

**How ENGOs in British Columbia navigate Indigenous rights and title: A look at the past and a present day case study**

**by**

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Project Submitted in Partial Fulfillment of the  
Requirements for the Degree of  
Master of Resource Management

In the  
School of Resource and Environmental Management  
Faculty of Environment

**Report number: 737**

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**Simon Fraser University**  
**Fall 2019**

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**Report Number:** 737

**Title:** How ENGOs in British Columbia navigate Indigenous rights and title: A look at the past and a present day case study

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# Abstract

The past decade across Turtle Island (North America) has seen a powerful overarching movement I will refer to as pipeline resistance. Environmental and Indigenous groups have been networking and volunteering vast resources to halt the development of oil pipelines that threaten Indigenous lands and waters—areas that Settlers care about too.

Through a literature review, I look at how environmental activism, Indigenous rights and litigation have intersected over time—with a specific focus on British Columbia. I explore how environmental activists have treated Indigenous groups in the past and investigate if colonial courts have begun recognizing Indigenous rights more—giving Indigenous Peoples some legal ability to halt problematic projects. Since it has been implied by pipeline advocates that such ability is the only reason environmentalists have been trying to partner with Indigenous Nations in the anti-pipeline fight, my research initially focused on determining if these accusations had merit.

To analyze how environmentalists navigate collaboration with Indigenous groups in the pipeline resistance movement, I surveyed 16 Settler employees of environmental groups (ENGOS) opposing the Trans Mountain pipeline expansion project (TMX) in BC. Survey participants were asked about their motives, perceptions, views on decolonization and ENGO protocols for engaging with local Indigenous communities. I also drew upon my own experience in the anti-pipeline movement.

What I found is, while some organizations do attempt to partner with Indigenous groups in the anti-TMX movement for strategic reasons, the collaboration brought on by pipeline resistance appears to be teaching Settler activists about various Indigenous Nations, their rights and title, colonialism and more. This education appears to be far deeper than anything taught in schools and is perhaps fostering a heightened respect for Indigenous Peoples among Settler activists.

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## Introduction

My eyes were opened to oil pipeline resistance in the winter of 2016. From my computer screen I watched police shoot rubber bullets, rocket teargas, blast acoustic devices and fire water cannons at nonviolent Water Protectors in subzero temperatures. Screams of “cease fire!” and “why are you doing this!?” were interspersed with the chant “water is life.” These *Digital Smoke Signals* (2016) were being disseminated through social media from the Oceti Sakowin Camp, where thousands of people joined the Standing Rock Sioux to oppose the construction of the Dakota Access Pipeline (DAPL), which was seen as a threat to reservation water, global climate and Indigenous rights. During the height of DAPL opposition, Justin Trudeau, in Canada, approved the expansion of the Trans Mountain pipeline (which runs through Burnaby Mountain upon which my university is located). Just as those social media representations were meant to conjure violent memories of the past, I worried we were being introduced to our new future—Petro States attacking what they view as sacrificial ‘minorities’ for defending the health of land, water and people.

What gave me hope, though, was the extent and diversity of solidarity with Standing Rock. The Standing Rock Sioux had inspired Indigenous and non-Indigenous people from every corner of the earth to join them by putting bodies on the line, divesting from banks, making phone calls, doing whatever we could. As Secwepemc warrior Kanahus Manuel (2017, para. 1) explains, Standing Rock became a “global flashpoint for Indigenous rights and environmental protection.” Couchiching attorney Tara Houska says Standing Rock was “a moment where we saw so many people around the world becoming aware of Indigenous Peoples, how Indigenous rights are being violated today, and the imminent threat of climate change (Houska & Belkhyr, 2018, para. 5).” What is also becoming clear is how both oil extraction and the impacts of climate change are exacerbating preexisting social injustices and the dismissal of Indigenous Peoples, their title and rights, for the sake of corporate profits and the sanctity of State sovereignty.

Thus, Standing Rock is certainly not the only example of pipeline opposition on Turtle Island (so-called North America). In fact, prior to 2016 there was plenty of work being done all around me to halt such projects (but like many Settlers, it took government issued attacks on nonviolent Protectors for me to start paying attention).

As far back as the 1970s when Dene, Inuit and Métis Peoples were confronted with the Mackenzie Valley Pipeline, Dene Chief Frank T'Seleie told a pipeline proponent:

...You are coming with your troops to slaughter us and steal land that is rightfully ours. You are coming to destroy a people that have a history of 30,000 years. Why? For twenty years of gas? Are you really that insane (CBC, 2011)?

More recently, emanating from the Alberta Tar Sands alone, a multitude of pipelines have been proposed and met with anger. These include the Enbridge Northern Gateway routed through the Great Bear Rainforest, which was canceled; Energy East slated to run to the Atlantic, which was canceled; Keystone XL which has been delayed by lawsuits in the US; the replacement and expansion of Enbridge Line 3, being heavily opposed in Minnesota; and the twinning of the Trans Mountain Pipeline, the approval of which was temporarily delayed in court but is once again being pursued by the federal and Alberta governments.

By attending events and following social media in opposition to pipeline projects, I have noticed repeating imagery (such as the poster by Isaac Murdoch and pipelines referred to as black snakes) and terminology ('water is sacred/water is life'). It is clear that pipeline proposals have created a mass movement composed of interrelated place-based movements. These movements have brought together Indigenous Nations as well as Settler and Indigenous individuals across colonial boundaries.

Simultaneously, a multitude of Settler-run ENGOs (environmental non-government organizations) have been involved in pipeline opposition many steps of the way. But, pipeline advocates within BC have argued that ENGO attempts to work with Indigenous communities to stall projects have been tokenistic and eco-colonial (Cattaneo, 2018). Some suggest ENGOs are trying to manipulate Indigenous leaders to pursue the 'green agenda' (Tasker, 2018).

I will argue that pipeline resistance is about so much more than a categorical 'green agenda' and an imagined *thing* called 'the environment.' Those who become involved in pipeline resistance in BC will almost invariably be exposed to Indigenous speakers and discussions of Indigenous rights and title, because so much effort has gone into making sure of that exposure.

At the same time, however, I will show how environmental legal protection in Canada is lacking and ENGOs have little leverage to hold government and industry accountable. Meanwhile, inspiring Indigenous leadership has become highly visible in this 'digital age'

and some Indigenous-led court cases have successfully curtailed destructive development. My research therefore asks: does ENGO support for Indigenous communities today extend beyond the singular purpose of stopping a pipeline? Along these lines, Potawatomi scientist Kyle Powys Whyte asks:

Why do we propose climate solutions and strategies, if just, ethical and functioning relationships aren't in place? Why do environmentalists stand side-by-side with Indigenous Peoples against certain projects where interests are aligned, but not to fight for treaty rights, or against sexual violence, or efforts towards self-determination (in Gilpin, 2019, para.43)?

In an attempt to glean if ENGO support for Indigenous communities today is confined to pipeline resistance, I will take a critical look at how organized environmentalism, litigation and Indigenous rights have intersected in the past with a focus on British Columbia. I will show that environmentalists have not always acknowledged Indigenous rights and title in the past and ask if/how that is changing today. For present day analysis, I will look at survey responses from British Columbian Settlers working for ENGOs currently in opposition to the Trans Mountain pipeline expansion project (TMX). Through these surveys I will attempt to better understand what motivates activists, their perceptions of what TMX resistance is about, their views on decolonization and if their organizations have protocols for engaging with Indigenous Nations beyond TMX campaigns.

It is essential to preface this paper with the fact that not all Indigenous Nations of the Pacific Northwest oppose oil pipeline development. Indeed, there are approximately 35 Indigenous communities in northern BC that support building their own pipeline for economic development (Tasker, 2018). Nevertheless, the scope of this paper focuses on pipeline resistance. So, with that, I will emphasize the statement of Grand Chief Stewart Phillip and Houska that: "while Indigenous Peoples can disagree, just as all humans do, what we do agree upon is our inherent right to self-determination within our territories (Philip & Houska, 2018, para. 6)."



## Statement of Positionality

I do not wish to hide my identity to feign objectivity. I am a half Irish, half English Settler from Anishinaabe, Haudenosaunee and Lenape territory (so-called London, ON). I now live on Musqueam, Squamish and Tsleil-waututh land (so-called Vancouver, BC).

Environmental justice speaks to me because, while growing up, my immediate and extended family members lived with Parkinson's disease, diabetes, fibromyalgia, spinal muscular atrophy, cancers, and more. I feel that if we strive for healthier environments less families will have to struggle with long-term illness.

My research is influenced by my own investment in pipeline resistance, but as anthropologists have long noted, subjectivity is inescapable. Claiming objectivity can even engrain an oppressive status quo, as objectivity is a matter of taking (exploitative) societal norms for granted (see Brown and Strega, 2005). By taking a critical, historical look at environmental activism, I hope to investigate if/how we Settler environmentalists exacerbate oppression while pursuing causes we feel strongly about.

# Literature Review: How Environmentalism, Indigenous Rights & Litigation Intersect through Time in BC

The following section provides a literature review of the way the Canadian State and court system have reacted to Indigenous assertions of land and resource rights over time. It simultaneously looks at how what we now call 'environmentalism' developed in BC and how environmental groups impacted Indigenous Peoples. In-depth analysis reveals that relationships between environmental activists and Indigenous communities have at times been contentious. In the final subsection covering the year 2000 to present, I refocus on pipeline resistance as a means of understanding what Settler environmentalist-Indigenous relationships look like today.

## 1850-1950: The Resources Focus of Canada's Colonialism

Once Canada became established in 1867, there was little sign from government of an intention to follow the rule of law when it came to Indigenous Nations, treaties and *The Royal Proclamation*. For instance, in 1906 a delegation of First Nations from the west traveled to England to present King Edward VII with a petition regarding inadequate reserves and a lack of treaties in BC. The delegates were redirected to Ottawa where promises made by the King were then denied (UBCIC, 2005). In the 1920s Deskaheh (the speaker for the Six Nations Council) was exiled from his homeland, the Six Nations Council dissolved and Wampum belts stolen by the Canadian government, after he petitioned the League of Nations for Canada's treaty violations and demanded self-determination for Haudenosaunee people in the east (Corntassel, 2008).

Canadian governments also disregarded non-human life on the lands they wrongfully claimed via the Doctrine of Discovery. Any 'conservationist' effort that did take place in Canada only came after the decimation of wildlife and appeared to 'lag behind' America, as the US was more extensively settled first allowing the destruction of colonies to be witnessed sooner. In Canada, though, a "mentality of 'unlimited' forests, lakes and wildlife persisted longer (Canadian Encyclopedia, 2016, para. 8)." Thus, from the late 1800s to the early 1900s, the closest thing resembling 'environmental law' in Canada were federal rules

delegating who could own and use what resources (Canadian Encyclopedia, 2016). These rules were a response to the decimation of various species populations by Settlers, such as through commercial whaling in the Pacific Northwest. This Settler industry began in the 1840s and by the 1860s it had collapsed. The dramatic loss of whales forced the Nuuchahnulth and Makah people to stop the whaling practices that had sustained them since time immemorial. The loss of the whale hunt was a huge blow to the communities' culture and wellbeing (Coté, 2010). A more commonly known obliteration of a species and attack on First Peoples was the 19th century slaughter of the buffalo. This was an instance like so many others where, even though Canada had conservation laws, it failed to implement and enforce them (Boyd, 2003).

Nevertheless, as Canada began to delegate resources it denied the fact that Indigenous Peoples had their own time-tested means of sustaining and allocating them. For example, the Stó:lō Nation determined access to fishing grounds through lineage. Families, not individuals, owned fishing spots. But in the 1800s the government imposed fishing permits that attributed spots to *individuals*. Fishing permits ignored Stó:lō protocols and threatened their ceremonies and economies (Naxaxalhts'i, 2007). In the same way, Secwepemc writer George Manuel (1974) recalled his grandfather dejected by the fact that they could not hunt unless Settlers decided it was the 'right time,' they could not access berries due to private property laws and they could not bring down a bird while trapping. Manuel's grandfather lamented: "when the new sicknesses came they gave us blankets of death to warm ourselves, but at least they let us eat. Now they only want us to eat what we buy in their stores or grow with their tools (Manuel & Posluns, 1974, p. 52)."

Up until 1945, conservation in Canada also focused on establishing national and provincial parks (Canadian Encyclopedia, 2016). When Banff National Park was created in 1887, the Park superintendent complained the Stoney Nations' "destruction of the game and depredations among the ornamental trees make their too frequent visits to the Park a matter of great concern (Binnema & Niemi, 2006, p. 729)." First Nations were also forcibly removed for the creation of Stanley Park in Vancouver (Hamilton, 2017).

Overall, Canada's violent beginnings saw the segregation and suppression of First Peoples and their laws for sustaining the abundance of their land and waters. When Canada did employ conservationist efforts, they were born out of Settler-induced obliteration of wildlife and efforts to isolate select natural spaces for the enjoyment of white

Settlers. There was very little accountability for the few conservation laws that did exist, unless these laws were being used to control and disenfranchise Indigenous Peoples. Indigenous people and leaders nevertheless fought back, but the Canadian State worked to stifle and evade, rather than recognize, Indigenous Nations at this time.

## 1960-1980: Indigenous Political Activism and the Birth of Modern Environmentalism

In the 1960s and 70s a resurgence of Indigenous political activism and assertions of self-determination began. Though Indigenous groups have “been uniting as early as the 1900s to form political lobbying organizations to fight for their land rights (Coté, 2010 p.123),” prior to 1951 Indigenous ceremonies were forced underground, as they were criminalized by the *Indian Act*. The Act was changed after WW2 in the name of civil rights, and yet the rhetoric of civil rights was then manipulated to deny Indigenous Peoples’ unique and inherent rights.

For instance, in 1969 Prime Minister Pierre Trudeau unveiled The White Paper to “eliminate the *Indian Act* and any other Indian-specific legal recognition of Indigenous Peoples, who would be absorbed as individuals into the state structure (Mack, 2011, p. 299).” Eliminating the Act was assumed to be for the betterment of Indigenous Peoples. It was believed that all people would be equal once Indigenous groups were divided up and Indigenous people were assimilated as individual ‘Canadians.’ Little consideration was given to how further State-induced erosion of Indigenous cultures, lifeways and community bonds would impact First Peoples.

Similarly, beginning in the 1970s was the anti-treaty movements of the United States, championed by politicians like Slade Gorton and Jack Metcalf. In the Pacific Northwest, the movement “grew out of the opposition to Tribal fishing rights claims in the Puget Sound area (Coté, 2010, p.168).” Court rulings in Washington repeatedly affirmed Tribal rights to the fish in question (and eventually to manage the fish habitat), but Settler backlash continued and remains alive today (Grossman, 2017). Instigating racism in his wake, Slade Gorton argued Tribal members held ‘super-citizen’ status that “affected the civil rights of non-Indians, and was ‘inconsistent with a drive toward equal treatment of all

citizens under the same system of laws (Coté, 2010, p.168).” Likewise, Jack Metcalf used strategic language, stating “that no citizen should be denied access to natural resources based on sex, origin, or cultural heritage (Coté, 2010, p.170).” Thus Indigenous Nations were expected to forfeit their treaty rights to Settlers (in addition to everything else that was stolen) and just be like ‘everyone else.’

Ideas around the White Paper and anti-treaty movements in the Pacific Northwest thus instigated the Red Power movement, which mobilized across Canada and the US, translating into court battles for Aboriginal rights, title and self-determination (Coté, 2010). The 1973 *Calder Case* was the first time the Supreme Court of Canada even considered Aboriginal title could exist beyond treaties (Murphy et al., 2008). Though alliances were not new to First Nations, the 1960s and 70s saw political partnerships between Indigenous Nations and Bands, such as the Nuu-chah-nulth Tribal Council, Union of British Columbia Indian Chiefs, the National Indian Brotherhood and more, to foster power in numbers and gain control over First Nation/Tribal affairs and policies (Coté, 2010).

Alongside Red Power, and so many other movements, the 1960s and 70s saw the birth of modern environmentalism. In North American Settler culture, ecology became an established discipline and with it came the philosophy that ‘nature’ had intrinsic worth rather than just the utilitarian value bestowed upon it by humans. New views evolving through this discipline and ‘hippie’ culture produced a rejection of Christian values—which saw humans as separate from nature—in favour of Eastern religions, mysticism and/or Native American religions (Zelco, 2004). In this way, the “spiritual and healing power of Indigenous elders and shamans was both celebrated and appropriated...Indigenous Peoples were romanticized as those who lived harmoniously with nature, having the utmost reverence for the land and all living things (Coté, 201, p. 158),” and thus the stereotype of the ‘Ecologically Noble Indian’ was born.

In the 1960s, Vancouver, British Columbia became a Mecca for yuppies, hippies, New Leftists, and other alternative lifestylers from Canada and the US who flocked there for mild temperatures, cheap housing and to evade the Vietnam War draft. The environmental movement in BC at the time was thus dominated by white, middle-class, well educated men, as they were favoured by Canada’s prejudice immigration laws (Zelco, 2004).

Unlike in much of the United States, jurisdiction over natural resources in Canada was mostly bestowed upon provincial governments. In the 1960s, American environmentalists

were accustomed to the federal government curbing the resource grabbing of western states. US environmentalists could also sue federal departments for failing to enforce conservation laws (Zelco, 2014). But in Canada, “courts would not recognize the right of citizens to challenge government statutory decisions (or non-decisions) that resulted in environmental harm, unless the citizens could show direct harm to their persons or property (Muldoon, et al. 2015, p.15).” In the 1960s, the only true ‘environmental law’ Canada had was the federal *Fisheries Act* (though that had existed since the 1860s), which was limited to prohibiting the discharge of “deleterious substances” in “waters frequented by fish (Muldoon, et al. 2015, p.15).”

There were therefore few legal impediments to over-exploitative development. Furthermore, the debate over natural resource conservation in the US at that time was largely between wilderness preservationists on the left and utilitarian conservationists on the right. In Canada, though, the left of the ideological spectrum was occupied by utilitarian conservation, while laissez-faire resource exploitation resided on the right. Thus, although the Sierra Club established a BC branch in 1969, ‘preservationist’ style environmentalism was not a priority in BC until the 1980s and 90s. The Society for the Promotion of Environmental Conservation (SPEC) was also launched in BC in the late 1960s, but despite the name (and like most Canadian environmental groups at the time), it was a pollution coalition with an urban focus (Zelco, 2004). Slightly later in 1974, West Coast Environmental Law became established in BC to reform environmental law and enable citizen-led environmental protection (WCEL, 2019).

In 1971, Greenpeace was born out of Vancouver and quickly became a high profile, international force for various environmental causes. After opposing nuclear bomb testing, Greenpeace went on to ‘save the whales’ and ‘stop the Canadian seal hunt.’ In the early days of opposing the seal hunt, Greenpeace’s founding members came up against Newfoundland fishermen who feared the loss of their livelihoods. Some of Greenpeace’s founders empathized with the fishermen and temporarily backed down, but for Paul Watson (who vehemently objects to any killing of sea mammals) this was the impetus to split off from Greenpeace and launch the Sea Shepherds (Rothwell, 2015). Nevertheless, the anti-seal hunt was taken up by a multitude of animal rights groups and as a result, the livelihoods of Arctic Inuit Peoples were seriously harmed—an impact ignored to this day by many animal rights groups (Arnaquq-Baril, 2016). Ironically, such campaigns contradicted the stereotype environmentalists held of Indigenous Peoples being embedded in nature

and balancing the ecosystem. But activists countered that the “traditionalism of the hunt was corrupted by the fact that the Inuit also hunted commercially (Coté, 2010, p.161).” In the end the campaigns, along with the residential schools system greatly destabilized Inuit culture (Coté, 2010).

Illustrating how broad the label ‘environmentalism’ is, the ‘environmental justice’ movement also began in the 1970s (again taking off in the US and having influences abroad). The movement started when “low-income communities predominantly comprising visible minorities organized and fought against the siting of hazardous landfills and other environmentally risky endeavours in their neighbourhoods (Muldoon, et al. 2015, p.141).”

In summary, the 1960s and 70s saw States produce simplified ideas on how to improve ‘civil society’ and people pushing back to show that such a singular, uniform society does not exist. Marginalized groups organized to call out oppression and fight for their unique rights. What should be mentioned, though, is that these groups were often mutually exclusive from one another. Nevertheless, the work by Indigenous leaders and alliances at this time launched a shift in colonial courtrooms towards upholding treaty rights and acknowledging Aboriginal title. Meanwhile, for the first time in Canadian history, caring for ‘the environment’ became a popularized idea. But, as environmental groups pushed to define themselves and promote their causes, they sometimes perpetuated stereotypes, appropriated culture and oppressed remote populations by not understanding the cascading impacts of their actions.

## 1980-2000: Indigenous Governance, Land-Use Plans and the ‘Professionalization’ of ENGOs

In 1982 Aboriginal rights were finally written into section 35 of the Canadian constitution and a flurry of court battles were then fought to define those rights in Canadian common law. The duty of the Crown to ‘consult Indigenous Nations whenever Aboriginal rights or title may be adversely affected by conduct the Crown contemplates’ was enshrined in the new constitution. So too was the legal responsibility for ‘reconciliation,’ defined as:

Reconciling the assertion of Crown sovereignty on one hand and preexisting Aboriginal sovereignty, occupation and *de facto* control over the land on the other.

The need for reconciliation flows from s. 35 of the *Constitution Act, 1982* and from the duty of the Crown to act honourably toward Aboriginal Peoples (Murphy et al., 2008, p.19).

In the court case *R. v Sparrow* ([1990] 1 S.C.R. 1075) it was determined that the Crown must justify any infringement on Aboriginal rights as 'compelling and substantial' and that State regulations do not extinguish Aboriginal rights. Through *R. v. Van der Peet* ([1996] 2 S.C.R. 507) the court recognized that Aboriginal rights are not 'frozen' but evolve over time and that Aboriginal rights do not have to be practiced continuously to be considered legitimate; they could resume after an interruption. In *Delgamuukw v the Queen* (1997) 'Aboriginal title' was defined as an inalienable right to the land itself (Murphy et al., 2008). Furthermore, as Murphy et al. (2008) explain: "any ambiguity as to the scope and definition of s. 35(1) must be resolved in favour of aboriginal Peoples (p.10)." When it comes to treaties, the Supreme Court of Canada acknowledged that "interpretation should correspond to the way the Aboriginal signatories would have understood the terms at the time" and "oral promises made prior to signing are particularly relevant given the value First Nations placed on oral versus written promises (p.10)."

In terms of Canada's environmental law, when the federal government finally did make statutes to protect endangered wildlife or ensure projects would not have adverse effects, these statutes were entirely discretionary. That is, the government had the authority to act but did not *have* to act. Citizens, therefore, still could not sue governments for not following environmental laws. In the *1999 Canadian Environmental Assessment Act*, the federal government retained the discretion to approve a project even when experts determined it would have 'significant adverse environmental effects' and "over 99.9% of projects subject to federal assessment [were] approved (Boyd, 2003, p.232)."

As environmental law remained disappointing, and as the Canadian State failed to recognize Indigenous Nations as governments despite advancements in Aboriginal law, the 1980s saw environmentalist and Indigenous actors fighting side by side (but perhaps not *together*) to protect unceded land. In 1985, members of the Haida Nation and environmentalists blocked logging of South Moresby in Haida Gwaii. The roadblocks led to the creation of the *South Moresby Agreement* (1988) to make the area a National Park. Yet, the Agreement was negotiated bilaterally between the Province and the federal government and the Haida were treated as mere stakeholders in its implementation (Dale, 1999). In 1993, however, the *Gwaii Haanas Agreement* was signed, and the Archipelago



Management Board was formed with an equal number of representatives from the federal government and the Haida Nation to co-manage the region's ecosystems. Nevertheless, Canada still viewed the unceded Archipelago as under federal jurisdiction (Hawkes, 1996).

More 1980s blockades, this time by members of the Nuuchahnulth Nation and environmentalists (in addition to court battles and archeological evidence) were a part of another successful campaign against clear-cutting on the unceded Waanačas/Hiithuuis (aka Meares Island) after the Province unilaterally sold MacMillan Bloedel a tree farm license. Part of the bid to stop old-growth logging entailed the Tla-o-qui-aht and Ahousaht Bands of the Nuuchahnulth Nation declaring Meares Island Canada's first 'Tribal Park' in 1984 (Dorward, 2014). It is important to note that Tribal Parks are different from national and provincial parks. As Tla-o-qui-aht co-founder of the more recent Ha'uukmin (Kennedy Lake Watershed) Tribal Park Eli Enns puts it:

[Through Tribal Parks] we can assert our own management plans for our territories, as we have been doing for thousands of years, so that we can continue to live in harmony with the land that sustains us – and all of humanity (in Dorward, 2014, para.3).

Shifting forward to the 1990s, this was a turbulent decade beginning with the Oka Crisis in Quebec, where the Kanien'kehá:ka (aka Mohawks) of Kanehsatake resisted the expansion of a golf course on disputed land that included a burial ground (Atleo, 2018). Later in the decade, the tensions of the 1960s and 70s between environmental activists and Indigenous hunters foreshadowed what took place as the Makah reinstated their whale hunt (a right which was enshrined in their treaty). The Makah were verbally attacked by animal rights activists and south of the US border, some activist groups found themselves aligned with anti-treaty politicians. The Sea Shepherds called Jack Metcalf a "'stellar leader' and a 'great public servant (Coté, 2010, p.171).'" Greenpeace nevertheless "refused to join the anti-treaty protests viewing them as a diversion from the focus on larger environmental threats to marine life (Grossman, 2017, p.56)."

Some Settler environmentalists continued to hold the idea that Indigenous Peoples should be perpetually traditional. When Indigenous people partook in commerce (the Inuit's sale of seal pelts) or 'modern life' (being required by government to shoot whales after they were harpooned) they were chastised for 'inauthenticity (Coté, 2010).' Braun (2002) critiqued the Wilderness Committee's 1990 photograph book, *Clayoquot: On the Wild Side* for representing Clayoquot forests as 'wild' and separate from 'modern' people. The rare

times Indigenous individuals were shown in the photos they were naturalized within the landscape, engaging in traditional activities and shown as “partly constitutive of the temperate rainforest” implying these “communities should be its custodians (Braun 2002, 82).”

In Clayoquot Sound in 1993, the notorious War in the Woods took place. Stories told about the War in the Woods often cite protestors gathering from across the globe to halt clear-cutting; the RCMP arresting over 800 people; and successful international boycotts run by ENGOs (Braun, 2002). What is often not discussed is the vital role the Nuuchahnulth played in demanding respect for traditional leadership and decision-making power over their land and resources. The Nuuchahnulth came together to commit funds to fighting the Province’s land-use decision and hired a media consultant. They chose political lobbying and a publicity campaign rather than physical protests. “What is not well known is that the non-Indigenous protestors had to ask the ha’wiih [hereditary chiefs] for permission to demonstrate in Nuuchahnulth territories. The relationship would remain fragile throughout the conflict and would eventually reach a breaking point, as interests radically diverged (Atleo, 2018, p. 8).” Both Braun (2002) and Atleo (2018) discuss how some environmentalists took it upon themselves to speak for the woods rather than putting Nuuchahnulth voices first. This created a sense of disregard for Nuuchahnulth title to, and plans for, the woods (the same offence committed by the Province). As a result, in 1994 “NTC chairman George Watts accused the environmental movement of ‘neocolonialism’ and in 1996, Nuuchahnulth-aht ‘banned’ Greenpeace” from their territory (Atleo, 2018, p. 12).

Nevertheless, ENGO campaigns and boycotts garnered these organizations (for the first time) a spot in BC’s land-use planning process, and the environmental movement saw its initial “formal entry into politics with the founding of the Green Party in 1983 (Canadian Encyclopedia, 2016, para.24).”

In addition to Clayoquot Sound, the Great Bear Rainforest was of immense concern to multiple interests. Eventually in 2000, environmentalists found themselves working alongside loggers to present their solutions for rainforest management to the Province. At the same time, coalitions like the Coastal First Nations and the Nanwakolas Council formed to assert Indigenous power. These Indigenous alliances (along with precedent-setting court cases, the BC First Nations summit and subsequent endorsement of “A New

Relationship”) led to a fundamental shift in the way the Province engaged with First Nations—the Coastal First Nations and the Province signed a protocol affirming government-to-government relationships in the *Great Bear Rainforest Agreement* (Price et al, 2009). “For those long experienced with the intransigence that had marked treaty resolution talks in British Columbia, the use of a term like government-to-government [was] remarkable language indeed, even if formal processes [had] stalled (Markey et al., 2013).” That is to say, the ‘final’ agreement for the Great Bear Rainforest was not released until 2016. It should also be stated that the resulting agreement is still far from perfect. ‘Ecosystem-based management’ still allows for clear-cuts, and profit sharing from these clear-cuts means First Nations may only receive 3-5% of the government’s profit shares. The Kwiakah, a smaller Nation in the Great Bear Rainforest region, has actually seen an increase of logging in their territory (Gies, 2019). Frank Volker, manager of Kwiakah economic development, responds to this by saying:

These trees belonged to the nations who lived here...The government steals the trees from the nation and sells them to a licensee [timber company]. The only reason why that is legal is because the government who is committing that ‘crime’ makes it legal. But that doesn’t make it OK (in Gies, 2019, para.19).

Shifting briefly to a global perspective, the 1980s and 90s saw the ‘environmental justice’ movement grow and ideas around ‘sacrifice zones’ and ‘environmental racism’ began to evolve (Martinez-Alier et al, 2014). While these ideas have surfaced in oil pipeline resistance in BC today, it is unclear how deeply this branch of environmentalism penetrated BC at that time.

In conclusion, while the 1980s and 90s saw a major constitutional shift and improvements in Aboriginal law, it was not until the turn of the century that the Province of BC recognized the government status of First Nations. Meanwhile environmental law only gained discretionary and non-binding federal statutes for wildlife protection and environmental assessments. Individual citizens and environmental organizations still had little to no ‘standing’ to hold government and industry accountable to environmental health. Thus, with few other options to halt damaging clear-cut practices that were fervent in BC in the 1980s and 90s, both Settler and Indigenous groups began to realize the necessity of banning together through blockades. Indigenous groups were able to go further by combining blockade or PR efforts with court cases and archeological evidence to show title to their forests. Some Nations also took it upon themselves to unilaterally claim back land as Tribal Parks.

Realizing their place as citizen groups and having been chastised as criminals for the War in the Woods, ENGO organizers discovered they had to work with logging companies and other interest groups to build collaborative solutions for the things they wanted to change. Nevertheless, ENGO professionalism was still lacking when it came to respecting the authority of Indigenous Nations. Stereotypes from previous decades remained pervasive, and some groups sided with anti-treaty politicians due to their zero tolerance for hunting.

## 2000-Present: Indigenous Self-Determination for Just Environments

In the 2004 case, *Haida Nation v British Columbia*, the Supreme Court of Canada ruled that the Crown has a “duty to consult with First Nations and accommodate their interests before authorizing resource development on land subject to *unestablished* Aboriginal title claims (McNeil, 2005, p. 447, emphasis added).” Both parties must act in good faith’ and the consultation must be ‘meaningful.’ Nevertheless, this still references the notion that Canada has the authority to infringe on Indigenous rights as that is what triggers consultation (McNeil, 2005). When treaties do exist, the duty to consult still holds, as seen in the 2005 *Mikisew Cree Decision* (Ditchburn, 2018). Later, in the breakthrough *Tsilhqot’in Decision* (2014) Aboriginal title came to mean the property right to control and use the land in question and to reap the benefits from it. This case also ruled that title land would no longer be restricted to sites of obvious human disturbance (such as villages and middens) but would also include vast tracts of hunting and fishing territory. But again, “the court was careful to note” that infringement could happen if the government could prove that a project is “justified by a compelling and substantial public purpose and [is] not inconsistent with the Crown’s fiduciary duty to the Aboriginal group (Mackie & Wynn, 2014, p. 5).” Except in narrow circumstances regarding established rights, courts have also shied away from recognizing that Indigenous groups hold a virtual veto power over Crown affairs due to the Crown’s need to obtain consent (Murphy et al., 2008). Furthermore, the courts are not free of racism against Indigenous Peoples as we saw in the devastating 2018 verdicts for the Tina Fontaine and Colten Boushie cases. Environmental law also remains weak in this country, and “far more Canadians have been jailed for trying to protect the environment than for damaging it (Boyd, 2003, p.270).”

As litigation cannot be relied on to protect Turtle Island and its people, we must demand major shifts in colonial institutions and governments. In the winter of 2012, the Idle No More movement—“an iteration of Indigenous resistance to settler colonization (Barker, 2015, p.43)”—was catalyzed by a series of legislative bills by the Conservative government that threatened Indigenous Peoples’ interests. Also during Conservative rule, Prime Minister Stephen Harper withdrew from the Kyoto Protocol to reduce greenhouse gas emissions and proceeded to make it increasingly difficult for environmental organizations to operate. The *1999 Environmental Assessment Act* was repealed in 2012 and scientists were muzzled as funding for their institutions was reduced. Research was destroyed when several Department of Fisheries and Oceans libraries were closed and environmental groups and Indigenous activists (see Preston, 2013) were branded as threats to national security. “For example, a 2012 anti-terrorism strategy referred to environmental grievances as a source of domestic extremism (Canadian Encyclopedia, 2016, para.30).”

In 2015, the Justin Trudeau Liberal party won a majority government to the temporary relief of those concerned with climate change and human rights. In 2016, Canada was finally the last country to sign the *UN Declaration on the Rights of Indigenous Peoples* (UNDRIP). In 2018, New Democrat MP and Residential School survivor, Romeo Saganash, introduced Bill C-262 to ensure all Canadian laws are in keeping with UNDRIP (Openparliament, 2018). At the provincial level, the BC NDP-Green alliance called for new rules that require Indigenous *consent* for all major resource projects (Hunter, 2018).

But, whether these ‘commitments’ will hold up in the court of law or are simply riddled with discretionary language remains to be seen. Furthermore, in the winter of 2019, the RCMP forcefully removed Wet’suwet’en members and their allies from their unceded territory to make way for an LNG pipeline. The pipeline was signed off on by the Wet’suwet’en elected council, but not by the hereditary chiefs. Also, just as “the final nail in the coffin” for Bill C-262 came from government on *National Indigenous Peoples Day* (Shroeter, 2019, para.2), Trudeau approved the TMX project for the second time one day after declaring a national climate emergency (Rauhala, 2019).

As the Canadian government continues to infringe on specific Indigenous territories where resource interests lie, environmentalists and Indigenous leaders are once again ready to ban together and block degradation of land, air and water. But this time—it seems—things

are a little different.

While the last twenty years have continued to see breakthrough court cases defining Indigenous rights and title, just within the last ten years, court cases have stalled pipeline projects due to the Crown's failure to adequately consult Indigenous Nations. For example, in *Coastal First Nations v. British Columbia* ([2016] BCSC 34), the court ruled that the Crown failed to adequately consult First Nations over the Northern Gateway pipeline. Similarly, the court temporarily quashed the approval of TMX for failing to adequately consult with First Nations and to consider the marine impacts of the project (De Souza & Meyer, 2018). With Trudeau approving the pipeline a second time, the Federal Court of Appeal is allowing six challenges to TMX focusing on Indigenous consultation but is dismissing all claims centered on environmental concerns (Kane, 2019).

During this past decade of Indigenous-led court cases clamping down on oil infrastructure expansion, people from all over the world have been backing Indigenous plaintiffs. When a coalition of First Nations launched a lawsuit against the first TMX approval, their fundraising team, Pull Together, cited "unprecedented solidarity (Pull Together, 2017, para.3)" in the generosity of donors. Fundraising organization, RAVEN, has also surpassed its original financial goal for the Beaver Lake Cree in their lawsuit against the Alberta Tar Sands. This case is particularly significant as "the Beaver Lake Cree Nation is the first ever to challenge and be granted a trial on the cumulative impacts of industrial development (RAVEN, 2018, para.2)." Such collaborative funding is essential for these cases as extreme costs block equitable access to the legal system. Indeed, "court decisions have not formally required the Crown to fund Aboriginal participation (Murphy, 2008, p.35)."

Other forms of mutual support have come about in the anti-pipeline movement. In September of 2016 the Treaty Alliance was formed to commit Nations and Tribes to prohibit pipelines, trains and tankers that will feed the expansion of the Alberta Tar Sands in their respective territorial lands and waters. So far 150 Indigenous Nations and Tribes have signed onto the Alliance (Treaty Alliance, 2017). Just as the Treaty Alliance toured the proposed pipelines routes gaining signatories, the House of Tears Carvers of the Lummi Nation created a 22-foot totem pole, which toured the Pacific Northwest, starting in 2013 and gathering solidarity against the same projects (Grossman, 2017). On March 10,

2018, over 10,000 people joined Indigenous leaders in Burnaby to rally against TMX (Protect the Inlet, 2018).

In addition to pledges to stop pipelines, many Indigenous communities are now building site-specific structures on pipeline routes in their respective territory to block development. By living in these structures, the government will need to remove First Peoples from their land in order to continue construction—an act that comes with the additional legal requirements of fair compensation (see Murphy et al., 2008). Furthermore, the terms 'blockade' and 'protest' have been supplanted with 'checkpoints' and 'resurgences of Indigenous sovereignty' as Indigenous Peoples have never been simply 'protesting,' they are claiming what is theirs and voicing authority over their land and themselves. After seeking permission to join these built spaces on unceded territory, Settler activists follow Indigenous protocol and put Indigenous voices first.

Take, for example, the Unist'ot'en Camp constructed in 2010 on the proposed Enbridge Northern Gateway pipeline route. The camp is an occupation of the land belonging to the Unist'ot'en to remind their youth how to live on the land. Since 2010, all people have been invited to the camp to help out and to learn in workshops and university accredited courses. Just as the War in the Woods protestors had to gain permission to demonstrate on unceded Nuu-chah-Nulth land, people wishing to enter the Unist'ot'en Camp must answer the following:

1. Where are you from?
2. How long do you intend on staying?
3. Do you work for the government or industry that have been destroying our lands?
4. How will your stay benefit the Unist'ot'en people?

The Unist'ot'en Camp has grown extensively over the years to include living and working quarters all run on solar power. The intention of the space is to heal the people and heal the land (Unis'tot'en Camp, 2018) and a new facility has been constructed to offer counseling to Indigenous women. Unfortunately, what must be noted here is that the second Gidimt'en checkpoint—close to the Unist'ot'en Camp—was dismantled by the RCMP in the winter of 2019, and court battles have ensued.

Also utilizing the strategy of built structures to assert jurisdiction, Coast Salish Nations and their allies built Kwekwecnewtxw in the spring of 2018. This Watch House sits outside of

the Kinder Morgan terminal on Burnaby Mountain in opposition to TMX. For several months after it was built, the Watch House served as a space for Settler and Indigenous Peoples to come together. It was occupied day and night; kept alive by those who stayed there. The Watch House still serves as a physical reminder of resistance to the expansion of the terminal, pipeline and tanker traffic, and of those whose land we occupy. Simultaneously, the Tiny House warriors built small homes on the proposed Trans Mountain pipeline route in Secwepemc Territory for Nation members to live in, and a healing lodge was planned on route in Kwantlen Territory.

In conclusion, the last ten years have witnessed extensive, cross-border alliances and resource sharing and the construction of permanent spaces (none of which are new to Indigenous Nations) representing a renewed iteration of a centuries-long fight for Indigenous self-determination. This new iteration of expansive, sometimes international, alliances includes Settler allies who not only support Indigenous self-determination, but also fear the loss of land, clean air and water that we all need to survive.

The appearance of structures on pipeline routes is significant in that they represent a shift in strategies to *permanent* assertions of Indigenous jurisdiction. These lived in spaces of learning (for both Settler and Indigenous people) are a source of reconciliation that help us heal and grow. These spaces reconnect people with the truth of the land: whom it belongs to and how we depend on it. These spaces demand honesty and reciprocity and are built through major collaborative efforts between Indigenous and non-Indigenous people.

## Summary: Lessons Learned and Fundamental Questions for the Present

While my overview of environmentalist's relationships with First Peoples through time in BC paints an oversimplified picture, it illuminates some lessons. We can see that modern environmentalism did not start out diverse or inclusive in BC; it had almost exclusively white, middle class, male leadership. This is not unique to the region and The Students of Color Environmental Collective of Berkeley explain:

The whiteness of environmentalism today is deeply rooted in the racist, sexist, colonial history of the movement. Many idols of the American environmental movement—John Muir [the founder of Sierra Club], Gifford Pinchot, Aldo Leopold—were all explicitly racist and founded America's national parks for elite



white folk like themselves, whilst forcibly removing folks of color and colonizing Indigenous people. We, as a community, do not feel represented by the icons and leaders of the environmental movement.

The silencing and ignoring of race and class struggles by modern environmentalism is part of why the environmental justice branch of the movement arose. Environmental justice can be thought of as localized, grassroots community reactions to external threats to health “that have been shown to disproportionately affect people of colour and low-income neighbourhoods.” The term ‘environment’ has shifted from “the dominant wilderness, greening and natural resource focus” to include “urban disinvestment, racism, homes, jobs, neighbourhoods and communities (Agyeman, 2008, p.752).”

This evolution of the movement explains “the very different approaches to environmental issues taken by Native environmental justice activists and predominantly white environmental groups (Grossman, 2017, p.105).” Since priorities of modern environmentalism never included the unique issues faced by Indigenous Peoples on reserves, groups like the Indigenous Environmental Network—with the motto “We Speak for Ourselves (Grossman, 2017, p.105)” —formed in the US to represent distinct strategies and perspectives.

Just as environmental justice branched off from modern environmentalism, the Sea Shepherds divided from Greenpeace due to disagreement amongst the latter’s founders. This points to the fact that even within every ENGO is felt dissonance between individual members about the best ways to address powerful issues. I highlight this to recognize the complexities embodied within every organization, in addition to the nuances of what we call ‘environmentalism’ at large.

Returning to how environmentalists have treated Indigenous Peoples over time, we now know Indigenous Nations are governments of their own territories. We know that what ‘governance’ means for various Indigenous Nations should not be defined by the colonial State. We know Indigenous Peoples are not to be assimilated as ‘Canadians’ and that Indigenous Peoples should not be stereotyped as only timeless caretakers of nature without economies of their own. We are also starting to acknowledge “the historic role that environmental and conservation groups like Greenpeace have played in undermining Indigenous Peoples’ Rights and Title to their lands and waters and their ability to economically thrive (Greenpeace, 2017, para.4).”

We are beginning to understand that Indigenous Nations have time-tested systems for sustaining their resources, but in some cases we damaged those systems by trying to control landscapes, waterways and species we were disconnected from. This disconnection was not only because we imported rules and ideology that built in Europe, we also saw nature as a ‘thing’ to be preserved separate from modern life. Now, we Settlers are feeling the negative impacts of this disconnection. Our laws, governments and economy are completely devoid of ecological literacy and as a result we have degraded the air, soil and water we all depend on.

When Settlers want to challenge this degradation in Canada, we have few legal avenues (that work) to do so. But, Indigenous Nations do have a legal means to protect what is lawfully theirs and a determination to use those means when all other options are repressed. As Grand Chief Stewart Phillip and Attorney Tara Houska (2018, para. 5) assert:

Despite hundreds of years of colonization, genocide and violence, we are still here. We are still here and we will continue to be here to fight for the health of our lands, waters and Peoples. Government and industry can continue to ignore our lack of consent at their own peril.

With that determination, environmentalists are discovering whom the real leaders of change are as the State mostly perpetuates the status quo. However, it is wrong to depend on Indigenous Nations to ‘rescue’ us from a disaster that started with colonization (or to think Indigenous resistance to pipelines is just about ‘the environment’).

So, environmentalists are now in an awkward position when it comes to the anti-pipeline battle. Given that Indigenous Nations appear to have more legal leverage to halt over-exploitive development, are ENGO expressions of solidarity with First Nations merely opportunistic—like pipeline proponents suggest (see Tasker, 2018; Cattaneo, 2018)? Or, have environmental organizations learned from the past? Are we now actively striving to flip systems of oppression (that we benefit from) and ready to listen to Indigenous Peoples regardless of our ‘environmental’ objectives? The second half of this paper will explore these questions.

# Survey: ENGO Members' Thoughts on Settler-Indigenous Relationships in TMX Opposition

## Methods

In addition to a literature review to provide a sense of how environmental activists treated Indigenous rights and title in the past, I conducted a survey of sixteen individuals who work for ENGOs to see if Indigenous rights and title now inform day-to-day operations of their organizations. Since the word 'solidarity' is used often in the pipeline resistance movement to refer to Settler-Indigenous relations, I scoped my research around pipeline resistance where I live—so-called British Columbia. I selected participants by identifying Canadian and international ENGOs that were operating out of the province and publicly campaigning against the Trans Mountain Pipeline expansion project (TMX). Individuals working for said organizations were contacted and provided with a link to my Google Survey, information on the study and a consent form. Participants were asked to indicate if their responses could be quoted so long as they remained anonymous. Participants' ages ranged from early twenties to mid sixties. Survey questions were as follows:

1. What are your top reasons for opposing TMX?
2. In the TMX resistance movement, what is the purpose of solidarity/partnerships with Indigenous activists/communities?
3. What do you think are some of the primary reasons for Indigenous groups to oppose TMX? What do you think they are trying to achieve through this opposition?
4. Does your environmental organization share any of these motives and goals?
5. What have you learned, or what new ideas were you exposed to, from partaking in the movement against TMX?
6. Does your organization discuss what 'decolonization' could look like?
7. If you answered 'Yes' to the last question, what does decolonization mean to your organization?

8. Does your organization have a protocol for reaching out to the appropriate Indigenous Nations when making decisions about which campaigns to run and how? Is First Nation consent a part of the decision-making process for your organization?
9. Do you have any final comments to add?

Responses from participants were compared and contrasted with each other, with literature review findings and with my personal experiences in the anti-pipeline movement, to critique how ENGOs in BC navigate Indigenous rights and title today, and if Settler environmentalist-Indigenous relationships extend beyond the anti-TMX movement.

I do not claim my small sample size is representative of the whole anti-pipeline movement in BC, but survey comments provide important insights into new allyship strengths produced by the anti-pipeline movement, and the ways in which ENGOs can improve their approaches to relationships and respect. Following the methodology originally laid out by Robert Merton, I will generate hypotheses inductively from my sample (Merton, 1968).

## Findings

Of the sixteen survey responses, 100% of participants consented to being quoted so long as their responses remained anonymous. This section summarizes participant responses to my nine questions.

### Participants' Top Reasons for Opposing TMX

Participants' reasons for opposing the Trans Mountain Pipeline expansion project can be divided into six main concerns (climate change, Indigenous rights, local environmental impacts, the resident orca whale population, human health and capitalism/corporate greed). The number of people claiming each reason for resistance is summarized in the table below:

Reason to oppose TMX	Climate change	Indigenous rights & title	Local spill/pollution impacts	Resident orcas	Human health	Capitalism
<b>Number of respondents Mentioning each reason</b>	16	11	9	3	3	2

## Participants' Felt Reasons for Partnership with Indigenous Groups in the Anti-TMX Movement

Participants' reasons for partnering with, or showing solidarity for, Indigenous activists in TMX resistance fell within five main themes. These themes and the percent of individuals expressing them are shown below in order of prevalence.

1. A view that solidarity is something that is owed. That it is a necessary form of respect for living on these unceded lands (56%);
2. Strategy (38%);
3. Mutual interest/shared threat (25%);
4. To build a strong, representative community amongst residents of the threatened area (19%);
5. To push for equal rights and to de-marginalize Indigenous Peoples (1 participant);

Most participants expressed several aspects of the five main themes within their response. Theme #1 was the most commonly expressed, and where it was expressed in addition to other themes, participants expressed theme #1 as the highest of their priorities. Within the 'strategic' theme, participants expressed similar opinions that: "Indigenous nations have legal and political influence that other groups do not."

## Participants' Perceptions of What Motivates Indigenous Activists in the Anti-TMX Movement

In total, participants described thirteen possible reasons for Indigenous Nations' and activists' opposition to TMX. A paraphrased summary of these reasons, and the number of participants mentioning them, are as follows:

1. Threats to land/water/food (7 participants);
2. Asserting sovereignty, UNDRIP and rights (6 participants);
3. Failure of Crown/industry to meaningfully consult and a lack of consent (5 participants);
4. To care for all generations (3 participants);
5. To resist further colonial oppression (3 participants);
6. To protect a way of life (2 out of 3 participants expressed this in terms of a 'traditional' way of life);
7. A duty to steward the land (2 participants);
8. Bearing most of the risk and receiving the least benefits (2 participants);
9. Climate change (1 participant);
10. To protect important species (1 participant);
11. Threats to women and girls specifically (1 participant mentioned this. I assume it is in reference to the 'man camps' associated with pipeline construction);
12. To protect the "interconnectedness" of all things (1 participant);
13. "Survival and protecting Mother Earth" (1 participant).

## Whether Participants' Organizations Shared these Motives

All respondents saw commonality between their organization's motives and those they identified for Indigenous communities/activists in TMX resistance. Additional comments, beyond a straight "yes," included:

- "While my organization oppose[s] this project from many angles, they absolutely believe that this fight should follow the lead of Indigenous people."
- "Yes, especially the ones about dilbit spills and climate change."

- “Even as settlers on the coast, we suffer from existential worry that this pipeline and tanker project would cost us our way of life, we also suffer a higher level of risk than reward, and want to support the strengthening of indigenous rights and title.”
- “We share many of the same goals—of a just and sustainable future and transitioning away from our dependence on fossil fuels.”
- “We see fighting for Indigenous Rights and Title as a key part of environmental justice in British Columbia. As an organization that focuses on decision-making and decision-makers there is always opportunity to be sure we are not participating in fights that go against First Nations' right to make decisions over their territory.”
- “We share concern about all of those risks. Further, respect for Indigenous rights and title is baked into our organization's guiding principles and values. My organization believes in greater local decision-making power over the land, air and water and that absolutely includes respect for Indigenous rights.”
- “[Our organization] has worked closely with Indigenous groups, as well as many other environmental groups, to protect our community from the very real dangers, locally and globally, of the proposed pipeline expansion.”

## Participant Exposure to New Ideas through the Anti-TMX Movement

While two individuals said they have not been exposed to new ideas/lessons through the movement against TMX (one being because they were heavily involved in a similar fight against the Enbridge Northern Gateway pipeline) all other participants listed at least one thing the anti-TMX movement revealed to them. The majority of participants appeared to have learned extensively from the movement. Nine participants (56%) described some learning about colonialism and/or exposure to the strengths/knowledge of particular Indigenous groups in ways they otherwise would not have been.

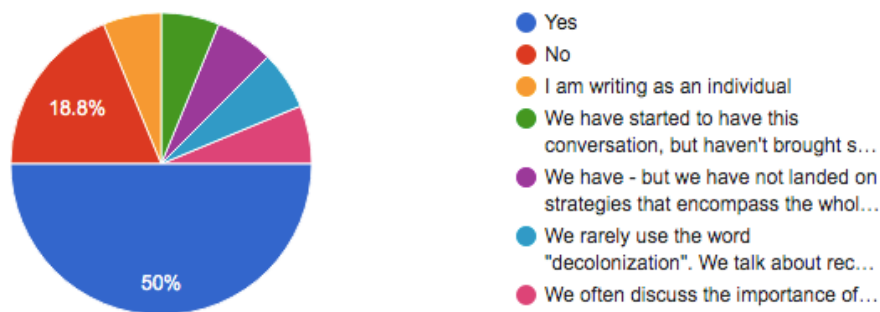
A paraphrased summary of the sort of things participants said they learned are listed below in order of prevalence. Please note that I realize words like “reconciliation” and “colonialism” are heavy, loaded terms that mean different things to different people and should not be used casually as ‘buzz words.’ But for the sake of brevity, I am using the terms here, broadly, to capture survey response themes:

1. Reconciliation, colonialism, Indigenous Nations’ history or strengths (9 participants)
2. Oil related topics like spill response and threats, or the National Energy Board (3 participants)
3. Collaboration and relationship building (3 participants)
4. How far people will go when they are threatened (3 participants)

5. The diversity/differences between people, Nations, organizations (3 participants)
6. “Good and bad solidarity” (2 participants)
7. Gender issues and heteropatriarchy (2 participants)
8. Legal processes (2 participants)
9. How to organize, campaign, build tactics, etc (2 participants)
10. Government processes (1 participant)
11. The shortcomings of ENGOs (1 participant)
12. Communication skills (1 participant)

## Whether Participants’ Organizations Discuss ‘Decolonization’

When asked if their organizations discuss ‘decolonization’ the following pie chart was produced:



The quotes from participants selecting ‘other’ to answer this question are as follows:

- “I am writing as an individual”
- “We have started to have this conversation but haven’t brought specific decolonization language into our discussions or documentation.”
- “We have—but we have not landed on strategies that encompass the whole, nor does the conversation happen consistently for everyone at the organization.”
- “We rarely use the word ‘decolonization.’ We talk about ‘reconciliation.’ We talk about respecting Indigenous rights and title. We talk about implementing UNDRIP, including free, prior and informed consent, and holding colonial government accountable.”
- “We often discuss the importance of respecting the decisions of Indigenous people when taking actions to prevent the pipeline expansion.”



## How Participants' Organizations View Decolonization

Eight of the individuals who answered 'yes' or something similar to 'yes' in the previous question attempted to describe how their ENGO addresses decolonization. Two of these individuals clarified they were answering on behalf of themselves and not the organization they are associated with. The eight responses are shown below:

- “Finding ways to make our organization fight the systemic issues that lead to oppression of indigenous populations.”
- “I will speak for myself, not my organization. Decolonization, I would say is breaking down the colonial architecture that affects all Indigenous-non Indigenous relationships, anywhere that architecture exists. That means reexamining and restructuring the relationship between indigenous nations and colonial governments, acknowledging and respecting indigenous autonomy over their lands, and, individually looking honestly into ourselves and unlearning internalized racist thought and behaviour.”
- “Standing beside and behind Indigenous leaders as they set the resistance agenda.”
- “Decolonization is a big and beautiful idea that I don't believe can happen under capitalism. Resource extraction is the deepest and longest colonial faction, and in order to take any step in the direction of decolonization we must begin to dismantle and reshape how and what that looks like. This is a huge undertaking, but in the meantime, a basic place to start is ACTUALLY listening to First Nations across Canada. If they say 'no' to a project that is meaningful and must be respected.”
- “Not speaking on behalf of the organization I work for, but for myself personally—to dismantle the mentality that nature is merely a resource to be owned and exploited, extreme individualism, short term profit motives, patriarchy etc. To listen to indigenous recommendations and go beyond just listening to dismantle the colonial systemic dominance that has been imposed over their communities and give them back sovereignty (while supporting them).”
- “So far, it means taking our board and key volunteers through 'decolonization' work (formal = with a hired facilitator over a 3 month process and informal = ongoing discussions, required readings on decolonization topics, UNDRIP, etc.). We have tried to be aware of our biases and aware of the ways in which we overlook opportunities for acknowledging and supporting Indigenous issues. We actively support (by promoting on our website/social media) Indigenous actions and organizations where they relate to the work we do. We look for ways to become involved in the actions/community of Indigenous folks (attend events, rent and hire from Indigenous spaces/businesses, start conversations with Indigenous activists/leaders to see where we can support the work they do, etc.)”
- “Education (primarily of settlers), restitution, a shift of capacity and responsibilities to Indigenous governments as they are ready to take them on. It will vary from one

First Nation to another, and on treaty vs non-treaty lands. It's a multi-generational problem to get to a place that is just. And there's a lot of resistance.”

- “As an environmental organization, it means taking responsibility for the injustices done in the name of the environmental and conservation movements and unpacking the ways in which we continue to perpetuate inherently violent notions in environmentalism that divide indigenous communities from their lands and waters.”

## Consideration of Indigenous Engagement and Consent Before Campaign Decisions

Fifteen respondents answered the question: does your organization have a protocol for reaching out to the appropriate Indigenous Nations when making decisions about which campaigns to run and how? Is First Nation consent a part of the decision making process for your organization? Of those fifteen, three responded ‘yes,’ while two responded ‘no.’ Two participants said they were unsure. The remaining eight participants (50%) said they had some form of operation for communicating with relevant First Nations about campaign choices, but this was a fluid process that depended on the particular situation. Four of these eight noted how pre-existing relationships (and not strict protocols) guide their engagement with Indigenous Nations.

## Additional Comments From Participants

At the end of the survey, participants were asked if they had anything more to add. Four participants responded with comments. Relevant comments will be reviewed in the discussion section.

## Discussion

### Participants’ Top Reasons for Opposing TMX

In his 2002 book, *The Intemperate Rainforest: Nature, Culture, and Power on Canada’s West Coast*, Bruce Braun critiqued 1990s Settler activists against clear-cutting in BC as “acknowledging only certain issues are properly ‘environmental’” and thereby dismissing

other “issues involving race, class, gender and sexuality...as ‘social issues’ (Braun 2002, 88).” This division between ‘environmental’ and ‘social’ issues mirrored an imagined division between a pristine wilderness and the modern urban life it had to be protected from. As a result, the Nuu-Chah-Nulth people’s contemporary use of the forest was ignored and ENGOs depicted Nation members as traditional, immutable and ‘one with the forest’ (Braun, 2002).

Today, though, survey results suggest that climate change and Indigenous rights serve as top motives for pipeline resistance and such motives lie at the intersection between ‘environmental’ and ‘social’ issues (if we still view these as separate). Of the sixteen participants listing climate change as a reason for opposing TMX, 63% described climate change in social justice terms. As one participant put it:

The ongoing expansion of the tar sands in Canada is predicated upon global climate collapse—allowing the rich to profit off more oil extraction for a little longer, while our world's most marginalized, including in the Global South, bear the brunt of the impacts.

Thinking of climate change like this, in terms of *justice*, is a positive shift from the narrow attitudes described by Braun. It forces us to contemplate how privilege, power and politics feed climate change. Such contemplation challenges the “people start pollution, people can stop it” mentality promoted by can and cup companies in the 1970s (and initially backed by ENGOs) who created the highly problematic ‘crying Indian’ campaign (Dunaway, 2017). This ad featured ‘Iron Eyes Cody’ crying a single tear at the sight of a man littering. In one fell swoop, the ad perpetuated the ‘Ecologically Noble Indian’ stereotype and the blaming of everyday citizens for the degradation of the planet—instead of pollutant producers themselves.

Justice Bouck also perpetuated the mentality that environmental harm is purely the result of the failure of citizens, and is therefore their responsibility, in the 1990s to condemn War in the Woods activists. When plaintiffs said civil disobedience was their only option for stopping clear-cutting and referenced the actions of Mahatma Gandhi (a comparison that is in itself problematic), Justice Bouck—appearing blind to Canada’s colonialism and the way it privileges white men like himself—replied:

But here, the elected representatives of the people of this province made the law allowing MacMillan Bloedel Ltd. to log the timber in Clayoquot Sound. It was not decreed by some colonial administrator. Unlike Mr. Gandhi, the defendants have the right to be involved in the political process. In Canada the people control the

levers of power. Democracy allows anyone to try and persuade others as to the rightness of their cause. If they succeed, the law can be changed...Had Mr. Gandhi, Mr. King and the suffragettes been given the right to vote in the first place, their protests would never have occurred (MacMillan Bloedel Ltd. v. Simpson, 1993, para.187,192).

Today, oil companies pour vast resources into blaming citizens for the degradation of the planet to evade their own responsibilities (Heglar, 2019). But, 'climate justice' movements push back and point out who contributes most greenhouse gasses—oil producers.

While contributions to climate change vary across the globe, the UN Human Rights Council acknowledges that the *impacts* of climate change are also unevenly distributed. The Council's *Special Report* warns of a "climate apartheid scenario in which the wealthy pay to escape overheating, hunger, and conflict, while the rest of the world is left to suffer (Human Rights Council, 2019, p.1)." When considering climate change impacts on Indigenous communities specifically then, it is important to consider who is tied to their lands through countless generations, and who is willing and able to resettle elsewhere. Thus, the same survey respondent wrote:

From upstream impacts to risks of spills along the pipeline and tanker route, this expansion puts at risk local communities, including my neighbours and fellow residents in the city of Vancouver. Indigenous people bear the first and worst impacts.

This idea that Indigenous communities bear the first and worst impacts of climate change and extraction projects is commonly held in climate justice movements. As Treaty Alliance (2019) states on its homepage: "while Indigenous Peoples have contributed the least to climate change, they stand to lose the most." While I feel this comment is too broad a statement, there is extensive literature on the disproportionate health costs downloaded onto Indigenous communities for oil extraction. For example, today on Treaty 8 land (often referred to as the 'Sacrifice Zone'):

Indigenous Peoples living close to and in the midst of tar sand deposits have been expressing concern over the lethal impacts that these industrial events have had on their communities for years, with elders citing caustic changes to river water quality, meat quality and to the availability of wild fish and game. Concern is growing recently as health professionals and community members witness more and more friends and family fall ill with a variety of serious illnesses...(Huseman & Short, 2012, p.225)

Now that we are learning how communities contribute to, and are impacted by, climate change differently—and how little we can do *as individuals* to stop it—climate change has

expanded the scope of conflict to encompass “a wide range of rural and urban communities...Climate justice enables a wider spatial scale of collaboration than local approaches that can succumb to ‘divide and conquer’ tactics, so each local battle over a pipeline or port terminal is ultimately about the global climate.” Thus, climate justice has led to “intensified prospects for Native/non-Native alliances (Grossman, 2017, p203).”

Indeed, survey responses did show how standing up for local Indigenous Nations’ rights was the second largest motive for pipeline resistance, with 69% of participants mentioning this. According to my literature review, Settlers *naming* Indigenous rights and title as a top reason for activism may be a significant shift from predominant Settler attitudes in the past in the Pacific Northwest.

Of course, not all participants mentioned Indigenous rights as a reason for their activism and I have spoken to individuals who—terrified by climate change—feel movements against oil extraction should not be ‘side-tracked’ by focusing on Indigenous rights.

Along these lines, Patowatomi scientist, Kyle Powys Whyte, described how the 2018 IPCC Special Report (that stated we have less than twelve years to mitigate the worst of climate change) creates a crisis-orientation that can force people “to forget about their relationships with others (in Gilpin, 2019, para.10).”

In fact, most phases of colonialism are ones where the colonizing society is freaked out about a crisis, like when the hydro power in the United States was put in in the thirties, forties and fifties, because of the threat from the Soviet Union, which displaced Indigenous Peoples due to the reservoirs from the dam (Kyle Powys Whyte in Gilpin, 2019, para.10).

Rather than reactively rushing to find climate ‘solutions’ that treat Indigenous rights as an afterthought (and will likely entrench oppression), we should stop and compare the novel crisis of climate change—which we have only known about for a few decades—to the multi-century crisis of colonialism. We should listen to the voices of those who are most adept at putting this catastrophe into perspective.

In all, with top reasons for opposing TMX appearing relatively uniform among survey respondents and people I have encountered in the movement, it is clear that the global threat of climate change and the regional threat of pipelines provide opportunities for far-reaching alliances. As a result, individual pipeline battles are both local and global in scope and connect Settler and Indigenous communities. With ENGOs in BC perhaps playing

catch up and finally taking an ‘environmental justice’ approach, activists are realizing the disproportionate burdens Indigenous Nations are forced to bear for oil extraction. This means a significant number of Settlers may now be motivated to fight for Indigenous rights and title in addition to concerns for the environment. However, increasing fears around climate change threaten to shake us from our commitments to healthy relationships and the time consuming work of reconciliation.

## Participants’ Reasons for Partnership with Indigenous Groups in the Anti-TMX Movement

Indigenous/non-Indigenous partnerships in the anti-TMX movement were about strategy (in addition to other reasons) for 38% of survey participants. This perspective is not unique to respondents, as Naomi Klein stated in a Seattle speech:

What more and more of us are starting to understand is that Indigenous First Nations’ treaty rights and aboriginal title are the most powerful legal barrier to the plans to just flay this continent (in Grossman, 2017, p.204).

This strategic viewpoint is what I feel most conflicted about in the anti-pipeline movement and what ultimately motivated this research. However, what I overlooked was the *significance* of the fact that ENGOs and Settlers now feel “Indigenous Nations have legal and political influence that other groups do not.” Ultimately, these organizations—that hold their own political weight—view Indigenous power as legal fact. Such mainstream acceptance of Indigenous power is a shift from the past.

Another point worth making is that it may be insulting to suggest that ENGOs *could* manipulate Indigenous leaders to pursue the ‘green agenda’ (see Tasker, 2018). When it comes to ENGOs approaching Indigenous communities, Some Nations, such as the Heiltsuk Nation, now have their own application process for communicating with them, as they have grown weary of being addressed by so many activists (Davis, 2011).

Finally, strategic collaboration will only move forward if it is mutually beneficial. What ENGOs lack in legal leverage they make up for through fundraising and information sharing. Environmental organizations can raise funds for First Nations’ court cases and offer support; amplifying Indigenous voices and choices. Thus, regardless of how partnerships start, people learn from the relationships they produce. Indeed, the process of

Settlers collaborating with First Peoples in order to achieve something, then realizing how prejudiced they once were or how much they had to gain by working together, is a common occurrence. Both Pinkerton (2019) and Grossman (2017) write about such events unfolding. Still, when partnerships do take place between ENGOs and Indigenous communities, it is not uncommon for ENGOs to work as brokers telling Indigenous Nations how to spend the funds they raise (Altimirano-Jimenez, 2005).

Ultimately, if ENGOs want to build genuine relationships with Indigenous communities, they need to be based on respect, trust, and acknowledging that ENGOs do not always know what is best. Mistakes need to be admitted to and apologized for, and communication has to be initiated *before* strategizing can begin. As a Settler member of Indigenous Innovation, Robyn Ward (2019, para.9), explains:

As an ally, I need to understand that I don't get to start this relationship with a blank slate. I have a responsibility in this digital age to educate myself on the history that leads us to this point in time...

I hope this research provides some of that education and shows how non-profits have shared many of the same flaws as government, courts and industry: not consulting, sabotaging Indigenous economies, unilaterally speaking for the land, ignoring Indigenous rights and title, etc. Thus, a major question missing from my survey is:

- Are you aware of instances where your organization was responsible for maltreatment of Indigenous people in the past? Could you please explain? If yes, has your organization publicly acknowledged and apologized for this maltreatment and begun formulating ways to rectify its conduct?

Now, moving on to the *top* reason participants gave for partnering with Indigenous communities in the anti-TMX movement: 56% of respondents believed supporting and respecting Indigenous leadership was simply something owed in exchange for living on this land. For example, one participant said a reason for supporting Indigenous leadership and partnerships is to:

[F]ulfill my responsibilities as a guest on these lands by following the leadership of host nations. I think my solidarity is also part of what I can give as reparations for colonial violence from which I benefit at the expense of Indigenous Peoples. In TMX resistance this means doing what Indigenous Peoples call for in order to stop the pipeline on their terms.

Another participant responded: "This is the basis for which all movements should be directed- above all we are first occupying unceded territory" while another stated

partnerships are first and foremost about “respecting their status as sovereign nations and self-determining people.” However, such comments beg the question:

- If supporting Indigenous self-determination is owed for living on these lands, what happens when the Nations whose land you are on want to build their own oil infrastructure? Do ENGOs continue to fight for the Nations’ sovereignty? How do ENGOs avoid acting paternalistically in such circumstances?

There will always be Settlers that feel the “most important thing for me in working together with Indigenous communities or people is the fact that we all share a common goal,” and of course shared values are essential for any collaboration. But perhaps ENGOs should offer collaboration with Indigenous communities even when—on the surface—values appear to differ. Once communication with these communities is launched, shared values may be unearthed. Once trust is established, ENGOs could offer to fundraise for economic development in these communities (without dictating how to spend such funds in an ‘eco-colonial’ manner). That way, oil infrastructure may no longer have to be the only option for combating poverty in remote areas, as “eco-tourism and cottage industries are seasonal and low-paying compared to extractive industries (Davis, 2011, p. 26).”

In sum, the most common reason survey respondents gave for partnering with Indigenous groups in the anti-TMX movement was that it is the right thing to do. Even when ENGOs attempt to launch partnerships with Indigenous communities for *strategic* reasons, this exemplifies a new acknowledgement of the power and influence of Indigenous Peoples. Furthermore, collaborations can provide learning opportunities for all involved. Still, ENGOs must acknowledge and apologize for past wrongs, and if Indigenous Nations wish to build their own oil infrastructure, ENGOs should not necessarily avoid these Nations or the subject of development—opportunities for collaboration may still exist.

## Participants’ Perceptions of What Motivates Indigenous Activists in the Anti-TMX Movement

When survey participants were asked what they thought were the reasons for Indigenous activists’ opposition to TMX, some responses held vestiges of the ‘Ecologically Noble Indian’ stereotype from the 1970s. Two survey participants felt Indigenous activists’ motives for opposing TMX had to do with ‘traditional’ lifestyles. Along these lines,



participants described motives “to protect the interconnectedness of all things” and to avoid “jeopardizing their close connection to and reliance on the land.”

While I have certainly heard similar comments from Indigenous speakers themselves, the following is an important quote for us Settlers to remember:

They [Indigenous people] are simply people with a complex set of beliefs, practices, and values that defy standard Euro-North American schemes of categorization. To be sure, they sometimes make use of environmentalist rhetoric, because it confers on them a degree of legitimacy and power in certain political contexts. But in my experience, they seldom do so cynically; more often they genuinely believe that their own practices are more environmentally benign than those of the dominant Euro-North American society. Their claims to this effect must be considered on their own merits, rather than as part of a larger general debate over their ecological nobility (Nadasdy in Atleo, 2018, p.11).

Nevertheless, some participants recognized that a pan-indigeneity approach (or a failure to note the vast differences between numerous Indigenous Nations and individuals) is problematic. As one participant said: “I imagine that there are a variety of reasons [for opposing TMX] based on the individual Nation's needs, geographic location, and culture.”

Another individual stated:

I obviously can't speak for any of them here. Some of the reasons I have heard, from elected leaders, elders and grassroots members from various Nations up and down the pipeline route in B.C. include tanker spills risks, threats to commercial and traditional food harvesting, risks to important species like orcas or salmon, threats to culture and traditional ways of life including important cultural places like burial grounds, poor process and disrespect for Indigenous laws and governance structures, risks to drinking water sources, climate change impacts, safety risks to local people, especially Indigenous women and girls, and other health risks including to spiritual and emotional well being.

Thus, while this survey question was problematic (in that it led participants to make broad statements about the motives of groups they are not a part of) some participants were careful not to enlist stereotypes and to note that the specific motives they heard were attributed to the specific communities they heard it from.

## Whether Participants' Organizations Shared these Motives

Every respondent saw commonality between their organization's motives and those they identified for Indigenous communities in TMX resistance. This commonality—though

biased because Settler activists themselves identified it—may nevertheless reflect the anti-pipeline movement’s capacity for inclusion. Also, if diverse groups of people share the same motives for pipeline resistance, the movement offers a platform for developing mutual understanding and respect.

## Participant Exposure to New Ideas Through the Anti-TMX Movement

Survey responses suggest the anti-pipeline movement has played an essential role in educating Settlers on colonialism, the current state of oppression and respect for Indigenous Nations. Though just over half the survey participants (56%) described some learning about colonialism and/or the strengths of Indigenous communities, this education is significant because it goes beyond what is taught in schools and other Canadian institutions. As one respondent put it:

In the years that I have been opposing the KM pipeline (now TMX) I have learned more than I can express from Indigenous people. I don't mean learning about historical moments as we have in high school, what I have learned through this fight is far deeper...

Another participant echoed:

I joined this movement as a teenager. It's no exaggeration to say I, and many of my friends, grew up in it. Most of what I have learned about Indigenous history and politics was not through school but through learning from the relationships I built in this movement.

Thus, one respondent explained they have “learned to set expectations outside of, or in addition to, those that rely on colonial institutions.”

Survey respondents also hinted to how all encompassing the pipeline issue is for them. For some, oil pipelines almost seem to represent everything that ails society. Responses about what the movement has taught people touched on everything from gender to class injustice. For example, when asked what the anti-TMX movement taught them, one individual responded:

Where to begin?! Patriarchy, gender issues, poverty issues, Indigenous issues, more environmental issues, strengths and shortcomings of the ENGO world, politics, Indigenous spirituality, environmental monitoring, communications, campaign planning and tactics, media relations, group dynamics, power and dissonance, fundraising, regulatory processes, non-profit administration, anonymity

and security, the astonishing power of stylometry. Life before TMX seems very distant and I don't think there's any going back.

Likewise, another individual stated:

...I was exposed to the idea that human/non-human animal is the original binary of colonial heteropatriarchy, and that struggles for gender and sexuality freedom must include all beings...

With some activists feeling TMX encompasses an endless array of issues to be solved, we risk getting lost in a “convenient ambiguity between decolonization and social justice work, especially among people of color, queer people, and other groups minoritized by the settler nation-state (Tuck & Yang, 2012, p.17).” In other words, a common criticism of activism is that clear direction and goals are often lost as we all bring our own agendas to the table. Indeed, my earlier discussion of climate justice mentioned just how vast the scope of conflict has become, with local pipeline resistance tying to global movements.

Nevertheless, I do feel organizers have worked to produce clear messaging that the anti-TMX fight is a fight for climate, and perhaps even more so, a fight for Indigenous rights. As Evelyn Pinkerton, an anthropologist at SFU states:

“Just in the last decade, speeches at demos in Vancouver have changed remarkably, with Indigenous leaders speaking first, and Indigenous groups sitting in prominent positions, for example, on the steps of the Art Gallery where a lot of demos occur. I’ve been going to demos in Vancouver since the late 1970s, and this is a really dramatic change (E. Pinkerton, personal communication, Aug.27, 2019).”

So long as climate and decolonization remain at the fore, I do not feel it is problematic for the anti-TMX movement to be inclusive of a variety of interrelated causes. This is because, as my literature review suggests, the largest downfall of ‘modern environmentalism’ in the beginning was the fact that it lacked diversity, was narrow in scope and highly antagonistic. Thus, by being inclusive, ENGOs may learn how to avoid alienating others and build solutions that are both collaborative and robust. Indeed, some survey respondents reflected on how the anti-TMX movement exposed them to new, diverse relationships and the complexities of said relationships. As one person put it: “I've learned that Indigenous solidarity is hard and complicated...” Another respondent said they learned about the “multitudes of differences in what various people, nations, [organizations] and movement sections consider good/bad solidarity and strategic action.” While another individual expressed an appreciation for how “strong and diverse” the justice community is and that it “has existed throughout time in many formations...”

Overall, then, TMX resistance seems to have introduced participants to new skills, groups and ways of thinking framed through ‘justice.’ Whereas past environmental movements have been criticized for being narrow minded, it appears pipeline resistance is so inclusive it risks losing a clear direction. However, in the past decade extensive work has been done to assert that this is a movement to combat climate change and colonial oppression and to stand up for local communities. This effort has resulted in some participants learning more about colonialism and particular Nations through the movement than they would have in school. It is also worth emphasizing how the anti-TMX movement also taught participants about the “strengths and shortcomings of the ENGO world” and about “good/bad solidarity,” as it seems the anti-TMX movement provides an opportunity to put into action what we have learned from past movements.

## How Participants’ Organizations View ‘Decolonization’

I will preface this section by using Tuck and Yang’s (2012, p.1) definition of decolonization as bringing “about the repatriation of Indigenous land and life; it is not a metaphor for other things we want to do to improve our societies and schools.”

While half of survey participants said their organization talks about ‘decolonization,’ no participant explicitly described it as giving back land, waters and ways of life. Though one participant did mention “restitution,” another asserted we need to acknowledge and respect “indigenous autonomy over their lands” and another commented:

As an environmental organization, [decolonization] means taking responsibility for the injustices done in the name of the environmental and conservation movements and unpacking the ways in which we continue to perpetuate inherently violent notions in environmentalism *that divide indigenous communities from their lands and waters* (emphasis added).

Recognizing how we reinforce colonialism and trying to rectify this; respecting the *Free Prior and Informed* consent and veto power of Indigenous Nations; and working to disrupt our colonial view of the world, are all essential for Settler-Indigenous solidarity. But, we need to go further. ENGOs can do this by lobbying for the returning of land. We can start by discussing decolonization openly and unapologetically in terms of giving back what was stolen. As Squamish, Kwakwaka'wakw member, Tlakwasikan Khelsilem (2019) explains:

If you want to make your territorial acknowledgement a bit better, try adding ‘...and I think the land should be returned to them and/or they should be compensated’...‘I would like to thank the Musqueam, Squamish, and Tsleil-waututh Nations for allowing us to be on their land...’ (but did we?) ‘...and I think it’s time for all of us to support returning the land to them and/or compensating them.’

...There was a time when ‘territorial acknowledgements’ were a radical act of defiance in the face of uncomfortable ignorance. Tell people you want the land returned and let that become the non-radical thing everyone supports.

Of course, “land is necessary for life. Thus contests for land can be—indeed, often are—contests for life (Wolfe, 2006, p.387)” and therefore Settlers’ fears around being ‘kicked out’ are understandable. For instance, when I talk to friends about giving the land back, I see a circle of scared but politely silent people. “What would that look like?” “Do we get sent away?” “Where is away?” But eventually friends start responding: “well I guess that’s exactly what we did to them.”

But, rather than viewing the return of land on the same violent terms through which it was stolen, we need to envision a better way. Just as people fear feminism because they cannot envision it acting differently than the patriarchy—violent and oppressing one binary gender in favour of another—people fear decolonization. A way to address this fear is through collaboration and creativity. Furthermore, examples of what decolonization could look like do exist. Take for instance the unilateral claiming back of unceded land as Tribal Parks; or when the federal government decides to relinquish land and offers the First Right of Refusal to Indigenous Nations; or the repatriation of Camp Ipperwash that the government finally gave back in 2015 (along with \$95 million) after seizing it in WW2 and hoarding it as a cadet training camp thereafter (Sarnia Observer, 2015).

If ENGOs wish to show solidarity that extends beyond a single pipeline battle, they can initiate conversations about returning Indigenous land and life, so that it no longer seems impossible and creative solutions can be proposed.

## Consideration of Indigenous Engagement and Consent Before Campaign Decisions

Most participants (69%) said their organization had at least some kind of process in place for communicating with Indigenous Nations that could be impacted by their campaigns, but

only three participants said this definitively. We need 100% of ENGOs operating on Turtle Island to hold Indigenous rights and title at the heart of their daily operations. When ENGOs have the power to impact Indigenous groups (something that has been unanticipated or denied by several ENGOs in the past and present), they have a duty to talk to said groups.

Importantly, survey participants elaborating on this section clarified that engagement with Indigenous communities is guided by organic relationships tailored to the Nation involved, not staunch rules. As one participant said: “one-size fits all protocols don't tend to last long.” Another respondent explained consultation is done “through an Indigenous advisor and personal relationships with staff and leadership in the territories where we work.” A third individual explained: “We are frequently held accountable by personal relationships rather than official decision-making processes.”

Providing more insight on what engagement looks like for ENGOs today, the following responses were given:

- “...When there is a campaign on which we have not heard of Indigenous involvement and which proceeds in colonial institutions but also on Indigenous lands (they all do), we don't always reach out to the Indigenous people on those lands. When there is a campaign on which we do work with or under the leadership of First Nations, then consent is a part of our decision making process...”
- “...One criterion we use is not taking on campaigns when affected First Nations or First Nations we have relationships with feel differently than we do...”
- “...They [Indigenous leaders] don't have time to give thumbs up or down to everything an ENGO does. In my work, I try to strike a balance of checking in enough, or following the lead from their public messaging...”

Still, from my experience, ENGO concerns about funding, the law and public perceptions can constrain ENGO commitments to Indigenous communities. For instance, I once spoke with someone who feared that putting a territorial acknowledgement on their non-profit website would be viewed as a political act, thereby threatening the organization's charitable status (which would not be the case). As Lee (2011) explains, to truly put Indigenous rights and title at the fore, “ENGOs need to do the unthinkable (and likely impossible): risk their power (p. 145).” That is, ENGOs must be willing “to transcend activist spaces and identities, to seek creative alliances (As Chatterton, 2006 in Baker and Pickerill, 2012, p.260).” Then, by moving beyond a fixation on branding, campaigns,

fundraising, strategy and reacting to government decisions, we all need to connect on a human level.

To illustrate an example of opening up to creative alliances, I will use the example of Kwekwecnewtxw Watch House on Burnaby Mountain, as it facilitated human connection better than any other experience I had in the anti-TMX movement.

The Watch House was a long time in the making, developed in partnership between various Coast Salish Nations and promoted by Tsleil-Waututh members (Ta'ah, Will, Reuben and Cedar George) and the individuals they contracted (many of them Settlers). Though some organizations like Stand.org, 350.org and Greenpeace were involved with the development of the Watch House, it was difficult to identify *how* involved they were, as ENGO employees did not wear logos nor mention anything that identified their organization when at the Watch House. Individuals contracted to help run the Watch House explained that everything they did was in accordance with the wishes of Ta'ah and Will and when volunteers arrived to the site they were shown and signed onto a protocol developed for the space. Reciprocity was fundamental to that protocol and when volunteers arrived they were expected to give back by cleaning the camp, cooking dinner for elders or through donations—and no one told the leaders of the Watch House how to use those donations.

The Watch House served as a desperately needed community space bringing Settler and Indigenous people together. There was a 24/7 presence of well-intentioned people of all backgrounds present (Indigenous women from Treaty 8 territory, Europeans, Canadians from Ontario, locals, etc) to keep the watch house safe, calm and welcoming. Settlers were invited to join a tobacco pipe ceremony (though this is rare) and other ceremonies took place. Though some of us stumbled and made mistakes, we learned from them and came back time and again.

When we trained at the Watch House for civil disobedience, extensive work was done to avoid aggression and to remind us that police treatment is often racialized. Youth, elders, and people of varying physical abilities were present. All people were welcomed and thanked. When Cedar George spoke to us while in ceremony, equal time and importance was given to a female speaker. Every effort was made to be inclusive, but also to support Indigenous youth, specifically, in a private gathering.

I share this story of the Watch House because I believe it exemplifies the ‘organic’ relationship building survey respondents were alluding to and I think it provided a model for ENGOs to learn from.

## Additional Comments from Participants

Additional survey comments left by participants worth discussing here, refer to the cognitive dissonance many activists feel when Indigenous Nations desire extraction projects associated with negative environmental/human health impacts. This conundrum or “nuance” is described in the quotes below:

- “Indigenous rights and environmental concerns most often go hand in hand, though when the hypothetical question is posed to environmentalists—would you support First Nation self governance if their objective was to completely clear cut the remaining old growth? It brings up difficulties. I don't speak for the organization I work for (I am not a campaigner) but personally I ultimately side with the environment, and fortunately for us, so do most indigenous communities.”
- “I think it's worth naming the nuance of working on this campaign, with the value of upholding Indigenous Rights and Title, with the reality that there is no consensus amongst Indigenous people on whether TMX should proceed. The staff at my organization work in territories where the local Nations have not granted their consent. But it does mean we need to be careful about when we say our opposition is driven by concern for Indigenous rights. Take Kinder Morgan's illegal anti-salmon spawning mats as an example—most were laid in territory where the local bands had agreements with the pipeline company, and sometimes were vocal about their support. We absolutely opposed Kinder Morgan's actions in that case, but we didn't say it was out of concern for Indigenous rights, because chiefs from those areas have every right to support the pipeline expansion.”

To these comments I would respond: of course there will be Indigenous communities that opt for resource extraction projects. But what I hope this research has shown is that a common fault of government (through assimilation tactics) and ENGOs (through a lack of diverse membership) has been trying to construct environments that serve, or are protected for, an imagined singular ‘Canadian public.’ Perhaps if we slow down, and first learn about the diversity of Nations and their particular history and present circumstances, ENGO work can focus on what we can support (decolonization, justice and economic development so that building oil infrastructure is not the only option) rather than what we must reject retroactively. Perhaps then our campaigns will be ethical and resilient.



## Implication for Academic Knowledge and Opportunities for Further Research

Though my sample size was small, survey responses generally reflected my personal experiences in the anti-TMX movement and linked to my literature review. Using the method coined by Merton (1968), I was able to inductively draw up the following hypotheses from my research that could be tested through future studies:

- Leading up to the past decade ‘environmentalist’ efforts have at times reinforced or exacerbated the oppression of Indigenous Peoples. Pipeline resistance as a movement contrasts with traditional environmental movements in BC, as it focuses heavily on justice, particularly for Indigenous Peoples.
- If pipeline resistance represents a shift to a blended Indigenous rights-environmental justice movement, this is likely due to:
  - A continuation of the centuries-long work done by Indigenous Peoples to gain recognition (in political, legal and public arenas) of their rights and title;
  - The growth of ‘environmentalism’ as younger activists have the privilege of learning from past mistakes and as ENGOs recognize the value of inclusivity and diversity;
  - The expansive scope of climate change and how ‘climate justice’ movements illuminate the way populations are impacted differently by climate change;
  - The fact that pipelines span extensive regions, connecting diverse communities through a shared threat.
- Indigenous Peoples have fought tirelessly for legal recognition. As that recognition is now prevalent enough to occasionally delay destructive extraction projects, ENGOs want to collaborate with Indigenous groups more than ever.
- In addition to countless other resurgences of Indigenous sovereignty (ex: Idle No More) pipeline resistance spotlights compelling demonstrations, speeches, acts of nonviolent ‘protest’ (and ensuing police brutality) and learning spaces. This results in more and more Settlers feeling invested in the fight for Indigenous self-determination.

Additionally, the following questions were not addressed by this research and provide opportunities for investigation in future studies:

1. If pipelines are defeated or built, do partnerships and collaboration between ENGOs and Indigenous communities continue?
2. If solidarity and respecting Indigenous self-determination is simply owed for living on these unceded lands, how do ENGOs respect the sovereignty and choices of Nations who want to build their own oil infrastructure?

Other opportunities for future research include Interviewing Indigenous individuals involved in the anti-TMX movement, since only interviewing Settler activists provides half the story of the movement. Better representation of survey respondents from rural parts of British Columbia would be beneficial. Finally, the scope of this research topic could be expanded to include all of so-called Canada.

## Conclusion

I began this research because I was wary of the motives driving ENGOs to look for partnerships with Indigenous communities in the fight against pipelines. I questioned if we Settlers were only starting to pay attention to Indigenous rights movements because it served our goal of stopping pipelines. However, such a black and white view does not reflect reality. While motives behind partnerships are important, they are diverse, and it is what these partnerships foster that has the most impact. Furthermore, I have come to realize that once we are all on the ground together, fighting for interrelated causes, “bad solidarity” (disingenuous and self-serving) does not last long. As survey responses suggest, employees of ENGOs are held accountable to interpersonal relationships within the movement.

Regarding the question of how ENGOs have treated Indigenous Peoples in the past, my literature review provides examples in which conservation and environmentalist efforts divided First Peoples from the land, resources and subsistence. ENGOs also perpetuated stereotypes of the ‘Ecologically Noble Indian’ and ignored the decisions-making power of Indigenous Nations over their land.

Today, however, Indigenous leadership and support appear to be key components of any pipeline opposition. Thus, the anti-pipeline movement does not fall neatly into an ‘environmental’ or a ‘resurgence of Indigenous sovereignty’ category—it is in both categories and in many intermediate ones. Particularly in the last decade, it seems, demonstrations have prioritized the presence of Indigenous representatives; unprecedented donations have been made to Indigenous-led court cases against oil extraction; and buildings have been erected to embody living, permanent assertions of Indigenous self-determination. Thus, Settlers are being provided countless opportunities to listen to Indigenous voices, and we are being asked how far we are willing to go for our

new alliances. The question remains, though, if this new education and budding Settler-Indigenous collaborations will result in greater numbers of Settlers fighting for Indigenous self-determination beyond the anti-pipeline movement.

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