# Comprehensive Frameworks for Indigenous Governance and Decolonial Protocols in Regenerative Commons Management

## Executive Summary and Call to Action

Regenerative Commons Management (RCM) represents a fundamental necessity in confronting global ecological crises. This framework establishes that RCM cannot be achieved through the selective incorporation of Indigenous Knowledge Systems (IKS) into established Western environmental frameworks (WFF). Such partial integration inevitably risks appropriation and extractivism. True RCM requires the comprehensive, structural adoption of Indigenous governance models and the strict implementation of decolonial protocols, recognizing Indigenous sovereignty over land, knowledge, and resources as the fundamental precondition for ecological health.

The defining principle for engagement must be the Haíɫzaqv M̓ṇúxvʔit imperative: collaboration must adhere to the M̓ṇúxvʔit definition—"to become one"—meaning that outside knowledges are incorporated *into Indigenous systems*, not the reverse.1 The prescriptive summary for successful implementation demands three integrated pillars: Structural Sovereignty (enacted through co-governance and land return), Legal Enforceability (secured by Indigenous Veto via Free, Prior, and Informed Consent, and Rights of Nature legislation), and Epistemic Control (maintained through Indigenous Cultural and Intellectual Property (ICIP) and Data Sovereignty).

## 1. The Epistemic Crisis: Settler Colonialism and the Limitations of Western Frameworks (WFF)

This analysis first establishes the necessary theoretical critique, explaining why Eurocentric governance models are inherently insufficient for achieving regenerative outcomes and why they perpetuate extractive behavior.

### 1.1. Settler Colonialism as Structure: The Logic of Elimination and Epistemic Violence

The contemporary ecological crisis cannot be decoupled from the historical and ongoing structure of settler colonialism. Utilizing Patrick Wolfe’s foundational analysis, settler colonialism is defined not as a completed historical event, but as an ongoing system of power whose central objective is the "logic of elimination".3 This logic involves the systemic erasure of Native peoples—through mechanisms like genocide, assimilation, and displacement—which establishes the necessary precondition for settler expropriation of lands and resources.3

This physical dispossession is inextricably linked to **epistemic violence**. The violent disruption of Indigenous knowledge systems is required for colonization and land dispossession to succeed.4 Settler systems are intentionally constructed to preclude certain forms of knowledge.4 The resulting Western environmental frameworks (WFF), characterized by anthropocentrism, linear management philosophies, and the legal classification of nature into mere "things" 5, act as the conceptual apparatuses that enforce this logic of elimination and resource commodification. The failure of WFF to deliver true long-term sustainability 6 is a direct structural consequence of this prioritization. Since the political structure of settler colonialism aims for resource expropriation, any sustainability frameworks developed within that structure will inevitably subordinate ecological health to extractive economic interests. The current ecological failure is therefore not an accident of poor science, but the predictable political outcome of a foundational system built on land theft and dispossession.

### 1.2. Decolonization as Land Return: Rejecting the Metaphor

For RCM to proceed, the concept of decolonization must be rigorously defined. Following the critical work of Tuck and Yang, decolonization is asserted to be explicitly the non-metaphorical return of land to Indigenous control.7 This definition critically rejects the co-option of decolonization as a broad term for social activism or reconciliation efforts that seek to include settlers equally.7

Movements that advocate for the redistribution of land and wealth equally among all residents—including settlers—inherently obscure the central political requirement: Indigenous sovereignty over the land and resources.7 Consequently, any attempt to implement RCM must be recognized as fundamentally a project of land and resource governance that is inseparable from the political act of decolonization and the restoration of Indigenous political control.

### 1.3. Critique of Selective Integration: Why IKS Must Be a Distinct Framework

A common failure mode of contemporary environmental initiatives is attempting to incorporate Indigenous knowledge into Western scientific approaches without granting full Indigenous leadership, consent, and participation. Such attempts often cause significant harm and constitute extractive activity.1 While co-production models are often praised, researchers frequently tout collaboration frameworks without first seeking to understand the deep, foundational roots of Indigenous knowledge itself.6

Indigenous knowledge systems must be recognized for their inherent strength as distinct frameworks that inform conservation and stewardship, rather than being selectively integrated to "complement" Western science.6 The violent disruption of IKS is often necessary for settler control because IKS, such as the Haudenosaunee's Seven Generations principle 8 or the Andean Ayllu’s focus on cosmological balance 9, intrinsically link ecological vitality to social reproduction and spiritual obligations. The existence of these IKS principles represents a sovereign political challenge to the commodification of nature, making the exclusion of IKS an active political strategy to maintain settler control. This structural challenge is why the **M̓ṇúxvʔit solution** is necessary: the model explicitly centers Indigenous governance systems as the foundational starting point, mandating that outside knowledge be incorporated *into* the Indigenous system.1

### 1.4. Identifying Failure Modes: Tokenism, Appropriation, and the Co-option of Practices

To maintain the integrity of RCM, specific failure modes must be proactively addressed through binding protocols. **Tokenism** occurs when Indigenous individuals are included without being granted genuine autonomy, leadership, or decision-making authority, often solely to lend legitimacy to a predetermined, non-Indigenous outcome.10 **Cultural Appropriation** involves the unacknowledged or inappropriate adoption of the customs, practices, or ideas of an Indigenous people by a dominant society.11 This extends beyond superficial cultural symbols to the theft of knowledge, resource management practices, and traditional science. To safeguard against these risks, frameworks must move beyond non-binding guidelines (like those focused purely on research ethics 12) toward legally enforceable protocols that mandate sovereignty, financial reciprocity, and the protection of intellectual property.13

## 2. Foundational Principles of Indigenous Regenerative Governance

Successful Indigenous governance models are rooted in philosophical tenets that define a non-extractive, relational worldview, providing the principles necessary for RCM.

### 2.1. Relationality and Reciprocity: The Centrality of IKS Worldviews

IKS are characterized by an embedded relational ontology, where knowledge, conservation, and stewardship are holistic and interconnected.6 This relational structure demands reciprocity in governance and research. Mutually beneficial participation requires a trusting relationship where benefits are balanced between community and academic interests.12 This principle ensures that outcomes, such as lessons learned from collaborative research, flow directly back to the local Indigenous management authority, as demonstrated by the Haíɫzaqv Nation's Integrated Resource Management Department.2

### 2.2. Temporal Depth: The Seven Generations Principle

The Haudenosaunee Confederacy’s Great Law of Peace embodies the Seven Generations stewardship concept, structurally embedding long-term thinking into governance.8 This mandate urges the current generation to consider the impact of their decisions on their descendants, including "the coming generations, even those whose faces are yet beneath the surface of the ground—the unborn of the future Nation".8 This concept transcends simple "sustainability" (which often implies maintaining the status quo) by demanding active restoration and regeneration over centuries.

This deep temporal consideration is supported by the fact that Indigenous Peoples have maintained sustainable management practices for millennia, persisting despite genocide and colonization.6 This history must be viewed not just as cultural heritage, but as a vast body of empirical ecological data. The Seven Generations principle acts as a long-term risk management strategy based on this extensive empirical record, providing a level of temporal complexity and depth that short-term Western monitoring models often lack.

### 2.3. Legal Personhood for Nature: Centering Non-Human Agency

The movement to grant legal rights to non-human beings (Rights of Nature, RoN) is fundamentally grounded in Indigenous beliefs that regard non-human beings as relatives deserving of legal rights equivalent to those of humans.14 This recognition directly challenges the Western legal tradition, which historically bifurcated the world into only "persons and things," a system used to deny rights to human and non-human entities alike.5

Aotearoa New Zealand demonstrated this legal innovation with the Te Awa Tupua Act (2017), which recognized the Whanganui River as an "indivisible and living whole" with "all the rights, duties, and liabilities of a legal person".5 This framework is guided by the Māori intrinsic values, *Tupua te Kawa*, replacing the traditional Western common law approach.15 Similarly, the Andean Ayllu system structurally links community administration, including communal land ownership, to the maintenance of cosmological balance, demonstrating the practical necessity of recognizing non-human agency for social and physical reproduction.9

It is important to note that RoN legislation often emerges directly from processes of reparative justice. The Te Awa Tupua Act, for instance, arose from resolving long-standing disputes under the Treaty of Waitangi.15 This suggests that addressing historical injustices (decolonization) provides the necessary political and legal foundation for implementing radical, regenerative governance reforms (RoN).

## 3. Comparative Analysis of Indigenous Governance Models for the Commons

Specific Indigenous governance systems provide prescriptive models for operationalizing regenerative principles within formal institutional structures.

### 3.1. The M̓ṇúxvʔit Protocol (Haíɫzaqv Nation): Centering Indigenous Systems

The M̓ṇúxvʔit model, meaning "to become one" in Haíɫzaqvḷa, serves as the definitive anti-extractivism protocol.1 It mandates that collaborations must start with and be directed by Indigenous governance systems. In practice, Indigenous communities and governments lead the overall direction, Indigenous knowledge systems are foundational, local protocols are followed, and transparency is required.1 Crucially, the model mandates that benefits must flow at least as much to the communities as to the collaborators, addressing the historical asymmetry of extractive research.1

This model acts as a rigorous test of non-extractive commitment. Traditional Western scientific collaboration typically dictates the framework, funding, and desired outcomes. M̓ṇúxvʔit reverses this power dynamic, requiring external collaborators to adopt and adhere to the Indigenous framework and values. The resulting success, such as lessons learned flowing directly to the Heiltsuk Integrated Resource Management Department 2, demonstrates that this sovereignty-first approach yields greater local impact and management relevance than systems where research is presented "fully-formed and funded" by external parties.

### 3.2. Haudenosaunee Confederacy: Governance through The Great Law of Peace

The Great Law of Peace (established as early as the 12th century) provides a comprehensive, constitution-like framework for governance.16 This framework promotes unity, equality, consent in decision-making, and collective discussion through a Grand Council where representatives convene to make decisions collaboratively.16 This structural integrity, combined with the constitutional mandate to consider the welfare of the "coming generations" 8, embeds RCM principles—specifically temporal depth—into the core political decision-making structure.

### 3.3. Māori Co-Governance and the Rights of the River (Te Awa Tupua)

The Te Awa Tupua framework arose from a Crown-led reparative process resolving Treaty of Waitangi disputes.15 The Act granted legal personality to the Whanganui River, recognizing it as Te Awa Tupua, "an indivisible and living whole".5 This legal framework is revolutionary, basing future management not on Western common law, but on *Tupua te Kawa*, the intrinsic values representing the essence of the river.15 The system establishes Crown-Māori co-governance bodies and advisory bodies, ensuring collaborative management centered exclusively on the river's health and well-being.15

### 3.4. The Ayllu System (Andean): Cosmological Balance and Communal Administration

The Ayllu governance model demonstrates a holistic approach where all functions of the community are infused with spiritual and ritual importance.9 Religious belief and practice serve the practical purpose of mobilizing the forces of nature and ancestors to ensure survival. Critically, community management, administration, and communal land ownership are all directly linked to the maintenance of cosmological balance.9 This system serves as a powerful archetype for decentralized, localized RCM where the ecological health of the land is understood to guarantee basic physical and social reproduction.

The comparative strengths of these models are synthesized below:

Table 1: Comparative Analysis of Indigenous Governance Systems for Commons Management

| **Governance System** | **Origin Nation(s)** | **Core Regenerative Principle** | **Key Institutional Mechanism** | **Citation of Sovereignty** |
| --- | --- | --- | --- | --- |
| M̓ṇúxvʔit Model | Haíɫzaqv Nation | Centering Indigenous Systems (Outside knowledge incorporated inward) | Indigenous-led Integrated Resource Management Department | Overall leadership/direction, local protocol adherence, mandated reciprocity 1 |
| Haudenosaunee Confederacy | Iroquois Nations | Temporal Depth (Seven Generations Stewardship) | Grand Council, Collective Decision-Making (Great Law of Peace) | Consent in decision-making, focus on future generations, advanced principles of governance 8 |
| Te Awa Tupua (Māori) | Aotearoa New Zealand | Non-Human Legal Personhood and Relationality (Tupua te Kawa) | Crown-Māori Co-governance Bodies; Recognition of River as legal person | Rights, duties, and liabilities of a legal person, guided by Māori intrinsic values 5 |
| Ayllu System | Andean Peoples | Cosmological Balance and Communal Administration | Administration linked to spiritual practice and agricultural cycle | Maintenance of physical and social reproduction, communal land ownership 9 |

## 4. Operationalizing Decolonial Protocols: Non-Extractive Mechanisms

The framework for RCM must be anchored by legally binding protocols that enforce non-extractive collaboration and Indigenous sovereignty.

### 4.1. Free, Prior, and Informed Consent (FPIC) as Indigenous Veto Power

FPIC is internationally recognized as essential for protecting the inherent rights of Indigenous peoples to their ancestral lands and natural resources, notably affirmed by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).17 Nations like Canada have adopted legislation, such as the UNDRIP Act, requiring alignment of federal laws with the Declaration.18 FPIC requires comprehensive consultation to obtain consent before adopting measures that affect Indigenous cultural heritage or development priorities.19

However, the efficacy of FPIC is frequently undermined. International experience shows that FPIC is often implemented within "weak bureaucratic administrative procedures" 20, effectively transforming the right to self-determination into a mechanism used only to legitimize extractivist development policies.20 To fulfill its decolonial mandate, FPIC must be operationalized as an enforceable, binding Indigenous Veto power. This ensures Indigenous peoples can autonomously maintain and determine their own priorities for political, economic, social, and cultural development, consistent with their specific circumstances.19

### 4.2. Indigenous Cultural and Intellectual Property (ICIP) and Data Sovereignty

ICIP rights are the primary defense against epistemological extractivism. ICIP protects traditional knowledge, cultural material, and ensures respect for traditional laws and customary obligations.13 This includes the right to control the documentation, recording, and commercial use of cultural customs, expressions, and language.13

Non-extractive engagement must adhere to ICIP requirements, often formalized through principles such as Dr. Terri Janke's True Tracks® framework, emphasizing self-determination, consent, attribution, cultural integrity, and benefit sharing.13 These safeguards ensure that sacred or secret material remains protected, and that the community shares in the profits derived from commercial use of their ICIP.13

### 4.3. Financial Protocols: Revenue Sharing and Resource Control

Achieving regenerative management requires transferring financial control and ensuring equity. Protocols must mandate that the community shares in the profits generated from the commercial use of ICIP 13, and that revenue sharing from resource development is implemented as a condition of consent. Examples include binding agreements for resource tax revenue sharing.20 Beyond transactional sharing, genuine RCM necessitates adequate resourcing for Indigenous peoples, enabling the autonomy to implement localized, community-led "Caring for Country" approaches. This involves investing in Indigenous-identified priorities, such as 'Knowledge Healing' and 'Embedding Practice'.10

The following table summarizes the essential non-extractive protocols:

Table 2: Operationalizing Non-Extractive Protocols (Decolonial Safeguards)

| **Protocol Mechanism** | **Definition/Goal** | **Application Standard** | **Mitigates Failure Mode** | **Source Reference** |
| --- | --- | --- | --- | --- |
| FPIC (Indigenous Veto) | Right to consent or withhold consent on projects affecting lands/resources. | Binding requirement for policy alignment; functions as a mandatory sovereign check, preventing mere legitimization of extractivism. | Extractivism, Legitimization of Harm, Weak Bureaucracy 19 |  |
| ICIP Protection | Sovereignty over traditional knowledge, cultural material, and expressions. | Mandate for attribution, profit sharing, and control over documentation and recording (True Tracks principles). | Cultural Appropriation, Epistemological Extractivism, Knowledge Theft 11 |  |
| M̓ṇúxvʔit Collaboration | Protocol for cross-knowledge system engagement. | Indigenous governments lead direction; external knowledge incorporated inward; benefits flow at least as much to community. | Tokenism, Non-reciprocity, Selective Integration 1 |  |
| Rights of Nature (RoN) | Granting legal personality to non-human entities (rivers, ecosystems). | Establishes enforceable legal duties reflecting Indigenous worldviews (e.g., Tupua te Kawa), overseen by co-governance bodies. | Western Commodification, Anthropocentric Bias, Legal Bifurcation 5 |  |

## 5. Framework for Decolonial, Regenerative Commons Management (DRCM)

The Decolonial, Regenerative Commons Management (DRCM) framework synthesizes these principles into a unified, actionable governance model.

### 5.1. The DRCM Model: Integration of Governance Principles and Non-Extractive Protocols

**Pillar 1: Structural Sovereignty (The Governance Model)** The foundation requires adopting governance models built upon relationality, such as the Ayllu’s focus on cosmological balance 9, and temporal depth, as embodied by the Haudenosaunee Seven Generations stewardship.8 Implementation mandates the establishment of fully empowered, Indigenous-led governance structures, such as the Heiltsuk Integrated Resource Management Department, to direct all planning and decision-making for the commons.1

**Pillar 2: Legal Reciprocity (The Rights Framework)** Legal systems must undergo comprehensive reform. This involves requiring legal harmonization with international standards like UNDRIP.18 Enforcement requires operationalizing FPIC as a binding sovereign veto, allowing Indigenous nations to determine their development priorities without being overruled by external administrative bodies.19 Ecological justice is secured by employing Rights of Nature legislation (modeled on Te Awa Tupua) to recognize ecosystems as legal persons with enforceable duties guided by Indigenous intrinsic values.5

**Pillar 3: Epistemic Control (The Knowledge Protocol)** All external engagement, including research and resource inventory, must adhere strictly to the M̓ṇúxvʔit directional constraint.1 This pillar also mandates the adoption of strict ICIP protocols, ensuring adherence to attribution, profit sharing, and community control over all knowledge, thus safeguarding against epistemological extraction and appropriation.13

### 5.2. Policy Recommendations for Governments and International Institutions

To support the DRCM framework, governments must commit to fundamental policy shifts:

1. **Mandate Veto Power:** National governments must transition FPIC from a consultative gesture to a legally binding mechanism that guarantees Indigenous Veto power, thus directly addressing the historical failure of weak bureaucratic procedures to protect sovereignty.20
2. **Reparative Funding:** Governments must ensure adequate resourcing and financial equity for Indigenous autonomy, enabling the implementation of community-led 'Caring for Country' initiatives.10 Financial protocols must include required mechanisms for resource revenue sharing and direct investment in regenerative practices.20
3. **Structural Shift in Policy:** Environmental policy structures must be reformed to mandate IKS as the primary operational framework for ecological stewardship, rather than treating IKS as a supplemental data source for existing WFF.6

The successful implementation of this framework requires accountability across multiple scales. While international law (UNDRIP) sets the human rights standard 18, national legislation must translate these standards into mandatory consistency across all domestic laws. Local protocol, such as M̓ṇúxvʔit 1, then ensures enforcement at the point of action, preventing settler colonial systems from using administrative ambiguity or bureaucratic procedures to dilute Indigenous sovereignty and regenerative management outcomes.

### 5.3. Recommendations for Non-Indigenous Researchers and Collaborators (Guidelines for Ethical Engagement)

External parties seeking to engage with RCM projects must recognize and adhere to specific ethical and political constraints:

1. **Embrace Structural Subordination:** Collaborators must accept that their expertise is subordinate to, and must be integrated into, Indigenous governance systems, strictly adhering to the M̓ṇúxvʔit protocol.1
2. **Prioritize Community Benefit:** Collaboration metrics must be structured to guarantee that benefits flow at least as much to the Indigenous communities as to the external collaborators, counteracting the historical practice of non-reciprocal research.2
3. **Respect ICIP Sovereignty:** Strict adherence to ICIP principles is mandatory, requiring explicit consent for the use of traditional knowledge, ensuring accreditation, and negotiating benefit sharing proportionate to any profit derived from the knowledge or cultural material.13

### 5.4. Conclusion: Regenerative Management as a Measure of Decolonization

The objective of Regenerative Commons Management is fundamentally political. Since decolonization requires the non-metaphorical return of land and control 7, and given that Indigenous governance models inherently link successful social reproduction to the health of the ecological commons (as seen in the Ayllu system 9 and the Te Awa Tupua framework 15), the degree of success achieved in RCM serves as an empirical measure of the actual success of the decolonization process. RCM is therefore not a secondary conservation goal; it is the inevitable, tangible outcome of restored Indigenous sovereignty.

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