Decolonising and decarbonising: How the Unist’ot’en are arresting pipelines and asserting autonomy

Leah Temper is the editor of the Global Atlas of Environmental Justice (ejatlas.org) and the Director of USC-Canada’s Seeds of Survival Program, Global South (usc-canada.org).

Sam Bliss writes about environmental and economic justice issues for Grist and other publications. He is currently a Fulbright fellow studying economic inequality in Spain under “unplanned degrowth”.

Introduction

The 22,000-square-kilometer territory of the Wet’suwet’en First Nation lies directly in the path of several proposed oil and gas pipelines. The Canadian government and industry plan to unlock the vast energy resources in the Alberta tar sands and the fracking fields in northeastern British Colombia (BC) and deliver them to international markets through ports in Kitimat and Prince Rupert on BC’s west coast.

The fossil-fuel transport projects would create an “energy corridor” – a key component of Canada’s quest to become a global energy superpower. However, the Unist’ot’en Clan of the Wet’suwet’en people have built a blockade on their ancestral land, living in an intentional community directly in the planned route of the proposed pipelines.

One of the instigators of this planned expansion is the Natural Gas Pacific Trails Pipeline (PTP) project, originally scheduled to break ground in 2012. In November 2011 the Unist’ot’en escorted drillers and other PTP employees off their territories. The Clan again evicted surveyors from their territory on 20 November 2012, by presenting them with an eagle feather, the first and only traditional notice of trespass, then built roadblocks limiting all access to their territories. The Clan state they were not properly consulted, and that the pipeline contributes to expanding controversial shale gas extraction through hydraulic fracturing (“fracking”), which uses and destroys enormous volumes of fresh water. They aim to be operating in solidarity with neighbouring communities who want to stop all pipelines, reverse climate change, shut down tar sands and maintain their opposition to what they claim are false solutions to climate change via carbon markets, carbon, forest and biological offsets and REDD+ in the Global South.¹

The geopolitical stakes are considerable. BC plans to become a major exporter of shale gas from hydraulic fracturing fields in the Horn area of BC through a Liquified Natural Gas (LNG) economic strategy estimated to be worth some CA or US$78 billion.² On the line: billions of dollars and 19 LNG projects, including five natural gas pipelines, and three LNG facilities planned to be operational by 2020.³ Yet the PTP and the LNG infrastructure is just one of several pipeline projects that make up the planned “energy corridor” — the Canadian petro-state ultimately has its sights

---

1 https://unistotencamp.wordpress.com/no-offsetting/
3 http://engage.gov.bc.ca/lniginbc/
set on marketing tar-sands oil globally without first passing through the US. They argue that developing major pipeline infrastructure entails numerous distributive consequences; from refining capacity, and vessel traffic to increased emissions and potential for spills. Pipelines distribute pollution and the route chosen for Enbridge and other gas and tar-sands related infrastructure will spatially organize environmental inequities in Canada and distribution of risk well into the future.

"Fossil capitalism" inherently presents other associated inequalities, such as the costs of climate chaos, adaptation and related socio-ecological changes, which simultaneously manifest in concrete locations but also have global consequences.

The estimated 170 billion barrels of crude oil in the bitumen of the Alberta tar sands represent 95 percent of Canadian oil reserves and 12 percent of global reserves. Once greater pipeline capacity “unlocks” these vast petroleum resources, the resulting greenhouse gas emissions would push climate change beyond tipping points, meaning “game over” for the climate, according to the former director of NASA’s Goddard Institute, James Hansen.

While the Enbridge oil pipeline, which would bring tar-sands oil from Alberta to the BC coast, has generated heated opposition from many of the 50 Indigenous nations whose territories it would cross, other First Nations have signed onto the “natural” gas pipelines. This may be partly because their concerns regarding the distribution of risk has been assuaged by industry representatives who tell them that in case of a spill the gas would simply evaporate. In contrast, the position of the Unist’ot’en camp is counter to a NIMBY (not in my backyard) approach that would reduce their resistance simply to concerns for the distributive impacts on their territory alone. They are uncompromising; neither PTP nor any other pipeline including Enbridge Northern Gateway, Coastal GasLink, or BG/Spectra will be allowed through their territories. This complete opposition to all pipelines – existing, proposed or approved to expand – is a powerful act of defiance and has generated support from environmentalists and climate-justice activists around the world. In this way the camp has become a potent symbol against extractivism.

The Unist’ot’en camp is a space that actively endeavors to create a living anti-capitalist alternative, mutually informed by both an ancient system of values on how to create sustainable relationships with the material world as well as engaging with transformative politics of decolonisation that seeks to revalue, reconstruct, and redeploy Indigenous cultural practices while deconstructing colonial and capitalist power structures through a transformative praxis.

To understand how the Unist’ot’en camp is holding up billions in investment, keeping millions of barrels (and cubic metres) of fossil fuels under the ground, preventing countless tonnes of emissions and protecting the sacred-headwaters, the article will first explore the special legal context of Indigenous communities within Canada and then explore the resistance methods.
“Fossil capitalism” inherently presents other associated inequalities, such as the costs of climate chaos, adaptation and related socio-ecological changes, which simultaneously manifest in concrete locations but also have global consequences.

The Legal approach

We are not interested in asserting aboriginal rights. We are here to discuss territory and authority. When this case ends and the package has been unwrapped, it will have to be our ownership and our jurisdiction under our law that is on the table. – Delgam Uukw

The Unist’ot’en have a long history of resistance against colonialism. With the Gitxsan First Nation, they blockaded logging in their traditional territory in the late 1980s, an action which culminated in the groundbreaking Delgamuukw court case whereby in 1984, the Gitksan-Wet’suwet’en went to court to assert their sovereignty, legal jurisdiction and aboriginal rights over some 58,000 square km of their territory. The case was a landmark in several respects. It established that the First Nation’s territorial sovereignty, pending proof of surrender by treaty, is a legitimate and outstanding constitutional question that still remains to be resolved by the court. The case was also significant because after initial objections, the Gitksan and Wet’suwet’en were able to use their oral histories as principal evidence in the case.

In the case of the Wet’suwet’en, oral history is transmitted through the Kungax, a spiritual song, dance or performance where the “recital[s] of the most important laws, history, traditions and traditional territory of a House... is repeated, performed and authenticated at important feasts.” In the case of the Gitksan, it is through the adaawk. It was in the feast hall throughout their history where they would tell and retell their stories, pass on important histories, songs, crests, lands, ranks, and properties from one generation to the next, and identify their territories to remind themselves of the sacred connection they have with their lands.

Richard Overstall explains how in the case of the Gitsxan, these histories serve as an embedded law that evolved as the result of people observing the consequences of their behaviour over time. When the behaviour is disrespectful of spirits, animals, and others, the consequences are dire and are often recorded in adaawk, especially if the behaviour alters a lineage’s relationship with its territory. The adaawk thus have a role as legal precedents that inform later conduct.

It is significant that these feasts, hosted by the women in the Wet’suwet’en as a matrilineal society, were actually prohibited by the Criminal Code of Canada until 1951, under what may be one of the most illustrative examples of the many forms of cultural genocide that the colonial state has inflicted upon First Nations.

The Delgamuukw trial opened up a space for decolonising practices, yet at the same time it revealed the limitations of the formal justice system as a medium for the realisation of self-determination and more broadly for the social and environmental justice that those in the camp and climate justice activists are claiming. It demonstrated the different conceptions between indigenous and settler cultures on human-ecological relationships.
The Wet’suwet’en and Gitxsan understand humans as fundamentally interconnected with ecology. The plaintiffs, Gisday Wa and Delgam Uukw describe in their opening address a view of the world as a differentiated unity, of which humans are only one part. There is no strict human-nature dualism from this perspective. They write, “The Western worldview sees the essential and primary interactions as being those between human beings. To the Gitxsan and Wet’suwet’en, human beings are part of an interacting continuum, which includes animals and spirits. Animals and fish are viewed as members of societies, which have intelligence and power, and can influence the course of events in terms of their interrelationship with human beings.”

This Indigenous philosophy shapes notions about ownership and jurisdiction over land and resources. Yet the court was not able to “recognize nature” in the relational perspective that the plaintiffs asked: the Gitxsan and Wet’suwet’en understanding of the human relationship with the natural world, and flowing from that, their understanding of property rights, was irreconcilable within the worldview of the settler society and its legal system.

Nor was the court able to extinguish its own authority, as recognising the sovereignty of the tribes would have undermined the court’s ability to impose its law on occupied territory. Thus, while the Delgamuukw trial served to deconstruct the courtroom through the use of oral history, the spellings of Gitksan and Wet’suwet’en names, presentation of their own maps, aiming through this to recreate and redraw the boundaries of the colonial system that is the courtroom, it revealed the limits to the decolonisation that can happen within a courtroom when the state’s authority to impose its law is actually what is on trial.

Confronted with the paradox of seeking remedy and justice through the colonial courts, the Unist’ot’en camp has disavowed a rights-based discourse that can only be accorded by what they perceive as an occupying power, in favour of the assertion of their responsibilities to the territory and their ancestral and natural law. As Mel Basil, a longtime supporter of the camp, says “I don’t have a right to these fish – I have a responsibility to this river and I will not let that responsibility be diminished.”

The following sections outline how the Unist’ot’en camp has asserted this responsibility on the land.

**Direct action**

There are many understandings of direct action. In Canada, one definition holds that direct action, in contrast to the official politics described in the previous section, can be understood as political mobilisation outside state institutions. It excludes legal action and institutionalised protest, such as petitioning, lobbying and litigation. It includes land occupations, road blockades, resource extraction deemed illegal by the state, marches and demonstrations. In other terms, direct action can also be understood as a political tactic that legally or illegally disrupts the public interest in order to attract awareness or action to an issue or cause.

---


13 ibid.


15 Personal correspondence


Activists use direct action as a means of taking matters into their own hands when legal or political roadblocks prevent a satisfactory resolution.

The roots of contemporary collective action by First Nations in Canada are often traced back to 1969, the year the White Paper was published. According to Glen Coulthard, this marked the beginning of a new era of social mobilisation that is still ongoing. Particularly in Canada, since this time, the blockade has been an important tactic for halting both the flow of resources out of Indigenous territories that are in dispute, as well as for raising attention to a variety of causes through disruption of “business as usual”. Blockades, such as those against logging for example, are often intertwined with seeking recognition of Aboriginal rights and titles through the courts.

Blockades can be seen as a spatial tactic of resistance that operate both through instrumental and symbolic power. Instrumentally, “The blockade is... used to regulate movement where movement itself is in dispute. More often than not, the massive and unsustainable out-movement of capital and commodities from traditional territories is the focus of the blockade... Blockade is frequently seen as a means of physically halting that flow.”

Blockades are particularly effective in this regard in Canada (compared for example to the US for example) due to the particular geography of colonisation in Canada, whereby its low population density and rugged terrain mean that pockets of unprocessed resources such as timber or metals are hauled out long distances and dispersed infrastructure creates choke-points where the movement of materials can...
be physically blocked. Because these resources are often located on First Nations territories, they maintain privileged access to the arteries of economic flows and as such exercise incredible leverage to put at risk the “critical infrastructure” that transports natural resources and manufactured goods from mines, oil fields, hydro-electric facilities and factories to international markets.

It is worth mentioning that the legality of road blockades on Indigenous territory is highly contested. That is, a number of legal decisions suggest that many blockades may be justified denials of illegal trespass. In this view, the blockade is as far from an act of “civil disobedience” as are the actions of a householder who is defending her property against trespass.

Blomley argues that beyond blocking the flow of resources that invest the blockade with its tremendous strategic power, the blockade holds a “symbolic effect to the extent that it marks out two spaces... (mapping) out a boundary and, in so doing, distinguishes an ‘Indian’ space from a ‘Euro-Canadian’ space.” Yet counter to Blomley, in the case of the Unist’ot’en camp, this assertion of place and control of space represents much more than a symbolic action.

Beyond the disruption of the flows of capitalism and the denial of the movement of resources out of the territory, the blockade can (temporarily in most cases but in some cases for extended periods) create a space for the control and practice of Indigenous economic and political authority in the face of the cultural and economic dislocation forced upon them for over a century. In the case of the Unist’ot’en camp, it has enabled a space to practice and assert sovereignty and enact the responsibility to their lands.

Blockades can be seen as a spatial tactic of resistance that operate both through instrumental and symbolic power.

---


21 Ibid.


23 A turning point, judicially speaking, was the extended dissent of J.A. South in in BCAG v Mount Currie Indian Band.
The Unist’ot’en checkpoint and Free Prior and Informed Consent

Since 2009, the Unist’ot’en have been manning what they refer to as a check-point rather than a blockade to prevent trespass by industry and government interests that aim to develop projects without their consent. Representatives of the Wet’suwet’en delivered eviction notices to Apache Oil and Enbridge stating that the companies are “not permitted onto unceded lands of the Wet’suwet’en; are not permitted to place their greed ahead of Indigenous self-determination; are not permitted to destroy and exploit the lands; are not permitted to disregard the safety and health of communities; [and] are not permitted to disregard [our] Law!”

Freda Huson, spokeswoman for the clan, wrote a letter “to the illegitimate colonial governments of Canada and British Columbia, and to all parties involved in the proposed PTP project” that stated, “This letter is to issue a warning of trespass to those companies associated with the PTP industrial extraction project and against any affiliates and contractors infringing upon traditional Wet’suwet’en territory... any further incursion into their territory [interpreted] as an act of aggression against their sovereignty and that violators will be held accountable.”

Following this, the first cabin of the camp, home of Freda Huson, a member of the Unist’ot’en house of the Gilseyhu, (Big Frog) Clan, and her husband Toghestiy, of the nearby Likhts’amisyu (Fireweed) Clan, was built directly on the GPS coordinates of the proposed route of the Pacific Trails Pipeline (PTP), which they refer to as “the trailblazer of the prospective energy corridor.” PTP aimed to transport fracked shale gas through a 42-inch diameter bidirectional pipeline 463 km from B.C.’s northern interior to a liquefaction plant and also an export terminal on the coast called Kitimat LNG.

This strategy of physical obstruction has claimed some victories. The PTP project was initially shared by EOG Resources, Encana Corp., and majority owner Apache Corp. of Houston, Texas. In 2013, EOG and Encana sold their shares in the project to Chevron Canada, a subsidiary of Chevron Corporation, which moved into a 50% ownership position along with Apache. In 2014, Apache also pulled out and as of May 2015, PTP was on hold with Chevron lacking a new partner and no confirmed Asian buyers. This recent withdrawal of Apache was heralded as a victory feting that all of the original investors (Encana, EOG and now Apache) have now abandoned the project.

However, several competing projects are still in the “pipeline” and trying to gain access to the territory. Foremost among these is Coastal Gaslink, a 650-km natural gas pipeline that TransCanada plans to connect to the CA$12 billion “LNG Canada” terminal in Kitimat, in partnership with Shell, PetroChina, Korea Gas and Mitsubishi.

25 Ibid.
27 http://www.transcanada.com/coastal-gaslink.html
Reimagined Free Prior and Informed Consent

The checkpoint in the Unist’ot’en camp is controlled via a wooden bridge across the Wedzin Kwah (Moric River), 66 kilometers up a logging road from Houston, BC (see map). This river serves as a border between Canada and the traditional territory of the Unist’ot’en, one of five Clans that make up the Wet’suwet’en Nation. The checkpoint is marked by a large, painted-plywood sign that reads “STOP. No access without prior consent.”

To cross the bridge and enter the camp, every visitor must go through a “reimagined free prior and informed consent (RFPIC)” protocol established by the Unist’ot’en camp collective. This protocol is modified from ancient protocols where visiting peoples would ask permission to enter the traditional lands from the Chiefs and Matriarchs of the hosting lands.

The protocol entails four questions that are sent to visitors when they give advance notice of their arrival.

1. What is your name?
2. Where are you from?
3. Have you ever worked for government or industry that has harmed this territory?
4. How will your visit benefit the Unist’ot’en people?

According to the camp members, the RFPIC should be seen as an act of reclamation of a process that has been “taken ... strangle hold by the Corporations, NGO’s, Governments and other Colonial Bodies.” This is because FPIC is increasingly used as a mechanism to facilitate and legitimate development projects “where the ‘C’ in FPIC is increasingly redefined as ‘consultation’, precisely because the principle of consent, if taken seriously, does imply the right to say ‘no’ and the power to veto.”

Counter to this appropriation, the Unist’ot’en claim that the protocol is not a new process but based on Traditional Laws that were asserted via protocols like this on the lands for thousands of years.

The Wet’suwet’en also had to present themselves as such when travelling to neighbouring peoples’ lands to conduct trade, protocols, build and maintain peace, assist with allies battles, and attain resources or trade work. Visiting nations would be required to dance their stories while waiting on the canoes to show to the host nations that they truly are who they say they are (as the dance would have been seen through historical trade relations).

In this way, the RFPIC is a living breathing (re)assertion of the Traditional Laws of the Wet’suwet’en. As Mel Basil writes:

“Free Prior and Informed Consent is not gone, lost or eroded. It has been asleep. The knowledge of conducting them is still active. It must be asserted by the Indigenous Peoples’ of these lands. It is not a mere document at the UN office awaiting to be implemented by statism. It is living breathing protocols that must be asserted by peoples who live off the land, connecting to the spirit of the ancestors and upholding Natural Laws.”

“I am not so concerned with how we dismantle the master’s house, but I am very concerned with how we (re)build our own house, or our own houses.”

Leanne Simpson, Dancing on Our Turtle’s Back.

29 Leah Temper visited the camp in summer of 2013 and Sam Bliss visited for a week in 2015.  
33 Ibid.
Yet physically obstructing the growth of the fossil-fueled economy is only half of the Unist’ot’en Camp’s mission. In addition, the Unist’ot’en Camp is working to develop the sort of shared community needed for fighting climate change, both in building resilience against environmental change and kicking fossil fuel addiction.

**The Ecology of Indigenous Resistance**

Freda Huson, a member of the Unist’ot’en Clan, and Toghestiy, of the nearby Likhts’amisyu (fireweed) Clan, says the primary motivation for starting the camp was to give their people the opportunity to reconnect with the land their ancestors have lived on, and lived off of, since time immemorial. Because they also happened to be building a cabin right on the GPS route of Enbridge’s planned Northern Gateway tar-sands pipeline (not an accident by any means), and in an area threatened by numerous other pipeline proposals. The camp has also attracted climate activists from around the world.

“People that care about the environment know we’re protecting the environment,” says Huson. She’s careful not to include her people in that category. “We’re not environmentalists; we just protect the land because we know the land sustains us.”

Despite burning fuel to complete the camp’s 130 km round trip for supplies from town, in many ways the community lives a far lower-impact lifestyle out in the northern wild. Rather than purchasing new manufactured products, nearly everything at the camp is donated or collected from Western society’s effluence of affluence.

Residents collect water daily from the Wedzin Kwah, a river pure enough to drink from directly. Without freshwater pumped directly into buildings, folks use water much more carefully, such that twelve people’s cooking, cleaning, and drinking for day can be fulfilled by about 40 gallons’ worth of plastic jugs – a quantity that even the most efficient showerhead runs through in just 20 minutes.

The compound’s small greenhouse hosts veggie starts that will move to the permaculture garden once the ground thaws. Beyond growing produce, residents harvest wild plants and hunt, trap, and fish for subsistence, preserving foods through traditional and modern methods in the camp’s root cellar and smokehouse. “I love cooking with traditional ingredients,” says Ambrose Williams, a Gitxsan anti-pipeline activist who has spent considerable time at the Unist’ot’en camp. “I’ve been a chef most of my life, and being able to cook with moose and deer and beaver – in not a traditional way but using modern techniques – is really inspiring for myself, because I’m starting to re-see what it means to be cooking.”

To power the camp, solar panels atop the camp’s main cabin collect electric energy in a row of 12-volt batteries. When the sun disappears for too long and the electricity storage runs low, camp residents must fire up a gasoline-powered generator to keep the lights on. This relationship with the energy system fosters
an ecological awareness that is lost through city life, where energy is delivered to homes and can be harnessed by the flip of a switch.

Wood, which the camp uses for heating and much of its cooking, is among the most polluting fuels for these purposes. Yet, when people have to harvest trees from the forest, dry out logs for months, chop them up, build a fire, and keep it burning, they learn to use this renewable energy resource in a much smarter way. It can be argued that many energy-efficient “smart” technologies in fact further disconnect their users from the environment, since they’re often designed to conserve resources automatically, without any user interaction.

In this way, the materiality of being at the camp connects visitors to the Earth and to each other. Exploring the territory, building new structures, making music together, sharing meals, and reflective conversations about our world in crisis brings together visitors from all walks of life. The community is a sober space, which does not make the evenings any less fun, just easier to remember in the morning.

In the so-called developed world, the development process as such creates a worldview, uprooted from any particular place, that makes us ignorant of ecology and blind to our ignorance, completely unaware of dependency on “the environment” for, well, everything. Almost everything is learned indirectly – from books, friends, social media, and the like – rather than with the senses. Non-Indigenous ways of knowing are detached from environmental realities.

The Unist’ot’en Camp embodies the possibility of a world where citizens wake up in the morning and do the work they love, whatever that may be, without commuting each day to alienating jobs to earn wages to pay for shelter and food.

Many people first got involved with the Unist’ot’en Camp because the political stance is clear and no nonsense – there will be no pipelines built on Unist’ot’en land. But they soon realise that the camp is much more than just a blockade. It is a place of learning, of healing, of connecting with nature, of breaking with the legacy of colonisation. Now this work will be expanded and consolidated through the establishment of a healing centre. The community is currently trying to crowdfund CA$40,000 to make the healing centre a reality.

The Unist’ot’en Camp Healing Centre will focus on Indigenous youth. The healing centre will contain counselling rooms, meeting rooms, a kitchen and dining hall and sleeping quarters. The first phase of construction, commencing this spring, will be the kitchen and dining hall, which will serve everyone who comes to the Unist’ot’en Camp.

Without romanticising or essentialising Indigenous society, the recognition of Indigenous skills and perspectives that Western culture ignores can be an invaluable source of knowledge. Indigenous Peoples tend to value long-term sustainability and resilience over growth and efficiency, perhaps because Indigenous Peoples learned to live prosperously within the ecological limits of their territories rather than continually colonising new areas from which to steal resources.
The fact that Gitxsan and Wet’suwet’en Nations’ hereditary Chiefs are among the oldest continually held titles of any society on the planet, according to First Nations scholar Antonia Mills, a professor at the University of Northern British Columbia, is testament to this intergenerational vision. By contrast, it’s been about 200 years at most since the widespread adoption of coal revolutionised Western society, enabling production and consumption to grow like never before.

Conclusion

The Unist’ot’en living blockade illustrates the underlying clash of values that pits movements of resistance to fossil fuel extraction against a capitalist growth economy that can only take nature into account by converting resources into commodities or by putting prices on “ecosystem services”.

Indigenous demands for self-determination such as those claimed by the Unist’ot’en aim towards a structural transformation of colonial and capitalist systems of domination of nature and subjugated peoples. Such movements, in the words of Taiake Alfred, are informed by “a set of values that challenge the homogenizing force of Western Liberalism and free market capitalism; that honour the autonomy of individual conscience, non-coercive authority, and the deep interconnection between human beings and other elements of creation.”

Such pronouncements may not have much resonance within the negotiation halls of the COP21 meeting in Paris, where the future of the planet ostensibly hangs in the balance. Yet, when one visits the camp, living off the land, eating moose or hedge-hog recently hunted and smoked, picking huckleberries, one gets the feeling that this remote corner of the planet is as close as one can get to ground zero in the battle over how global energy infrastructure will be shaped.

The resistance of the Unist’ot’en, does not depend on the state to grant rights to nature, but upon communities asserting their environmental responsibility through direct action. In the words of the camp organisers, “Indigenous Peoples must be uncompromising and be thoughtful of how their knowledge can teach the rest of the world to degrow as a society. The Laws of the Land are Natural Laws and Indigenous Laws. These laws can be self regulated by all, not only the Indigenous Peoples. There can still be an abundance enjoyed, but no longer at the expense of peoples whom we don’t see across the world.”
