Hosted by MICHAEL SERAPIO

NEWS IN REVIEW

PIPELINE PROTESTS:
Resource Development Challenges Indigenous Rights in B.C.

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PIPELINE PROTESTS: Resource Development Challenges Indigenous Rights in B.C.

Video duration – 15:33

In early 2020, Coastal GasLink started work on a 670-kilometre, multi-billion dollar pipeline project designed to move natural gas from the B.C Interior to the West Coast. That pipeline goes through the traditional territory of the Wet’suwet’en people. The company claimed it had authority from both the province and 20 First Nations band councils, including five Wet’suwet’en Nation band councils. Wet’suwet’en hereditary chiefs, however, say they are the decision makers on natural resources on their lands and were not consulted. Supporters of the hereditary chiefs shut down rail lines and staged large solidarity protests in numerous cities across Canada. This story looks at the unfolding of recent events, and it also looks back to the landmark Delgamuukw case in 1997 that a precedent for how treaty rights are understood in Canadian courts.

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- News in Review, February 2017 – Oil and Water: The Standoff at Standing Rock
- News in Review, March 2012 – The Great Oil Pipeline Debate
- News in Review, October 1995 – Native Claims: Growing Frustrations
- As the police arrest protesters in Tyendinaga, Jesse Wente questions the myths that Canadians believe about themselves (CBC Radio – Metro Morning)
- Indigenous youth talk to press in front of B.C. Legislature, February 26, 2020 (CBC News Network)
- The pipeline that’s divided Western Canada (The National)
- Indigenous land and resource management rights (Curio.ca collection)
BEFORE VIEWING

Imagine a private company wants to run a large above-ground water main through your neighbour’s backyard. This company decides it’s going to go to city hall and get local councillors on board to support their efforts. They never talk to the people who actually own the land — your neighbours! The first indication that the water main is being installed happens when surveyors show up and tell your neighbour, “Better move that lawn furniture and children’s swing set because the water main’s coming next month.”

Discussion Questions:

1. What would you expect your neighbour to do in this situation?
2. What would you do to show support for your neighbour?
3. Describe your overall reaction to the scenario.
WHILE VIEWING

1. In February 2020, a conflict over the construction of a 670 kilometre natural gas pipeline in northwest B.C. led to a series of protests and transportation disruptions across Canada with the primary issue being Indigenous title rights over land. [ ] TRUE or [ ] FALSE

2. The RCMP refused to honour the court ordered injunction and let the Wet’suwet’en have full access to their land. [ ] TRUE or [ ] FALSE

3. Trains between Toronto and Montreal were shut down because of a rail blockade by which Indigenous group?
   a. [ ] Wet’suwet’en  b. [ ] Iroquois  c. [ ] Huron  d. [ ] Tyendinaga Mohawk

4. Despite the Wet’suwet’en chiefs’ opposition to the natural gas pipeline, how many First Nations chiefs support Coastal GasLink efforts?
   a. [ ] 10  b. [ ] 20  c. [ ] 30  d. [ ] 40
5. The Supreme Court verdict in the 1997 Delgamuukw case gave the Wet’suwet’en jurisdiction over their land. What shape that jurisdiction forms remains a subject of debate between the Wet’suwet’en and the B.C. government.  ❑ TRUE or ❑ FALSE

6. Karen Ogen-Toews, the CEO of the First Nations LNG Alliance, fully supports the views of the Wet’suwet’en hereditary chiefs.  ❑ TRUE or ❑ FALSE

7. On March 1, 2020, federal and provincial government leaders negotiated:
   a. ❑ An end to the crisis.
   b. ❑ A new pipeline route.
   c. ❑ A draft deal on land title rights.
   d. ❑ An aid package for the Wet’suwet’en.
TALK PROMPT #1

Consider pausing the video and giving students the opportunity to talk to an elbow partner for a few minutes or use these questions as part of a class discussion.

Play the video until Farrah Merali signs off from the second story:

a. What caused the confrontation between the RCMP and the Wet’suwet’en hereditary chiefs?

b. Why were the actions of the RCMP so widely criticized?

c. What did protesters across Canada do to show their support for the Wet’suwet’en chiefs?

TALK PROMPT #2

Play the video until Duncan McCue signs off from his story:

a. Why do 20 First Nations chiefs and some of the Wet’suwet’en support the pipeline? Why is their support not getting widespread popular support?
TALK PROMPT #3

Play the video until the end:

a. Why did Karen Ogen-Toews receive threats? What is her position on the Coastal GasLink pipeline project?

b. Simon Fraser University’s Clifford Atleo says in reference to the different Indigenous points of view regarding the Coastal GasLink project, “People expect Indigenous people to be united or, if they’re not, and that’s some sort of criticism, like, you obviously don’t have your house in order. But nobody is united on one particular thing.” What do you think of Atleo’s perspective? Is it unfair to think that all Indigenous groups are going to agree on things?

c. The $6.6 billion Coastal GasLink pipeline is slated to run from Dawson Creek to Kitimat, B.C., where a $40 billion natural gas export facility is being built. The Wet’suwet’en say they will not allow Coastal GasLink to build their pipeline. How do you think this situation will end? Will the pipeline be built or will the Wet’suwet’en prevail?
AFTER VIEWING

Learn more about the Wet’suwet’en struggle by viewing The Agenda with Steve Paikin. You can access the program at: [www.youtube.com/watch?v=kRL0tVYn2wo](https://www.youtube.com/watch?v=kRL0tVYn2wo)

1. Where do the Indigenous guests on the panel stand on the issue?
2. Where do the other panel guests stand on the issue?
3. Where do you stand on the issue?
Everyone recognizes the importance and the right of protests and lawful protests. But when the very institutions of democracy are challenged in this way, I think it... I think it is... sets a very dangerous precedent.

– Mike de Jong, B.C. Liberal MLA

The hereditary leadership and everything that represents has been ignored and bypassed. And that’s unacceptable.

– Grand Chief Stewart Phillip, President, Union of B.C. Indian Chiefs
THE STORY

Solidarity
It was a powerful display of solidarity among Indigenous groups and Canadian citizens across the country. When the RCMP moved in to remove Wet’suwet’en land protectors from their ad hoc barricades in northwestern British Columbia, Indigenous groups responded immediately — setting up protest barriers on Canada’s main rail lines. Meanwhile, Canadian civil rights groups launched social media campaigns and staged protests in favour of the Wet’suwet’en people. Enough was enough. It was time to acknowledge the territorial rights of the Indigenous people and to stop allowing big business to run roughshod over minority groups. No surprise
In all honestly, no one should have been surprised when things came to a head. The Wet’suwet’en hereditary chiefs were forthright in...
voicing their opposition to Coastal GasLink’s $6 billion natural gas pipeline from Dawson Creek to Kitimat. The pipeline was slated to cut a 190 kilometre path through their territory. The problem: no one listened to the chiefs — or they just heard what they wanted to hear.

**Coastal GasLink: We’re right**

From Coastal GasLink’s perspective, they went through all the right channels. They received approval for their project from 20 First Nation band councils and the British Columbia provincial government. As far as they were concerned, the opposition voiced by the Wet’suwet’en were those of a renegade Indigenous group that were defying the law of the land. This is why, in December 2019, they sought and received an injunction calling for the Wet’suwet’en to get out of the way and let Coastal GasLink employees get to work on constructing the pipeline.

**Bullying and disregard**

However, images of RCMP officers dressed in paramilitary
gear arresting the non-violent land protectors struck a nerve with many — as did images of Coastal GasLink employees removing red dresses from the barricades. The red dress has come to symbolize the 1200 to 4000 (no one knows the true number for certain) missing or murdered Indigenous women and girls who, between 1980 and 2012, either disappeared or were killed. Seeing RCMP officers escorting Wet’suwet’en grandmothers away from the barricades and Coastal GasLink workers putting red dresses into piles reeked of bullying and a cold disregard for the plight of Indigenous people.

Blockades and demonstrations
This is what set off the rail blockades and demonstrations across Canada. Almost immediately after the RCMP removed the land protectors and their barricades on February 6, 2020, a protest barrier was erected in Belleville, Ontario. The next day, VIA Rail cancelled all of their passenger travel between Toronto, Ottawa and Montreal. Knowing that rail traffic needed to keep moving, CN Rail sought an immediate injunction to get relief in the Belleville area. But the match was lit. Other barricades popped up in Quebec and British Columbia. Marches and demonstrations in support of the Wet’suwet’en happened in almost every major city in Canada. It was unprecedented in many ways — a February to remember for Indigenous people.
Economic effects
By the end of the month, rail traffic from coast to coast was crippled and VIA Rail and CN Rail laid off over a thousand employees. Now the economy was being affected and a resolution needed to be reached. The Trudeau Liberals, after taking a hands-off approach early in the standoff, began making overtures to the Wet’suwet’en, eventually sending a team to negotiate a resolution. That resolution came in the form of a tentative deal that got the trains running in most of the country.

Project in limbo
However, the struggle of the Wet’suwet’en hereditary chiefs remains a contentious issue. The 20 First Nation band councils that lend their support to Coastal GasLink believe the hereditary chiefs are blocking a major source of business growth and employment for Indigenous people. Many people living in Wet’suwet’en territory agree with the band councils. Meanwhile, Canada is in a precarious situation. Even if the government and the company comes to terms with the hereditary chiefs on the issue of land rights, there is certainly no guarantee that the chiefs will grant their permission for the pipeline. And so Canada waits as this infrastructure project hangs in limbo waiting for all parties to reach an agreement.
To consider

1. Why did so many people throw their support behind the Wet’suwet’en hereditary chiefs?

2. Why did Coastal GasLink feel they had the approval of the Canadian government and Indigenous people?

3. Where do you stand on the issue? Should Coastal GasLink be allowed to proceed or should the pipeline be scrapped?

Primary source watch
On February 26, 2020, Indigenous youth gathered on the steps of the B.C. Legislature to repeat a series of demands, including calls for RCMP to leave Wet'suwet'en territory and for Coastal GasLink to stop construction.
REFLECTION: Indigenous Governance

It was a natural gas pipeline running from Dawson Creek to Kitimat, getting Alberta gas to a crucial port that would give the energy sector access to Pacific markets. Coastal GasLink, the British Columbia government, the federal government, the RCMP and 20 First Nation band councils were on board with the pipeline. This looked like a good business plan that promised to bring some prosperity to Indigenous communities in northwestern B.C.. Plus, they had the law on their side. The courts upheld Coastal GasLink’s right to build the pipeline through Wet’suwet’en territory.

However, there was another side to the story. While the band council system of elected members of Indigenous communities does represent a significant endorsement for the project, the hereditary chiefs believe they have the territorial rights to the 22 000 square kilometres of Wet’suwet’en land. This perspective is supported by a landmark Supreme Court of Canada ruling from 1997. The Delgamuukw ruling upheld Indigenous land and treaty rights based on their ongoing occupation of certain territories. In this case, the Wet’suwet’en have occupied their land for as long as anyone can remember. In other words, because they have not abandoned the land, the land belongs to them.
Put simply: the Wet’suwet’en hereditary chiefs have a say over what goes onto their land despite what the First Nations band councils, the B.C. government, the federal government and Coastal GasLink believe. While this perspective remains murky in some circles, the belief that the Wet’suwet’en are the landholders is what people from coast to coast to coast rallied behind in early 2020.

<table>
<thead>
<tr>
<th>Who’s in charge?</th>
<th>Hereditary Chiefs</th>
<th>First Nation Band Councils</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Established…</strong></td>
<td>Thousands of years ago; well before the arrival of European settlers.</td>
<td>1876 –The Indian Act.</td>
</tr>
<tr>
<td><strong>How leaders are selected?</strong></td>
<td>Selected by the members of each tribe, house or clan within the nation based on matrilineal lineage.</td>
<td>Elected by members of the Indigenous community based on provisions set out in the Indian Act.</td>
</tr>
<tr>
<td><strong>What powers do the leaders have?</strong></td>
<td>See themselves as national leaders and the rightful governors of the land they occupy. This position is not recognized by the government of Canada. The Wet’suwet’en hereditary chiefs have not signed any treaties with the Canadian government.</td>
<td>Work in coordination with the federal government. Secure funding from the government and oversee things like education, health, social welfare and regional infrastructure.</td>
</tr>
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<tr>
<td>Who do the people follow?</td>
<td>The hereditary chiefs represent the traditions of the tribe, house or clan. In the case of the Wet’suwet’en, they have never agreed to the provisions of the Indian Act and, as a result, the hereditary chiefs hold tremendous power. That said, not everyone agrees with the hereditary chiefs.</td>
<td>While many Indigenous people have a negative view of the Indian Act, they acknowledge the need to have a working relationship with the provincial and federal governments. This is why many Indigenous leaders use the First Nation system to get funding and infrastructure for their people through the Indian Act framework.</td>
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So the answer to the question, who’s in charge is:

*Both the hereditary chiefs and the First Nations band councils*

And this is why there has been no formal resolution to the Wet’suwet’en struggle. The hereditary chiefs see themselves as having territorial rights to the land (as supported by the Delgamuukw ruling), and the First Nations band councils believe they have the democratic support of the people who live
on the land. Since Canada uses its rule of law to deal with Indigenous affairs (and does not formally recognize the ancestral law of the hereditary chiefs), the government will likely pursue a solution that supports the First Nation band councils and Coastal GasLink. However, the entire project is still up in the air with a resolution still to come.

Followup

Are you still confused about who is in charge? To learn more about this situation, watch this episode of the APTN news show, Nation to Nation: “Traditional vs. Indian Act: Perry Bellegarde explains where he sits on Wet’suwet’en.” You can find the video here: www.youtube.com/watch?v=_5F-1arfi90&t=735s

To consider

Where do you stand on the issue? Do you support the Wet’suwet’en hereditary chiefs, the elected band councils and/or Coastal GasLink? In a short reflection of approximately 150 words, explain your position.


1. **True.** In February 2020, a conflict over the construction of a 670 kilometre natural gas pipeline in northwest B.C. led to a series of protests and transportation disruptions across Canada with the primary issue being Indigenous title rights over land.

2. **False.** The RCMP refused to honour the court ordered injunction and let the Wet’suwet’en have full access to their land.

3. Trains between Toronto and Montreal were shut down because of a rail blockade by which Indigenous group?
   - d. Tyendinaga Mohawk

4. Despite the Wet’suwet’en chiefs’ opposition to the natural gas pipeline, how many First Nations chiefs support Coastal GasLink efforts?
   - b. 20
5. **True.** The Supreme Court verdict in the 1997 Delgamuukw case gave the Wet’suwet’en jurisdiction over their land. What shape that jurisdiction forms remains a subject of debate between the Wet’suwet’en and the B.C. government.

6. **False.** Karen Ogen-Toews, the CEO of the First Nations LNG Alliance, fully supports the views of the Wet’suwet’en hereditary chiefs.

7. On March 1, 2020, federal and provincial government leaders negotiated:
   c. A draft deal on land title rights.