding natural resources.

Indigenous Peoples hold inherent rights to their traditional territories, which are recognized and affirmed under Section 35 of the Constitution Act, 1982, reflected in Treaties, and internationally recognized in the United Nations Declaration on the Rights of Indigenous Peoples.

Carbon Rights: Since the emergence of carbon markets in recent decades, Canada’s policy and legal frameworks have yet to *explicitly* define how Indigenous rights relate to carbon benefits on “Crown” lands. Yet, the Supreme Court of Canada has repeatedly affirmed through a substantial body of case law (over 130 decisions) that Indigenous Peoples possess pre-existing, unextinguished rights, including lawmaking rights and the authority to use and benefit from their traditional territories. So, Nations can bypass the province and assert their rights to manage and benefit from forest carbon—but, currently, with the risk that the project stalls or can’t be certified.



Crown-recognized Indigenous lands in Canada (reserves, land claim settlement lands, and Indian Lands) (left) vs. Indigenous territories as described at native-land.ca (right). (Artelle et al., 2019)

B.C.’S SOLUTION: ATMOSPHERIC BENEFIT AGREEMENTS

In British Columbia, Atmospheric Benefit Agreements (ABAs) define how carbon rights and revenues are shared between Indigenous Nations and the Province. No equivalent mechanism exists elsewhere in Canada. While ABAs offer a promising example, they are not one-size-fits-all and have limitations—most notably, the province maintains assumed control over agreements. Still, they have enabled progress: B.C. remains the only province where forest carbon offsets on public land have been registered and sold, with seven ABAs signed involving 16 Nations. Elsewhere in Canada, Indigenous-led carbon projects are limited to private land.

MORE INFO



- **Infosheet:** [Click here](#) to take a deeper dive into ABAs
- **Example:** [Click here](#) to learn about Coastal First Nations’ Great Bear Carbon Project, a successful example enabled by the ABA process

EXAMPLE: WAHKOHTOWIN MYCORRHIZAL PROJECT

An Indigenous-owned social enterprise, Wahkohtowin Development is the lead proponent of a unique Improved Forest Management project initiated on public land. Consistent with their stewardship economy strategy with Mikro-Tek, the project involves applying mycorrhizal fungi to tree seedlings in Treaty 9 Territory, thus strengthening the living networks beneath the soil that allow forests to thrive. By improving tree survival and growth, this nature-based technology improves forest health and increases carbon storage, offering a new revenue stream from carbon finance as part of an Indigenous stewardship economy. With carbon modelling complete and 53+ million trees planted by Spring 2027, the only missing piece to the puzzle is clarity on jurisdiction. The trees are in the ground, already generating carbon benefits. Yet, without clarity on carbon ownership rights, the offset credits can't be certified.

MORE INFO



www.wahkohtowin.com



FILM: [click or scan](#)



PODCAST: [click or scan](#)



LOOKING AHEAD

While we push for broader system changes, RAD Network is helping Nations navigate current requirements to get projects off the ground.

Near-term opportunities:

- Provinces could establish mechanisms like B.C.'s ABAs to share carbon benefits
- Nations may lead in negotiating an agreement with the province to recognize and set a precedent for Indigenous participation in carbon benefit sharing
- Federal policy could be explored to allow Indigenous-led projects to proceed under federal protocols where provincial systems don't exist

Longer-term vision:

- Clear recognition of Indigenous authority over carbon benefits generated within their territories—no provincial oversight needed

Stay tuned to hear more about what RAD Network, Wahkohtowin and partners are doing to advance policy solutions and remove barriers.



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