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Letter to the Crown

BeadsAgainstFascism

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November 13, 2020

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To this day, Indigenous peoples and our communities are criminally underfunded and under-served; we are enormously and intentionally disadvantaged in every socio-economic measure. We are taught in one of two colonizer languages in our thirteen years in public school. We are even forced to stand and sing as the colonial state's anthem plays over our school's PA system each morning. The very premise of settler colonialism is ongoing genocide and replacement of our ways of living, our cultural and spiritual practices, our ways of relating to the world, our very communities and selves as human beings. My use of the word "genocide" is not a metaphor. Every waking moment of our lives, from birth to death, we are imbued with a deep and thorough understanding of settler ways. I know for a fact I know settler culture better than most settlers do. How many settlers can say the same about me and my culture? About us and our cultures? Can *you*? I venture to say it is not I who needs to further understand you; I have done my due diligence and the settler-colonial occupation known as "canada" has ensured it. But what have you, in your 500 years of presence on our land, done to understand me, to understand us?

repeatedly violated. Zero good faith consultation has occurred. The state has actively disregarded the rule of the hereditary chiefs, the peoples' representative institution. Zero free, prior, and informed consent from the Wet'suwet'en has been attained by the state. No just and fair redress has been implemented.

I would also like to direct you to **article 43**, which states that *"the rights recognized herein constitute the **minimum standards** (emphasis mine) for the survival, dignity and well-being of the [I]ndigenous peoples of the world."* Canada has voted against adopting UNDRIP, which follows logically considering the colonial state's egregious historical and ongoing violations of Indigenous rights and sovereignty. In regards to Canada's recent actions against the Wet'suwet'en people alone, the state has committed direct violations of **17** unique articles of the United Nations Declaration on the Rights of Indigenous Peoples.

Finally, I recognize that we need to understand each other in order to resolve these issues in "Canada". Indigenous peoples have been living on and with the land for at least 15,000 years. Settlers arrived in 1492 and proceeded to commit (before or since) unprecedented genocide against our peoples. The nation state of "Canada" was established in 1867. Since then, Canada forced the majority of the surviving 10% of our populations into residential schools with the express interest of "killing the Indian and saving the man". In these schools, where mortality rates ranged from 30–60% over five years or 6–12% per annum, Indigenous youth were forbidden from engaging with any aspect of our cultures, including education, language, spiritual practices, and more. Instead, entire generations of youth were immersed in Canadian propaganda for many years, with little or no access to their families or communities. Indigenous peoples were legally prohibited from practicing our cultures and spiritualities until the 1960s. The last residential school closed the year I was born, and I'm only 23.

My history on these lands begins long before yours does—at least 15,000 years ago. Over these fifteen millennia, our peoples have developed informed and respectful ways of sharing this land and water with each other and with our non-human relatives. Approximately 500 years ago, after we had already spent at least 14,500 years learning, sharing, and growing with our lands, white settlers arrived in the Americas. After this defining moment, our ways of existing were altered henceforth. Thus began, at the hands of white colonizers, the genocide of approximately 90% of our populations. As this process was very intentionally enacted and carried out, another process was taking place: settler colonialism. This is an ongoing process and a form of genocide which is occurring right this very minute, one which necessitates the replacement of Indigenous ways of living, cultural and spiritual practices, our communities and very *selves*, with those of settler culture and society. Contemporarily, one facet of this process is evidenced in the disregard and active repudiation of Indigenous sovereignty, and in the specific case relevant to this letter, the sovereignty of the Wet'suwet'en people.

In regards to why I participated in the non-violent blockade of the railway, I assert that the Wet'suwet'en people, who vehemently oppose all pipeline development on their land, have full and unrestricted sovereignty over all of their lands, both unceded and those covered by treaties. We also demand the settler colonial state be held accountable to uphold its own freely-made commitment to Nation-to-Nation engagement. There has been and continues to be active State militarization and mobilization on Wet'suwet'en land; there have been media blackouts and areas where journalists have been barred from entering; the settler state known as "Canada" continues to force through this environmentally catastrophic project, and we refuse to accept or allow this. In the face of the aforementioned media restrictions, we also insist the Canadian public has a right to know what their government is doing.

In terms of methods, we had tried a multitude of tactics to bring to public awareness the Canadian government's actions in Wet'suwet'en territory, and many methods were effective on some level. Meanwhile, Canada's human rights abuses and violation of Indigenous sovereignty never ceased for even a moment. While we as allies worked to support the Wet'suwet'en and ensure the Canadian public knew what their government was doing in their name, Wet'suwet'en people were still fighting on the frontlines every day, the pipeline project was progressing every day, and militarization and policing were ever-increasing. The Canadian government was (and continues to be) committing daily violence on the Wet'suwet'en people as time passes; they inflict harm and instill trauma that may be irreparable. This was not the time for holding signs in Queen's Park; the lives, safety, health, and well-being of human beings and their Indigenous territories were, and are, on the line, as well as the health and safety of us all as the climate warms. We made the decision to escalate our tactics because no one going about their daily life will look- and truly see- until we make them see. We can pass out pamphlets when lives are not on the line. But when the Canadian government is brutalizing Indigenous peoples *daily* while attempting to force through a new pipeline in the midst of a climate apocalypse, we do not have the luxury of protesting in a way that does not disrupt someone's day. We needed to draw mass attention, and we needed it done immediately. What we did was very reasonable; some peoples' commutes home were delayed, but for the greater good of bringing attention to egregious violations of Indigenous sovereignty, and the heinous attempted construction of a federally funded pipeline while we are already feeling the devastating effects of permanent climatic warming. Our actions received nation-wide coverage to these dire, and completely avoidable, circumstances. The public needs and deserves to

otherwise freely agreed with or requested by the indigenous peoples concerned.

2. *States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities."*

Unjustifiable military activities directly threatening the Wet'suwet'en people have been enacted by the state and are ongoing. There has been zero consultation with the Wet'suwet'en people on the subject of their militarized oppression and suppression by the state.

Article 32(1, 2, 3):

1. *"Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.*
2. *States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.*
3. *States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact."*

Wet'suwet'en right to determine and develop strategies for the use of their lands and resources has been thoroughly and

Article 29(1, 2, 3):

1. *“Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.*
2. *States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.*
3. *States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.”*

Indigenous right to conservation and protection of their lands has been repeatedly violated. No assistance programs exist or have ever existed. Hazardous materials are certain to harm their lands if the pipeline is completed and harm has already been caused by construction. No effective measures can be implemented to monitor and restore health while the state is still actively pushing the pipeline through.

Article 30(1, 2):

1. *“Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or*

know what the canadian government is doing in their name, and we helped to make them know.

In regards to the canadian government’s treatment of the Wet’suwet’en people and their land and how it fits into the broader context of canada’s ongoing legacy of genocide and settler colonialism that continues to this day, one relevant piece of international law comes to mind. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is a resolution passed by the United Nations in 2007. It was adopted as international law by 144 countries. 11 countries abstained, and 4 countries voted against it. Canada is among those four. If canada had adopted UNDRIP, its actions in Wet’suwet’en territory would be in violation of the following articles of this UN resolution:

Article 3:

“Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

Indigenous right to self-determination has been thoroughly and repeatedly violated.

Article 4:

“Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.”

Wet'suwet'en right to autonomy and self-government in matters relating to internal and local affairs has been both violated and usurped.

Article 5:

“Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.”

Wet'suwet'en peoples' right to maintain and strengthen these institutions has been violated, for example in the disregard for the unanimous ruling against the pipeline development by the Wet'suwet'en hereditary chiefs.

Article 8(2b, 2d):

“States shall provide effective mechanisms for prevention of, and redress for:

(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

(d) Any form of forced assimilation or integration”

Intentional and irreparable harm is being committed against the Wet'suwet'en including dispossession of their lands, territories, and resources; they are also being forced into assimilation with these actions on threat of military retaliation.

peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.”

There has been no attempt at a fair, independent, impartial, open, and transparent process, with zero effective access for Indigenous people to the process that does exist.

Article 28(1, 2):

1. *“Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.*
2. *Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.”*

There has been zero redress in the forms of restitution, compensation, or otherwise, and harm is ongoing. A lack of compensation has never been agreed upon by the Wet'suwet'en people.

Article 26(1, 2, 3):

1. *“Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.”*
2. *Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.*
3. *States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.”*

Wet’suwet’en right to their lands, including stewardship, control, and development, has been violated. No state protections or recognition have been provided. There has been zero respect to customs, traditions, and land tenure systems by the state. All of the above have indeed been actively disrespected and thoroughly and repeatedly violated.

Article 27:

“States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples’ laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous

Article 10:

“Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”

The Wet’suwet’en people are being forcibly displaced from areas of their traditional and contemporary territory by this pipeline and its construction.

Article 11(2):

“States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.”

Canada continues to take cultural, intellectual, religious, and spiritual property without free, prior, and informed consent and in violation of Wet’suwet’en laws, traditions, and customs, with zero effective redress.

Article 18:

“Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures,

as well as to maintain and develop their own indigenous decision-making institutions.”

The Wet’suwet’en peoples’ right to participate in matters that would affect their rights has been violated and disregarded, including disregard for the decisions made by the Wet’suwet’en hereditary chiefs, who are the peoples’ chosen representatives.

Article 19:

“States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.”

Canada has consistently neglected to consult and cooperate in good faith and has totally neglected to obtain free, prior, and informed consent regarding this pipeline and almost every other relevant instance impacting Indigenous peoples.

Article 23:

“Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.”

The Wet’suwet’en peoples’ right to determine development has been completely violated.

Article 24(2):

“Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.”

The Wet’suwet’en peoples’ equal right to the highest attainable standard of physical and mental health has been repeatedly violated over a long period of time. Their physical health has been threatened constantly by the state and its military as it illegally occupies Wet’suwet’en land and threatens land and water defenders, including the violent arrest of a pregnant Wet’suwet’en woman. The presence of man camps during pipeline construction and operation is also a direct threat to the safety and security of Indigenous people, particularly women, girls, and two spirit people. All of these factors are also deeply detrimental to the mental health of the Wet’suwet’en people under constant threat by the state, and whose role as stewards of the land and its health is threatened by an environmentally disastrous pipeline.

Article 25:

“Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.”

Wet’suwet’en ability to maintain and strengthen their distinctive spiritual relationship with their territories is actively prevented and threatened, as well as their ability to uphold their commitments to future generations in this regard.