

Integration of Indigenous Cultural Landscapes

FSC® National Forest Stewardship Standard of Canada



Title:	Integration of Indigenous Cultural Landscapes
Date:	09 November 2025
Contact for comments:	Lauren Chisholm, R.P.F. Standards Development Manager FSC Canada Phone: +1 (250)-683-2144 Email : L.Chisholm@ca.fsc.org

Cover Illustration by Leticia Spence

ABBREVIATIONS

FPIC	Free, Prior and Informed Consent
FSC	Forest Stewardship Council
HCV	High Conservation Value(s)
ICL	Indigenous Cultural Landscape
IFL	Intact Forest Landscape
MU	Management Unit
NFSS or ‘the Standard’	National Forest Stewardship Standard
SDG	Standard Development Group

1. OVERVIEW OF INDIGENOUS CULTURAL LANDSCAPES

1.1 About this Document

The intent of this document is to introduce the concept of Indigenous Cultural Landscapes (ICLs) to forest management in Canada. This will occur normatively through revisions to the FSC National Forest Stewardship Standard of Canada (NFSS), as well as non-normatively through the next revision of the Free, Prior and Informed Consent (FPIC) Guidance (FSC Canada, 2019). The body of knowledge that informs these revisions is the result of 10 years of work and includes:

- An Intact Forest Landscape (IFL) & Indigenous Cultural Landscape Discussion Paper (2016);
- Two ICL Case Studies (2021);
- Three Engagement Sessions with Indigenous communities (2024);
- An ICL Pilot Test with Indigenous leaders and forest resource-persons (2025);
- ICL discussions with FSC Canada's Indigenous Chamber

This work brought forward valuable learnings to improve support to Indigenous Peoples and Certificate Holders. The learnings will be applied through multiple mechanisms of FSC certification in Canada beyond what is proposed in this document.

This consultation is specific to Indigenous Cultural Landscapes and how the concept can improve the application of requirements under Principle 3 - Indigenous Peoples' Rights, Principle 9 - High Conservation Values, and other areas of the NFSS where the understanding Indigenous Peoples' relationships to the land is important.

In the following sections you will find:

- An explanation of the term ICL;
- Proposed normative changes to integrate ICLs into Principle 3 of the NFSS (3.1.2, 3.2.1, 3.5.1, 3.5.3);
- Suggested additions to Annex D: High Conservation Value Framework – HCV 5 & 6 to aid in the identification of important values related to HCV 5 - Community Needs and HCV 6 – Cultural Values; and
- Suggested guidance on ICLs for the next revision of FSC Canada's FPIC Guidance document.

Thank You for your participation in this consultation.



1.2 What are Indigenous Cultural Landscapes?

FSC recognizes ICLs as:

“Living landscapes to which Indigenous peoples attribute environmental, social, cultural and economic value because of their enduring relationship to the land, water, flora, fauna and spirit as well as their present and future importance to their cultural identity. An ICL is characterized by features maintained through long-term interactions based on land-care knowledge and adaptive livelihood practices. They are landscapes over which Indigenous peoples exercise responsibility for stewardship.” (FSC STD-60-004 V2-1) ”

In the FSC context, ICLs can:

- Provide a framework for Indigenous Peoples to communicate their past, present and desired future forest land relationships;
- Support Indigenous Peoples’ rights and stewardship responsibilities; and
- Translate landscape-level knowledge and values into forest management planning.

The term ‘cultural landscape’ is one way to describe the ways people have lived in a place, been affected by the landscape, and in turn altered the landscape as a reflection of their cultural traditions, social practices, economic activities, and spiritual meanings. In this way, cultural landscapes are ‘living landscapes’ rooted in both tangible (e.g., physical features) and intangible (e.g. language, craft, sustenance, ceremony) aspects of culture that connect communities to their past traditions while simultaneously grounding Indigenous identity in the present with a multi-generational view of the future (Harrison and Rose 2010¹; Andrews and Bugey 2008²).

It is important to note that Indigenous Peoples use various terminology to describe this concept. How an Indigenous community describes their cultural landscape depends on the community.

¹ Harrison, Rodney, and Deborah Rose. 2010. “Intangible Heritage.” In *Understanding Heritage and Memory*, edited by Tim Benton, 238–76.

² Andrews, Thomas D., and Susan Bugey. 2008. “Authenticity in Aboriginal Cultural Landscapes.” *Journal of Preservation Technology* 39 (2–3): 63–71.

2. INTEGRATION APPROACH

2.1 Revisions to FSC Canada's NFSS

Integrating ICLs within the NFSS is, at its core, a landscape-level conversation. For Certificate Holders, understanding and applying the concept of ICLs in a forest management framework is not confined solely to an ICL indicator or Principle 3, but to the FSC standard in its entirety. Upholding Indigenous Peoples' relationship to the land and stewardship responsibilities is applied throughout the existing NFSS, through:

- Legal and customary rights (Criteria 1.3, 3.1, 3.2, 3.5);
- Indigenous Peoples' input into management planning, implementation and monitoring (Criteria 3.2, 7.4, 8.2, 9.4, 10.1, 10.11);
- Consent to management activities (Criteria 3.2, 6.5); and
- Values identification and impact mitigation (Criteria 3.2, 3.5, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 9.1, 9.2, 9.3, 10.7, 10.9).

The concept of Indigenous Cultural Landscapes provides an opportunity for Indigenous Peoples and The Organization to have landscape-level dialogue regarding the interdependencies between ecosystem function and integrity and Indigenous Peoples' ability to practice their rights.

Normative revisions to integrate *Indigenous Cultural Landscapes** are proposed in four Indicators:

- Indicator 3.1.2
- Indicator 3.2.1
- Indicator 3.5.1
- Indicator 3.5.3

The following pages provide all existing Principle 3 indicators for full context. Proposed changes to the indicators and any Intent Boxes are highlighted **in blue text**.

PRINCIPLE 3: INDIGENOUS PEOPLES'* RIGHTS

The Organization* shall identify and uphold* Indigenous Peoples'* legal* and customary rights* of ownership, use and management of land, territories* and resources affected by management activities*. (P3 P&C V4)

INTENT BOX

Indigenous Peoples'* rights (i.e. Aboriginal and treaty rights) as per Section 35 (1) of the Constitution Act, 1982) are considered collective rights* in that the rights belong to a group and not to an individual. As per the Constitution Act, 1982, "Aboriginal peoples" include First Nation, Métis and Inuit peoples.

In addition to these *collective rights**, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO 169 include the protection of basic human rights (i.e. individual rights) of *Indigenous Peoples**. Individual rights, held by *affected stakeholders** in this Standard who are also members of an Indigenous community, are addressed in Principle 1 (Criterion 1.6) and Principle 7 (Criterion 7.6), and are not subject to the requirements of *Free, Prior and Informed Consent** (FPIC*) and other national and international human rights instruments (e.g. Canadian Charter of Rights and Freedoms).

The right to FPIC* is a *collective right** held by *Indigenous Peoples** and recognized in international law. While FSC Canada has provided guidance on developing processes to *uphold** this right, it is preferable that *The Organization** remains open to discussing the definition, scope and nature of such a process with the rights holders.

The principle of *good faith** and the acceptance of a shared responsibility for meaningful consultation and accommodation is fundamental to the implementation of a FPIC* process. To ensure there is broad support for the implementation of a FPIC* process, initial and on-going *engagement** with *Indigenous Peoples** may also include governments and other *stakeholders** with whom the affected *Indigenous Peoples** have a fiduciary relationship.

The intent of Principle 3 is to ensure that all *management activities**, including the building of relationships between *The Organization** and *Indigenous Peoples**, are conducted for the benefit of the entire community. Economic and social benefits gained by a private enterprise from forest management opportunities offered by *The Organization** are addressed in Principle 5. In circumstances where *Indigenous Peoples** express concern or an interest in *management activities** not directly related to *legal** or *customary rights** of *Indigenous Peoples**, *The Organization** may address them through the requirements of Principle 4 – Community Relations.

Indigenous Cultural Landscapes*: This term is defined in the Glossary. From an Indigenous perspective, the forest and the land are a network of relationships among soils, waterways, plants, animals, and people. Indigenous Peoples'* relationships with the land are continuously evolving and can occur at many scales. Indigenous Cultural Landscapes* should not be confused with individual, discrete features on the land (e.g., site-level attributes, archaeological locations, etc.). The intent is to provide an opportunity for landscape-level dialogue regarding the relational aspect; the interdependencies between ecosystem function and integrity and Indigenous Peoples' ability to practice their rights.

It is important to note that Indigenous Peoples may use various terminology to describe the concept of *Indigenous Cultural Landscapes**. Where available, existing research such as Traditional Use Studies, Traditional Knowledge and Use Studies, Land Use or Stewardship Plans can support the identification of *Indigenous Cultural Landscapes**.

Customary rights*: This term is defined in the Glossary. Canadian law has recognized certain customary practices and laws that may be unique to specific *Indigenous Peoples** or a shared custom across many groups. In the context of FSC certification, these practices constitute *customary rights**. Governments have recognized traditional forms of land governance through legally *binding agreements** such as government-to-government consultation agreements and agreements related to modern day treaty negotiation. Such agreements may provide examples of *customary rights** pertinent to the forestry context (refer to the Preamble for additional context).

The right to Free, Prior and Informed Consent*: The right to *FPIC** is a key principle of international human rights law. It is intended to protect the *legal** and *customary rights** of *Indigenous Peoples** and prevent further destruction and alienation from lands, *territories** and resources upon which their cultures, livelihoods and lives depend. In the context of the FSC Standard, the right to *FPIC** is attributed to identified affected rights holders as per Indicator 3.1.4. The rights that may be addressed through a *FPIC** process in 3.2.4 are those rights that may be impacted by *management activities** as identified in Indicator 3.1.4.

Disputes*: This term is defined in the Glossary. *Complaints** and *disputes** regarding the legality of the forestry operation (e.g. forest *tenure** allocation or management regulations) are addressed in Criterion 1.6. Dispute resolution processes that are specific to negotiated agreements between *The Organization** and affected *Indigenous Peoples**, but may not be *publicly available**, are addressed in Indicators 3.2.4 and 3.3.3. If *complaints** or *disputes** registered by affected *Indigenous Peoples**, related to the impact of the forest *management activities**, are not addressed in Criterion 1.6 and in Principle 3, they could be addressed in Criterion 4.6.

Culturally appropriate* engagement*: These terms are defined in the Glossary and further explained in Annex F. *The Organization** may wish to further clarify what this means in their own context (e.g. private land, small landholders, *community forests**). For example, *engagement** is not limited to *stakeholders** or *Indigenous Peoples**, but may also include government officials with responsibilities related to *management activities**. The purpose of the *engagement** is to ensure all relevant information is collected to fulfil the requirements of management planning and the Standard.

Private Lands: Canadian courts and legislation recognize that *legal** and *customary rights** (specifically *use rights**) and private property rights (i.e. right of ownership) may co-exist. This Standard does not abrogate or derogate from the right to property. The *legal rights** and *customary rights** addressed in Principle 3 are based on the pre-settlement conditions of the region (i.e. prior to the granting of land) and must be identified on a case-by-case basis, preferably through *culturally appropriate* engagement** and relationship building. The mechanisms (i.e. type of agreements) used to *uphold** these rights on private lands may differ from public lands. There is an evolving *legal** framework related to Aboriginal and treaty rights and private lands in Canada. FSC Canada will monitor and adapt the *FPIC Guidance* or provide *normative** direction when/if necessary.

FPIC Guidance: For more information on the nature and scope of *Indigenous Peoples** rights, including the right to *Free, Prior and Informed Consent**, refer to FSC Canada *Free, Prior and Informed Consent (FPIC) Guidance*.

3.1 The Organization* shall identify the Indigenous Peoples* that exist within the Management Unit* or those that are affected by management activities*. The Organization* shall then, through engagement* with these Indigenous Peoples*, identify their rights of tenure*, their rights of access to and use of forest resources and ecosystem services*, their customary rights* and legal* rights and obligations, that apply within the Management Unit*. The Organization* shall also identify areas where these rights are contested. (New)

- 3.1.1 Indigenous Peoples* that may be affected by management activities* are identified.
- 3.1.2 Through culturally appropriate* engagement* with the Indigenous Peoples* identified in 3.1.1, the following is documented and/or mapped using best available information*:
1. Their legal* and/or customary rights* of tenure*, and, where applicable, their Indigenous Cultural Landscapes*;
 2. Their legal* and/or customary* access to, and use rights*, of the forest resources and ecosystem services*;
 3. Their other legal* and/or customary rights* and responsibilities that may be affected by management activities*;
 4. The evidence supporting these rights and responsibilities; and
 5. Areas where rights are contested between Indigenous Peoples*, governments and/or others.
- 3.1.3 When there is disagreement about the legal* and/or customary rights* affected by management activities*, The Organization* attempts, through culturally appropriate* engagement*, to reach agreement on an interim scope of rights to be recognized and upheld*. This process is conducted in good faith*, documented and available at the time of audit.
- 3.1.4 Legal* and/or customary rights* that may be impacted by management activities* on specific areas of the Management Unit* are identified, and a summary of the means by which these rights, and contested rights, may be addressed is provided by The Organization*.

3.2 The Organization* shall recognize and uphold* the legal* and customary rights* of Indigenous Peoples* to maintain control over management activities* within or related to the Management Unit* to the extent necessary to protect their rights, resources and lands and territories*. Delegation by Indigenous Peoples* of control over management activities* to third parties requires Free, Prior and Informed Consent*. (C3.1 and 3.2 P&C V4)

- 3.2.1 Prior to management activities* and through a mutually agreed* upon culturally appropriate* engagement* process, it is determined when, where and how Indigenous Peoples* can participate in management planning, both strategic and/or operational, to the extent necessary to protect their rights, resources, lands and territories*, including Indigenous Cultural Landscapes*.
- 3.2.2 Culturally appropriate* support for Indigenous Peoples* participation in management planning is provided.
- 3.2.3 The legal* and/or customary rights* of Indigenous Peoples* affected by management activities* identified in Indicator 3.1.4 are recognized and upheld*.
- 3.2.4 Where evidence exists that legal* and/or customary rights* of Indigenous Peoples* related to management activities* have been violated, the situation is corrected, if necessary, through culturally appropriate* engagement* and/or through the dispute resolution process as required in Criterion 1.6.

3.2.5 *Free, Prior and Informed Consent** is obtained prior to *management activities** that affect the rights identified in Indicator 3.1.4 through a process that:

1. Engages the *Indigenous Peoples** in the assessment of economic, social, *cultural*, and *environmental values** of the forest management resource;
2. Documents an approach to identifying the goals and aspirations of affected rights holders related to *management activities**;
3. Includes a *mutually agreed** upon dispute resolution process;
4. Supports dialogue regarding the rights and responsibilities of *Indigenous Peoples** to the resource;
5. Informs affected *Indigenous Peoples** of their right to withhold consent or modify consent to the proposed *management activities** to the extent necessary to protect their rights, resources, *lands and territories**; and
6. Supports decision-making by affected *Indigenous Peoples** that is free of coercion, manipulation or intimidation.

When *Free, Prior and Informed Consent** has not been obtained, *The Organization** demonstrates *best efforts** to support a *culturally appropriate** *engagement** process with affected *Indigenous Peoples** that is advancing in *good faith** with the intent of reaching an agreement based on *Free, Prior and Informed Consent**.

INTENT BOX

The goal and *objective** of a *culturally appropriate** *engagement** process between *The Organization** and affected *Indigenous Peoples** is to obtain *Free, Prior and Informed Consent** for *management activities** proposed within the *Management Unit** that may adversely impact their *legal** and *customary rights**, as identified in Indicator 3.1.4, to resources, *lands and territories**. The strategies and actions required by all parties to these processes will vary. The trust and confidence required to build and maintain a relationship that supports such a decision may require significant effort over a long period of time on the part of *The Organization** and affected *Indigenous Peoples**.

The right to *Free, Prior and Informed Consent:** Refer to the Intent Box for Principle 3 above.

It is possible that while a process is in place to obtain *Free, Prior and Informed Consent**, a formal agreement may not be reached at the time of audit. It is also possible that, for reasons outside the *sphere of influence** of *The Organization**, there may be a lack of response or cooperation from affected *Indigenous Peoples**, and therefore no documented support for either the process or *management activities**.

However, the intent to obtain *Free, Prior and Informed Consent** can be demonstrated through other means. Some examples include through policy and procedures, work plans, and records of communication (or attempted communication) with *Indigenous Peoples** when an agreed-upon *FPIC** process is not in place. Communication and support from government agencies with fiduciary and *legal** obligations to *Indigenous Peoples** may also be helpful to demonstrating *best efforts**, particularly when efforts by *The Organization** to *engage** *Indigenous Peoples** have been unsuccessful.

Scale of rights: While Indicator 3.1.4 and Criterion 3.5 call for the identification and protection of *Indigenous Peoples** rights at an operational and site-specific level, the application of rights, including cumulative impacts, may also apply across the *Management Unit**. In this case, rights would be addressed at the strategic planning level, as described in 3.2.1.

Good faith*: *Good faith** is defined in the Glossary. It is a term used in ILO Conventions and recognized as an auditable element. The principle of *good faith** implies that the parties make every effort to reach an agreement, conduct genuine and constructive negotiations, avoid delays in negotiations, respect concluded agreements, and give

sufficient time to discuss and settle *disputes**. Additional information is provided in the FSC Canada Free, Prior and Informed Consent (FPIC) Guidance document.

Recognizing that *Indigenous Peoples** may not want to grant *Free Prior and Informed Consent** and/or delegate control for their own reasons, *Indigenous Peoples** may choose to offer their support for *management activities** in a different way of their choosing (refer to Indicators 3.3.1 and 3.3.2).

Private Land: There is an expectation that the approach to obtaining *Free, Prior and Informed Consent** on private lands will be different. This may include:

- a lengthier process of *engagement** to reach agreement, especially if rights holders have been excluded from the *forest** land for a long time;
- *engagement** with individual rights holders (i.e. *customary rights**) who claim and express an interest in accessing private property to carrying out their *legal** and *customary rights** and responsibilities (e.g. collection of birch bark, medicinal plants, hunting or social gathering); and
- the development of a shared understanding of best practices to mutually recognize and respect each party's rights to property (e.g. securing permission to enter private property through agreement.)

3.3 In the event of delegation of control over management activities*, a binding agreement* between The Organization* and the Indigenous Peoples* shall be concluded through Free, Prior and Informed Consent*. The agreement shall define its duration, provisions for renegotiation, renewal, termination, economic conditions and other terms and conditions. The agreement shall make provision for monitoring by Indigenous Peoples* of The Organization's* compliance with its terms and conditions. (New)

- 3.3.1 A *binding agreement** contains the terms and conditions on which *Free Prior and Informed Consent** is reached, based on *culturally appropriate* engagement**.
- 3.3.2 Records of *binding agreements** are maintained.
- 3.3.3 The *binding agreement** defines the duration, provisions for renegotiation, renewal, termination, economic conditions, provisions for monitoring and dispute resolution.

3.4 The Organization* shall recognize and uphold* the rights, customs and culture of Indigenous Peoples* as defined in the United Nations Declaration on the Rights of Indigenous Peoples (2007) and ILO Convention 169 (1989). (C3.2 P&C V4, revised to comply with FSC-POL-30-401, ILO 169 and UNDRIP)

- 3.4.1 There is no evidence that the rights, customs and culture of *Indigenous Peoples** as defined in UNDRIP and ILO Convention 169 are violated by *The Organization**.
- 3.4.2 Where evidence that rights, customs and culture of *Indigenous Peoples** as defined in UNDRIP and ILO Convention 169 have been violated by *The Organization**, *The Organization** documents the situation, including steps to a just and fair redress for the violation of the rights, customs and culture of *Indigenous Peoples**, in keeping with the dispute resolution process in Indicator 3.2.5.

- 3.5** *The Organization**, through engagement* with *Indigenous Peoples**, shall identify sites which are of special cultural, ecological, economic, religious or spiritual significance and for which these *Indigenous Peoples** hold legal* or customary rights*. These sites shall be recognized by *The Organization** and their management, and/or protection* shall be agreed through engagement* with these *Indigenous Peoples**. (C3.3 P&C V4, revised to POL 30-401)
- 3.5.1 Sites of special cultural, ecological, economic, religious or spiritual significance, including sites that support the persistence of *Indigenous Cultural Landscapes**, for which *Indigenous Peoples** hold legal* or customary rights* are identified through culturally appropriate* engagement*.
- 3.5.2 Agreed upon measures to protect such sites are documented and implemented through culturally appropriate* engagement* with *Indigenous Peoples**. When *Indigenous Peoples** determine that physical identification of sites in documentation or on maps would threaten the value or protection* of the sites, other means are used.
- 3.5.3 Wherever sites of special cultural, ecological, economic, religious or spiritual significance, including sites that support the persistence of *Indigenous Cultural Landscapes**, are newly observed or discovered, management activities* in the vicinity cease immediately until protective measures have been agreed to with the *Indigenous Peoples**, and as directed by local* and national laws*.
- 3.6** *The Organization** shall uphold* the right of *Indigenous Peoples** to protect and utilize their traditional knowledge* and shall compensate local communities* for the utilization of such knowledge and their intellectual property*. A binding agreement* as per Criterion 3.3 shall be concluded between *The Organization** and the *Indigenous Peoples** for such utilization through Free, Prior and Informed Consent* before utilization takes place, and shall be consistent with the protection of intellectual property* rights. (C3.4 P&C V4)
- 3.6.1 Traditional knowledge* and intellectual property* is protected and is only used when the acknowledged owners of that traditional knowledge* and intellectual property* have provided their Free, Prior and Informed Consent* formalized through a binding agreement*.
- 3.6.2 *Indigenous Peoples** are compensated according to the binding agreement* reached through Free, Prior and Informed Consent* for the use of traditional knowledge* and intellectual property* for commercial purposes.

Annex D: HCV Framework – HCV 5 & 6

Item 20

Questions that support the identification of place-specific areas contributing to the persistence of ICLs:

- Are there areas significant to supporting the persistence of *Indigenous Cultural Landscapes**?

Guidance:

Are there areas of the forest that:

- Are significant to maintaining legal and customary rights, and the aspirations of *Indigenous Peoples**?
- Are significant in supporting the cultural relationship of *Indigenous Peoples* with the land?
- Represent environmental, social, cultural and economic values or attributes of significance to *Indigenous Peoples*?

Glossary

Indigenous cultural landscapes*: Indigenous cultural landscapes are living landscapes to which Indigenous Peoples attribute environmental, social, cultural and economic value because of their enduring relationship with the land, water, fauna, flora and spirits and their present and future importance to their cultural identity. An Indigenous cultural landscape is characterized by features that have been maintained through long-term interactions based on land-care knowledge, and adaptive livelihood practices. They are landscapes over which Indigenous Peoples exercise responsibility for stewardship.

2.2 Revisions to FSC Canada's FPIC Guidance Document

FSC Canada's *FPIC Guidance document, Version 1 (August 13, 2019)* can be viewed on the [**FSC Canada webpage link here.**](#)

FSC Canada's *FPIC Guidance* is a working document; periodic updates are made based on increased understanding of the implementation of FPIC, including the knowledge gained through the research, discussion, case studies and pilots.

Updates to the *FPIC Guidance* specific to ICLs will address the following:

i. Understanding ICLs in relation to Indigenous legal and customary rights

The concept of ICLs can support The Organization in gaining a better understanding of Indigenous Peoples' relationships to the land through a landscape-level dialogue. This dialogue can promote more informed, respectful, and sustainable forest practices that recognize the interdependencies between ecosystem function and integrity and the ongoing provision for Indigenous Peoples to practice their legal and customary rights.

ii. Gathering Information and Building Understanding

Prior to engaging with Indigenous Peoples, it is imperative that The Organization reviews existing information regarding the traditional territory, engagement protocols, past or current community-led land use planning initiatives or projects related to rights and resources. The Organization should be open to the various ways Indigenous Peoples may describe the values, connections and responsibilities to the land, and the impacts of management activities on these aspects.

iii. Improving Relationships and Capacity

Indigenous Peoples' willingness to discuss their cultural landscape may depend on the status of the relationship between The Organization and the Indigenous Peoples. Engaging with the expressed intention to understand how rights, responsibilities and values are upheld within ICLs requires an ongoing commitment to dialogue. The intent is for The Organization to provide Indigenous Peoples a framework to communicate their enduring relationship with the land and its importance to their evolving cultural identity.