

# Growing support for Wet'suwet'en land defenders shakes Canadian politics

Patrick Quinn Feb 28, 2020

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An escalating protest movement has brought international attention to the fight of Wet'suwet'en First Nation hereditary chiefs and land defenders against a natural gas pipeline that would cross through their traditional territory in northern British Columbia. While the 670-km Coastal GasLink pipeline has been disputed for years, tensions have soared since the RCMP began enforcing a BC Supreme Court injunction to remove the Wet'suwet'en blockades earlier this month. On February 10, a convoy of armed RCMP broke apart a barricade painted with the word "reconciliation" to arrest Unist'ot'en matriarchs – one of five clans within the Wet'suwet'en Nation.

The response across Canada has been swift and unprecedented. Just hours after the first RCMP assault, Tyendinaga Mohawks blockaded railway tracks near Belleville, Ontario. That was soon followed by several other blockades across the country, resulting in Canada's longest railway shutdown.

"At no point did I feel fear because we all recognized that what we were doing was the right thing to do," recalled Karla Tait, one of seven people arrested that day including her mother Brenda Michell and aunt Freda Huson, who are both hereditary chiefs. "We needed to be present to call out to the land and give it a voice."

Tait described her month out on the land as an intense time, away from her young daughter and awaiting a police intervention. It was also a unifying experience filled with ceremony and deep connection to the land. When the RCMP closed in, they were singing songs around their sacred fire during the third day of ceremony.

"Our ancestors helped us that day we faced the RCMP to keep our ceremony strong," Tait told *the Nation*. "We called on our ancestors and those spirits of women who have been lost across Canada to the resource extraction industries that bring in these kinds of camps."

Red dresses gifted to Unist'ot'en women have fluttered around the protest camp in the months since they learned an industrial worker camp for 450 men was planned on their territory just 12 kilometres from their healing centre. The link between these "man camps" and gendered violence is well documented – the nearby Fort St. James area experienced a 38% increase in reported sexual assaults in the first year of a recent industrial project.

"They've come to our unarmed land defenders with such violence, with militarized rifles, canine units, helicopters," lamented Tait. "It's a pretty sad indication of the failure today of British Columbia and Canada to respect us and the emptiness of their commitments to reconciliation."

BC was the first province to pass the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) into law last November, which states Indigenous people should have "free, prior and informed consent" on such projects. The UN Committee on the Elimination of Racial Discrimination recently called on Canada to immediately suspend work on the pipeline until this consent is granted.

“[This] is what happens when you don’t listen to people or when you try to go ahead and develop a project without getting their consent,” commented Cree Grand Chief Abel Bosum when asked about the protests.

While opponents of the blockades and demonstrations have repeatedly emphasized the “rule of law,” these appeals generally overlook the greater complexities of Indigenous law. Wet’suwet’en and Gitxsan hereditary chiefs were plaintiffs in the landmark 1997 Delgamuukw Aboriginal title case, which provided exhaustive evidence of their legal authority over their traditional territories. “One thing that came out of Delgamuukw was the affirmation that the province on its own could not extinguish the title of Indigenous people and the Wet’suwet’en had never ceded or surrendered their title,” said lawyer Kate Gunn, who represents the Unist’ot’en. “As part of that decision, the Court said to the Crown even if there isn’t technically a legal duty [to recognize title] there certainly is a moral one.”

Although elected band councils along the pipeline route signed agreements with Coastal GasLink, Wet’suwet’en hereditary chiefs never surrendered title to their vast 22,000-square-kilometre traditional area that lies beyond the reserves. Unist’ot’en chiefs have been actively reoccupying and revitalizing this territory over the past decade, including an expanding range of cultural activities at the Unist’ot’en Healing Centre.

“There were suggestions for alternate pipeline routes that wouldn’t impact the pristine portions of Wet’suwet’en territory as significantly as the current route does,” said Tait. “It’s really the only portion of our land that can sustain the land-based programming that we are delivering out there.” The conflict’s deeper issues of Indigenous land rights, sovereignty and environmental sustainability have galvanized groups across the country. Some are calling the growing solidarity movement a turning point in Indigenous peoples’ empowerment.

“We can’t sleep with what’s happening out in BC,” said Paul Dixon, who organized a protest in Waswanipi on February 15. “All our protests should synchronize right across the continent, just like we did with the residential school case. Stick together – that’s the only way we’re going to survive and make this country wake up.”

Some Mohawk demonstrators said they are returning the support shown by BC First Nations during the 1990 Oka crisis. That standoff has been evoked by those advocating for cautious intervention amidst the waves of dissent disrupting the country and pressures from both sides continuing to escalate.

“That nation-to-nation dialogue is missing,” added Gunn. “Also, a commitment to recognizing that title in respect to Indigenous laws. If it’s not resolved now, we know this is going to come up again and again.”

As governments call emergency meetings and new demonstrations continue to spring up, the Wet’suwet’en remain committed to protecting their land. Tait is particularly inspired by the emboldened youth movement as it is their future that land defenders are fighting for.

“I know people are putting themselves on the line to stand with us,” said Tait. “I feel such a deep sense of gratitude, hope and unity in these stances.”

## **Wet'suwet'en protests a revolutionary moment in Canada: Mohawk scholar Gerald Taiiiake Alfred**

Carlito Pablo, February 13th, 2020

<https://www.straight.com/news/1360101/wetsuweten-protests-revolutionary-moment-canada-mohawk-scholar-gerald-taiiiake-alfred>

Protesters are shutting down railways, bridges, ports, and offices. They've taken to the streets in solidarity with the Wet'suwet'en people opposing a gas pipeline in northern B.C. It's an extraordinary flow of events that have fused popular sentiment about Indigenous rights, the environment, and social justice.

For a Vancouver Island-based Mohawk scholar Gerald Taiiiake Alfred, Canada is witnessing no less than a revolutionary moment.

"I can remember saying 15, 20 years ago, that if we ever had a development in our movement where the power of Indigenous nationhood and Indigenous rights could be melded and brought together with the power of young Canadians who are committed to the environment and social justice, it would be revolutionary," Alfred told the *Georgia Straight* in a phone interview Thursday (February 13).

"And I think that that's what we're witnessing," Alfred said.

Raised in the Kahnawake Mohawk territory in Quebec, Alfred is an internationally recognized scholar on Indigenous issues. He was a professor of indigenous governance and political science at the University of Victoria from 1996 to 2019. He has written books on his field of expertise. Alfred knows about the Wet'suwet'en people. His former wife is a member of the Laksilyu clan of the Wet'suwet'en Nation. A son, who is 12 years old, has gone to protests supporting the Wet'suwet'en.

According to Alfred, the protests are providing a "channel among Indigenous youth Canadian youth, non-Indigenous allies, who are just so angry and frustrated at the hypocrisy and the foot dragging and the corruption that they see in their own government".

"I think that this movement here is reflective of their commitment to take action, to confront what they see in all aspects of their life," he said. "Not only in politics, but within the culture, within the relationships that they have, a culture among people who have power that allows them to act with impunity and hypocrisy".

Wet'suwet'en hereditary chiefs and their clans are opposing the \$6.6-billion Coastal GasLink pipeline. The 670-kilometre pipeline will cut across vast swaths of Indigenous land. The pipeline will transport natural gas fracked from northeast BC to a terminal near the town of Kitimat, where it will be processed for export overseas. The infrastructure is part of the \$40-billion LNG Canada project. A policy note by Marc Lee, senior economist with the Canadian Centre for Policy Alternatives, describes the LNG Canada undertaking as a "carbon bomb".

"The estimated 3.5 million tonnes per year of carbon dioxide from the plant and upstream operations are about the same as the emissions from all cars in BC or, alternatively, the emissions from all residential buildings," Lee wrote.

“When it opens, LNG Canada’s liquefaction facility in Kitimat will become BC’s largest point-source emitter of greenhouse gasses (GHGs),” Lee continued. “And that’s only Phase One, with a potential Phase Two that would double output and emissions.”

B.C. NDP Premier John Horgan declared in his first press conference in January 2020 that the project will be built.

According to Alfred, young people in Canada are finding their voice, and the issues around the Wet’suwet’en struggle has crystallized all that is wrong about the current system. Alfred said that protesters are essentially challenging people in power to “live by the standards, and the principles and the values that they proclaim”.

“And it’s them out on their hypocrisy and failure to do so,” he said. “And it’s demanding that the people who are in power in this society live by the laws and the principles that these younger people have been brought up to believe are at the foundation of what it means to be Canadian or to be an Indigenous person within Canada.”

The Wet’suwet’en situation assumed a high public profile in January this year, when the RCMP started enforcing a court injunction against Indigenous people blocking construction work at the pipeline outside the B.C. town of Houston.

The series of police action, according to Alfred, joined together all that people feel about what was going on. “When the RCMP invaded Wet’suwet’en territory, it’s the confluence of all of these things on an intellectual level, political level, on a visual sense because of social media, and also on an emotional level,” Alfred said.

“It’s driven by the the consequence, I would say, of an intellectual understanding of the injustice in the society, of a political commitment to do something about it and the emotional energy recognizing that they are witnessing and living through the actual suppression and acts of violence against primarily Indigenous women who were defending that territory as they always have done,” Alfred said.

Alfred said that it has become “clear to everyone that what’s happening in the woods and territories is a microcosm of all of that. And it’s provoking a response on all of those levels intellectually, politically and emotionally, and I think that’s why you see such passion”.

# Settler governments are breaking international law, not Wet'suwet'en hereditary chiefs, say 200 lawyers, legal scholars

Beverly Jacobs, Sylvia McAdam, Alex Neve and Harsha Walia  
February 24, 2020

<https://www.thestar.com/opinion/contributors/2020/02/24/settler-governments-are-breaking-international-law-not-wetsuweten-hereditary-chiefs-and-their-supporters.html>

As lawyers and legal academics living and working on this part of Turtle Island now called Canada, we write to demand an end to the ongoing violations of Indigenous nations' internationally recognized right to free, prior, and informed consent — for example, with the Trans Mountain and Coastal GasLink pipelines routed through unceded Indigenous lands, including Wet'suwet'en lands. Canadian law and legal institutions — from legislation like The Indian Act to court decisions legitimizing treaty violations with racist stereotypes — have long served as instruments of settler colonialism. And they continue to do so with the legal authorization of the violent dispossession, suppression, and criminalization of Indigenous land and water protectors.

“Think about everything that First Nations people have survived in this country: the taking of our land, the taking of our children, residential schools, the current criminal justice system,” as the late Mohawk legal scholar Patricia Monture-Angus wrote. “How was all of this delivered? The answer is simple: through the law.”

Through Canadian Eurocentric Law, that is. Clearly, law is not synonymous with justice. While the Supreme Court has officially recognized that Canada was not in fact terra nullius (“nobody's land”) before European colonization, Canadian courts and legal institutions continue to treat Indigenous territories as if they are so — enabling a wide scope of governmental and corporate infringement on unceded Indigenous lands, including Wet'suwet'en land, even in the face of sustained Indigenous resistance.

For example, recent research from the Yellowhead Institute at Ryerson University has found that injunctions are overwhelmingly ordered by Canadian courts in favour of development projects against Indigenous claims. While 76 per cent of injunctions filed by corporations against First Nations were granted, over 80 per cent of injunctions sought by First Nations against corporations and the government were denied.

This pattern is perpetuated with the repeated issuance of injunctions — enforced with violence and threat of lethal force by the RCMP — against the Wet'suwet'en working against the Coastal GasLink project, authorized without the consent of the hereditary chiefs vested with jurisdiction over the decision.

The right of free, prior, and informed consent enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) logically flows from the recognition that Indigenous governmental, legal, and political orders have existed on this land from time immemorial, long predating the arrival of European settlers.

Canadian settler governments have legally recognized the importance of abiding by UNDRIP and, in the case of British Columbia, sought to incorporate it into domestic provincial law through Bill 41.

And yet, courts continue to ignore UNDRIP, including in the most recent Federal Court of Appeal decision giving a green light to the Trans Mountain pipeline. And the federal government, having promised to implement UNDRIP in domestic law, meanwhile persists in transgressing its standards — consuming land and resources while promising to negotiate their more equitable distribution.

While Wet’suwet’en land and water protectors are being depicted as transgressors of the “rule of law,” they are in fact upholding Indigenous and international legal orders.

The tactics wielded against them violate not only international and Wet’suwet’en laws, but are also in tension with aspects of Canadian law, such as the B.C. legislation implementing UNDRIP, which prohibits forcible removal of Indigenous peoples from their lands.

It is important to understand that while the Wet’suwet’en defence of the land, and the B.C. and Canadian governments’ amnesia about their legal and moral obligations, are now drawing international attention, these patterns of government-sanctioned lawlessness are being committed all across Turtle Island.