

**OIL IS THICKER THAN JUSTICE: ENVIRONMENTAL VIOLENCE IN LUBICON  
LAKE AND THE ALBERTA TAR SANDS**

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## **ABSTRACT**

Oil is Thicker Than Justice: Environmental Violence in Lubicon Lake and the Alberta Tar Sands

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This thesis provides a comprehensive overview of the extractive industry operating out of the Alberta tar sands region to determine how environmental violence is enacted against Indigenous women, girls, and queer or Two-Spirit peoples in the Lubicon Lake Cree Nation and beyond. Through an analysis of existing literature in the field, a case study on the Lubicon Lake Nation and a policy analysis of the Calls for Justice from the Final Report of the National Inquiry into Missing and Murdered Indigenous Women, this thesis draws links between industrialization, capitalism, the heteropatriarchy, and colonialism. Finally, this thesis offers a pathway to resurgence, through the subversion of colonial gender and sexual norms, and collective action to reclaim Indigenous territory as an alternative to state-sponsored solutions and policies.

### **KEYWORDS:**

Lubicon Lake, tar sands, environmental violence, extractivism, Northern Alberta, National Inquiry into Missing and Murdered Indigenous Women and Girls, violence against Indigenous women, colonial heteropatriarchy, Indigenous resurgence, Land Back

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Finally, this thesis is for the people of the Lubicon Lake Cree Nation. Thank you so much for sharing your stories, your struggles, and your strength with the world. Your resilience as a community is inspiring to Indigenous communities across Turtle Island and is inspiring to me. I hope this work can uplift your voices and celebrate your persistence in protecting your lands and your peoples. Gitchi Migwetch.

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## INTRODUCTION

At 6:32pm on April 28<sup>th</sup>, 2011, an alarm in the Plains Midstream control room indicated a leak in the Rainbow Pipeline. Nearly an hour later, the pipeline was shut down. Between 7:22pm and 2:50am the next morning, the Rainbow Pipeline was restarted three times, despite the leak, in alignment with Plains Midstream's practice of placing higher priority on continued operation of the pipeline over any potential impacts of a leak<sup>1</sup>. After it was finally shut down, eight hours after the first alarm, over 28,000 barrels of oil had been spilled near the Lubicon Lake Nation and into the community of Little Buffalo, a community in the Peace River region of Northern Alberta.

On Friday, April 29<sup>th</sup>, the morning after the spill, children from the community arrived at school in Little Buffalo, which was located only twelve kilometres as the crow flies from the site of the spill. By the afternoon, after receiving many complaints of nausea, dizziness, and headaches, students and staff were sent home. The principal of Little Buffalo School was initially led to believe that the symptoms were caused by a propane tank leak on school premises. When students and staff returned to school on Monday morning, still uninformed of the oil spill, their symptoms persisted, and they were sent home again. Over the next several days, community members complained of a powerful odor of crude oil in the air, as well as headaches, nausea, burning eyes and near-fainting episodes<sup>2</sup>.

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<sup>1</sup> Keith Stewart and Greenpeace Canada, "The Rainbow Spill: A Case of Crime and (No) Punishment" (Edmonton, Alberta: Greenpeace Canada, 2018), <https://www.greenpeace.org/static/planet4-canada-stateless/2018/06/RainbowPipelineSpill.pdf>.

<sup>2</sup> Stewart and Greenpeace Canada.

The tar sands project in Northern Alberta is the largest industrial project in Canadian history, with more than twenty corporations operating out of the area<sup>3</sup>. As the site of the largest bitumen deposits on earth, the tar sands region is an ideal site for extractive companies globally. Extracting bitumen from tar sands is one of the most expensive and environmentally costly means of extracting oil, producing 15% more carbon emissions, and using roughly three times as much freshwater in the refining process per barrel than conventional oil methods<sup>4</sup>.

The tar sands development has been dubbed a form of colonialism with intersecting influences of racism and gender-based oppression, as determined by Indigenous land protectors and environmentalists in the Women's Earth Alliance and Native Youth Sexual Health Network's report "Violence on the Land, Violence on our Bodies"<sup>5</sup>. Indigenous communities who choose to remain on their ancestral lands are forced to carry the bodily burden of resource extraction in the form of cancers, genetic disorders, birth defects and complications in reproductive health as a result of the contamination of their lands and waters. Moreover, in addition to the threats to physical health, the tar sands region in Alberta has the highest rate of domestic violence in Canada<sup>6</sup>. The environmental violence done unto the land manifests in a myriad of ways, and impacts Indigenous bodies, lives, and communities.

Indigenous communities have always been the subject of mass extraction for Settlers. What began with a race to claim title to thousands of kilometres of territory by various imperial

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<sup>3</sup> Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence" (Berkeley, California; Toronto, Ontario, 2016), <http://landbodydefense.org/uploads/files/VLVBReportToolkit2016.pdf>.

<sup>4</sup> Union of Concerned Scientists, "What Are Tar Sands?" (Cambridge, Massachusetts: Union of Concerned Scientists, 2016), <https://www.ucsusa.org/resources/what-are-tar-sands>.

<sup>5</sup> Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence."

<sup>6</sup> Women's Earth Alliance and Native Youth Sexual Health Network.

powers and then the Canadian Settler state after 1867 quickly became expanded to include the extraction of children from families through the Indian Residential School System and the commercial destruction of the land to extract resources. Lands which were once cared for with respect for the value and scarcity of natural resources became pillaged at much higher rates than ever before. Despite the cautionary warnings of Indigenous communities and climate leaders, dangerous and destructive extractive practices have continued and rendered our relationship with the land unsustainable.

Alongside this history of extraction, we have seen assaults on Indigenous women, girls, and queer or Two-Spirit individuals who are often at the front lines of defending the health and security of their territory and communities. Often, these assaults come in the form of increased sexual and physical violence at the hands of non-Indigenous men who are involved in extractive industries, but they also take the shape of health risks resulting from the desecration of the land.

The Lubicon Lake Cree Nation is one such community that has been profoundly impacted by the tar sands industry. For the purpose of this thesis, the Lubicon Lake Nation will serve as a geographical base on which to explore how resource extraction enacts violence on Indigenous lands and bodies. Through the lens of the Rainbow Pipeline spill of 2011, this community represents a very poignant example of how Indigenous communities are exposed to environmental harm and suffer very real physical consequences that will affect generations to come. By examining this community, this thesis will answer the following question: How is environmental violence enacted on Indigenous women, girls, queer or Two-Spirit peoples, and Indigenous land in the Lubicon Lake territory?

I come to this work as an Indigenous person from a very different geography. I am from Mattawa-North Bay Algonquin First Nation, a small community in unceded Algonquin



Territory, and I also have mixed Scottish ancestry through my father's family. This project has been incredibly emotional for me, as an urban Indigenous person who has experienced many of the same effects of colonial violence, albeit in a different context, on both a personal and community level. As an Indigenous person in the city, I feel the effects of dispossession through urbanization and how I have less access to land than my ancestors did, much as is the case for Indigenous peoples in the Alberta tar sands. I am sympathetic to their fight for the land back. As a survivor of assault, I understand how it feels to be stripped of my bodily autonomy; something which occurs on and near extractive sites every single day. I share the pain of colonial violence with my relatives across Turtle Island.

I first read about the Lubicon Lake Nation during my final year of undergraduate study at the University of Toronto, where a professor of mine introduced me to some pieces about the community, many of which are referenced in this thesis. I was inspired by the relentless faith of the Lubicon Cree and their collective determination to keep their lands safe for future generations. My hope is for this thesis to honour the words and stories that the community has been so generous in sharing over the last several decades, and to showcase how those words still hold so much value many years later.

This research will remain geographically focused in scope, keeping to the tar sands region in Northern Alberta. However, scholarship from across Turtle Island will be used to contextualize the issue of resource extraction and environmental violence against Indigenous women, girls, and queer or Two-Spirit people. Research conducted in other communities in the Alberta tar sands region will be used to fill in the gaps in literature pertaining to Lubicon Lake Nation.

Some of the gaps in scholarship include specific references to domestic and sexual violence resulting from proximity to man camps and the extractive industry. As Lubicon Lake is a relatively small community in terms of its population size, counting only 455 members on the territory as of 2016, there has not been a great deal of research done in the community in the field of environmental violence, following the 2011 Rainbow spill, aside from the important work done by Melina Laboucan-Massimo, an activist and scholar whose work has been integral in providing a voice to a small remote community. In contrast, Fort McMurray, an urban area just a few hours east of Lubicon Lake has been the focus of a great deal of investigation into domestic and sexual violence rates and their connection to the booming oil industry in the area<sup>7</sup>. While Fort McMurray is not a rural area as Lubicon Lake most certainly is, they share many similarities and parallels as both communities exist on the greater tar sands development project and draw in large numbers of transient men each year.

The correlation between extractivism and violence against Indigenous women has been documented in other communities across Turtle Island, and even throughout the tar sands region in Alberta and the northwestern United States. For example, the Mandan, Hidatsa, and Arikara (MHA) Nation in North Dakota saw an uptick in rates of violence against Indigenous women and girls after the tribal chairman allowed the oil industry to operate out of the territory, in an effort to pull the community out of poverty in 2007<sup>8</sup>. Even if such violence has not been documented specifically in Lubicon Lake, we know that it occurs in other communities, and in similar landscapes. Physical, domestic, and sexual violence against Indigenous women and girls will likely be a consequence of the extractivism on Lubicon territory, if it has not manifested

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<sup>7</sup> Women's Earth Alliance and Native Youth Sexual Health Network.

<sup>8</sup> Nick Estes, *Our History Is the Future: Standing Rock versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance* (London, Brooklyn: Verso, 2019).

already. This thesis seeks to uplift the voices of the Lubicon Cree as they have documented the injustice done unto their land and their community, and to provide insight into how they exist as part of the greater narrative of environmental violence and extractivism.

This thesis will be divided into three chapters. The first chapter will be a critical analysis of literature that examines the links between Indigenous land and body and how these links stem from the extractive industry and are inextricably tied to Settler attempts to stake claim to Indigenous lands across Turtle Island since the arrival of Europeans. This chapter will also situate the resource extractive industry in the context of the National Inquiry into Missing and Murdered Indigenous Women and Girls, and the Final Report of the National Inquiry which was released in 2019<sup>9</sup>.

Chapter one of this thesis will accomplish three things: first, it will establish the intrinsic connection between land and body on which the thesis will rely. This means understanding how environmental harm manifests on the body as illness, reproductive issues, and the like, but also understanding how the extractive industry is a breeding ground for sexual violence against Indigenous women, girls, and queer or Two-Spirit people. Second, this chapter will provide an overview of relevant North American literature pertaining to environmental violence in the extractive industry, including the dangers of “man camps”, or workers camps which house large numbers of transient men who are employed by extractive projects. This chapter will also provide testimony from the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls: a crucial inclusion that both highlights the devastating stories of

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<sup>9</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al., “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls” (National Inquiry into Missing and Murdered Indigenous Women, 2019), <https://www.mmiwg-ffada.ca/final-report/>.

women and their families from across so-called Canada, and also points to the necessity of the inquiry.

The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls will be a foundational text for this thesis, owing to the comprehensive context that the report will provide in chapter one about the history of the exploitation of Indigenous women in Canada since before Confederation. The body of the report provides extensive testimony concerning the negative experiences of Indigenous women with industry workers, which have contributed to a culture of treating Indigenous women and the lands they protect as expendable<sup>10</sup>. Following this, the report offers 613 Calls for Justice directed to different governments, corporations, and industries to mitigate and eventually end the incessant violence towards Indigenous women and girls.

Chapter one of this thesis will draw on a piece by Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on our Bodies" in order to provide this project with definitions of environmental violence, environmental racism, environmental justice, land trauma, reproductive justice, and other concepts that will inform this research<sup>11</sup>. This collaborative report and toolkit will also provide a preliminary survey of extractive industry and its negative impact on Indigenous women, girls, and queer or Two-Spirit people. This piece from Women's Earth Alliance and Native Youth Sexual Health Network is relevant and important to this thesis as it contains testimony from Indigenous women, youth, and

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<sup>10</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al.

<sup>11</sup> Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence."

queer and Two-Spirit people who are on the front lines of defending their lands and experiencing the effects of extractivism first-hand.

Finally, chapter one of this thesis will establish how colonialism and capitalism are the driving forces of the extractive industry, and how continuing to extract natural resources from the earth at the expense of Indigenous communities is one and the same with early colonial tactics to secure large swaths of land for nation-building, and for the removal of Indigenous Peoples. This chapter will provide a broad context to establish the conditions through which to examine the specific conditions of environmental violence in the Alberta tar sands region, and in Lubicon Lake Nation more specifically. By examining environmental violence as a North American issue, or even a global one, we can understand the Albertan case study as part of a broader phenomenon of colonialism and capitalism causing physical harm to Indigenous women, rather than one isolated case in a small geographic region in Canada.

The second chapter will be a close examination of the impact of extractivism in Lubicon Lake Nation, a small rural community just east of the Peace River, to determine how environmental violence has manifested on the lands and on the bodies of Indigenous women in the community. This chapter will also expand on the first chapter's analysis of the National Inquiry into Missing and Murdered Indigenous Women and girls by examining the potential impact of five relevant Calls to Justice, should they be implemented.

This chapter will first look at the environmental impact that the tar sands project has had on the land. This will be done by examining texts that report on the air and water quality in both communities, the impact of tailing ponds near extractive sites, and the lasting effects of historical

oil spills, such as the Rainbow Pipeline spill in 2011 outside of Lubicon Lake Nation<sup>12</sup>. From there, we will move into an examination of the physical impacts that the environmental damage has had on the Indigenous population in Lubicon Lake Nation. This conversation will be driven largely by Indigenous women's voices from the area, most specifically by Cree activist Melina Laboucan-Massimo who has been advocating for environmental justice in the area for several years. Laboucan-Massimo's work, "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree", alongside reports on the Rainbow Pipeline spill from Greenpeace Canada and Nobel Women's Initiative will provide a clear picture of the environmental and social impacts of the tar sands operation in Lubicon territory<sup>13</sup>.

In this section, we will see links between environmental violence and the physical and reproductive health of Indigenous women, as well as the way that extractive industry begets sexual violence against Indigenous women, girls, and queer or Two-Spirit people in the area through the presence of man camps and a high number of non-Indigenous men in the area.

This chapter will also provide a practical application of five Calls to Justice from the Final Report of the National Inquiry on Missing and Murdered Indigenous Women and Girls. Calls 13.1 through 13.5, which are intended for extractive industries, attempt to address the safety and security of Indigenous women and girls living near extractive projects, the gendered impact of projects in general, and the social infrastructure of extractive projects<sup>14</sup>. These calls

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<sup>12</sup> Stewart and Greenpeace Canada, "The Rainbow Spill: A Case of Crime and (No) Punishment."

<sup>13</sup> Melina Laboucan-Massimo, "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree," in *A Line in the Tar Sands: Struggles for Environmental Justice*, ed. Toban Black et al. (Toronto, Ontario: Between The Lines Press, 2014); Stewart and Greenpeace Canada, "The Rainbow Spill: A Case of Crime and (No) Punishment"; Nobel Women's Initiative, "Breaking Ground: Women, Oil and Climate Change in Alberta and British Columbia," 2013, [https://nobelwomensinitiative.org/wp-content/uploads/2013/12/rv2NWI-Tar-Sands-Report\\_LR.pdf?ref=218](https://nobelwomensinitiative.org/wp-content/uploads/2013/12/rv2NWI-Tar-Sands-Report_LR.pdf?ref=218).

<sup>14</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al., "Reclaiming Power and Place."

will be applied to the situation in Lubicon Lake to determine if they are insufficient in addressing the violence enacted against Indigenous women and girls as a result of extractive projects in Lubicon Lake and beyond. This chapter will help to situate Lubicon Lake Nation within the greater phenomenon of violence and extractive industry on Turtle Island.

Finally, the third chapter of this thesis will look at the reclamation of land and body in the Alberta tar sands region and across Turtle Island and examine how Indigenous Peoples in both Lubicon Lake and elsewhere can regain autonomy of their ancestral lands and their bodies. This final chapter will focus on means of reclaiming Indigenous body and land in the tar sands region and beyond. The toolkit portion of the Women's Earth Alliance and Native Youth Sexual Health Network's "Violence on the Land, Violence on our Bodies" [2016] will inform the exercising of consent over land and body where consent has been previously violated. The toolkit portion of the report will inform some of the resurgence strategies for the reclamation of body and land<sup>15</sup>.

Conversations around consent over body will include the resurgence of queer identities in Indigenous communities from pre-colonial times as well as the acceptance of modern queer identities in Indigenous communities to combat the colonial imposition of heteronormativity since the arrival of Europeans. Alongside this, I will examine how sex can be used as a means to reclaim authority over the body, especially if there has previously been a violation, and as an antidote to colonial notions of sex as sinful. This chapter will also include a discussion on moving forward and beyond the limiting Calls to Justice from the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

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<sup>15</sup> Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence."

In terms of reclamation of Indigenous land, the conversation will be two-fold. In rural areas, land can be reclaimed through land defense movements, through traditional land use, and through the enthusiastic caretaking of the land. This thesis will draw on research from community consultations done in Toronto to explore ways in which Indigenous women, children, and families can connect with the land without leaving the city. This research is relevant to the plight of the Lubicon Lake Cree Nation in the same way that stories from Fort McMurray are included in this thesis. Whether Indigenous Peoples are living in rural areas like Lubicon Lake or in urban areas such as Toronto, they are subject to land dispossession. While this can present differently in each case (i.e., urbanization versus industrial extractivism), the strategies for connection to the land offered by urban Indigenous women will be equally as applicable to those living in Northern Alberta. This primary research will be included in order to demonstrate the similarity of land defence movements across various geographies.

This thesis comes at a critical moment in environmental justice and Indigenous rights as the United Nations' Intergovernmental Panel on Climate Change (IPCC) has issued a code-red alert on the climate crisis, indicating that humanity is reaching a point where some of the damages of climate change may be irreversible<sup>16</sup>. Many believe that Indigenous liberation is the only remaining path to achieving climate justice and reversing the damage that has been done to Mother Earth<sup>17</sup>. This research project will shed light on the urgent need to combat environmental violence in the Alberta tar sands region, as it is rapidly becoming a matter of life or death for Indigenous communities.

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<sup>16</sup> Intergovernmental Panel on Climate Change, "Climate Change 2021: The Physical Science Basis" (Cambridge, United Kingdom: Intergovernmental Panel on Climate Change, 2021), [https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC\\_AR6\\_WGI\\_SPM.pdf](https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf).

<sup>17</sup> The Red Nation, *The Red Deal: Indigenous Action to Save Our Earth* (Brooklyn, New York: Common Notions Press, 2021).



The Canadian Settler State relies on resource extraction to continue to stake its illegitimate claim to the lands. As this settler-colonialism interacts with the heteropatriarchy and the disposability of people under capitalism, Indigenous Peoples and their ancestral territories become sacrifice zones, areas which are deemed to be expendable. Indigenous women, girls, and queer people face a disproportionate amount of harm stemming from the extractive industry owing to their intrinsic connection to the land. Where their lands face violence, they will face harm as well. So long as resource extraction continues to persist in the Alberta tar sands region, the Lubicon Lake Nation, as well as countless other Indigenous communities, will continue to bear the burden of this environmental violence.

Indigenous Peoples have occupied these lands for hundreds of thousands of years and have been the sole caretakers of the land for much of that time. Communities have operated with reciprocity, knowing that the land must not be taken advantage of, or its inhabitants will suffer the grave consequences. We are currently at a critical point in history where we must make the choice between the spoils of capitalism and life on this planet. Indigenous Peoples hold the knowledge to reverse the effects of climate change but must be given the space and the opportunity to do so.

As written in The Red Nation's publication *The Red Deal: Indigenous Action to Save Our Earth*:

“In this era of catastrophic climate change, why is it easier for some to imagine the end of fossil fuels than settler colonialism? To imagine green economies, carbon-free wind and solar energy, and electric, bullet-train utopias but not the return of Indigenous lands? Why is it easier to imagine the end of the world – a zombie apocalypse – than the end of capitalism? It's not an

either/or scenario. Ending settler colonialism and capitalism *and* returning Indigenous lands are all possible – and necessary<sup>18</sup>.

Indigenous women are, and have always been, the first environment for human life. They have nourished future generations long before the creation of colonial states, and in drawing on the strength of the women who came before them, they can resist the harms of colonialism, capitalism, and heteropatriarchy until long after the colonial state has dissolved. In honouring the connection between Indigenous women and the lands they care for, healing is possible. Indigenous women hold the strength to empower their communities in the plight towards environmental justice. In Lubicon Lake, or beyond, a resurgence in the connection between land and body will be the key to resisting the grip of extractive capitalism.

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<sup>18</sup> The Red Nation.

## CHAPTER ONE: AN OVERVIEW OF EXTRACTIVE DEVELOPMENT AND ENVIRONMENTAL VIOLENCE IN CANADA AND NORTHERN ALBERTA

*“13.1: We call upon all resource-extraction and development industries to consider the safety and security of Indigenous women, girls, and 2SLGBTQQIA people, as well as their equitable benefit from development, at all stages of project planning, assessment, implementation, management, and monitoring.”*

*– National Inquiry into Missing and Murdered Indigenous Women and Girls, Reclaiming Power and Place<sup>19</sup>*

In 2019, the National Inquiry into Missing and Murdered Indigenous Women and Girls released their final report which included 231 “Calls to Justice”, recommendations to governments, industry, social workers, police services and more to attempt to mitigate the conditions that allow for the violent kidnapping, assault and murder of Indigenous women, girls, and queer people every day across so-called Canada. The above recommendation is the first of five directed at extractive and development industries, calling on corporations to consider the safety and security of Indigenous women in the planning and execution of extractive projects.

My concern with this recommendation (though I am certainly not the first person to identify this problem) is that the resource extraction industry is fundamentally incompatible with the safety and security of Indigenous women, girls, and queer people, as their ability to thrive and to be safe is synonymous with the state of the land they care for. Where Indigenous territories are free from colonial interference and environmental harm, the women, youth, and queer people who occupy that land can do so in a safe, meaningful, and reciprocal way. Where

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<sup>19</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al., “Reclaiming Power and Place.”

territories are exploited, so are the communities who have been stewards of the land since time immemorial. Where the land faces violence, Indigenous women, girls, and queer or Two-Spirit people feel the effects.

In this chapter, I will lay the foundation for the thesis by outlining the intrinsic connection between Indigenous land and body that has long been recognized by Indigenous Peoples. With the use of existing academic and grey literature<sup>20</sup>, I will examine how environmental harm manifests in the body as a variety of illnesses or generationally through reproductive issues. Once this connection has been delineated, I will move to a larger discussion of the effects of extractive industry on Indigenous communities across Turtle Island, including the prevalence of sexual violence stemming from man camps, or workers camps. I will also cite testimony from the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls that speaks to the environmental violence faced by individuals and communities because of the extractive industry on their lands. Finally, I will identify colonialism and capitalism as the driving forces behind the extractive industry and will determine that resource extraction and the commodification of Indigenous land and body is synonymous with early colonial notions of state-making.

## INDIGENOUS BODY AND LAND: AN INTRINSIC CONNECTION

Many understand reproductive justice as the ability for a person to decide whether to have children, and to parent any children you may have in a healthy and safe environment<sup>21</sup>.

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<sup>20</sup> Grey literature is defined by the Simon Fraser University Library as literature which has been produced outside of the typical academic publishing and distribution channels, such as reports, policy literature, working papers, government documents, speeches, and more. Simon Fraser University, "Grey Literature: What It Is & How to Find It," Simon Fraser University Library, June 7, 2022, <https://www.lib.sfu.ca/help/research-assistance/format-type/grey-literature>.

<sup>21</sup> Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence."

While this is certainly a prominent aspect to reproductive justice, for Indigenous Peoples, specifically Indigenous women and queer people, reproductive justice is a struggle for collective conditions that sustain life and that can persist over several generations despite the presence of life-threatening structural forces<sup>22</sup>. Reproductive justice is inseparable from environmental justice just as the Indigenous bodies are inseparable from the land they care for.

Since time immemorial, the connection between Indigenous land and body has been reaffirmed through storytelling, ceremony, kinship relationships and traditional governance systems. Despite the efforts of the colonial project, young people and women in Indigenous communities continue to advocate for the relevance of this intrinsic connection. For Indigenous Peoples, and especially women, there is no separation between land and life<sup>23</sup>. Environmental harm is not benign, nor is it egalitarian; it does not affect every person equally. As will be discussed below, Indigenous communities bear the bodily burden of the extractive industry, at a much higher (and much more deliberate) rate than their white counterparts<sup>24</sup>. Indigenous Peoples, as well as other marginalized populations in Canada and across Turtle Island, tend to live in poorer environments as they lack access to political power and influence to determine the location of sites of environmental detriment, such as dumps, sewage outflows, dams and extractive sites<sup>25</sup>.

The specific health effects of contaminants that result from the extractive industry are most visible in women's bodies as they have the greatest impact on the female reproductive

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<sup>22</sup> Max Liboiron, *Pollution Is Colonialism* (Durham, North Carolina: Duke University Press, 2021).

<sup>23</sup> Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence."

<sup>24</sup> For a more in-depth study of industrial pollution and Indigenous health, see: Lianne C. Leddy, *Serpent River Resurgence: Confronting Uranium Mining at Elliot Lake* (Toronto, Ontario: University of Toronto Press, 2021).

<sup>25</sup> Tina Loo, "Disturbing the Peace: Environmental Change and the Scales of Justice on a Northern River," *Environmental History* 12, no. 4 (2007): 895–919.

system. Women who have experienced prolonged exposure to contaminants report high levels of toxins in breast milk, placenta cord blood, body fat, and blood serum, and experience much higher rates of infertility, miscarriages, premature births, and an overall inability to produce healthy children.

Katsi Cook, a Mohawk midwife, speaks of a high volume of PCBs found in the fish population in the St. Lawrence River, downstream of General Motor's landfill and upstream of her home community of Akwesasne. After noticing an increase in reproductive cancers, miscarriage and stillbirths, and other illnesses, a study was done to investigate the presence of similar PCBs in community members' breastmilk supply, including her own. The same contaminants found in the fish population were found inside the bodies of these women from Akwesasne.<sup>26</sup> Through the process of bioaccumulation, toxins from sediment that had washed ashore from the St. Lawrence River had made their way up the food chain to people's gardens, farm animals, wild animals, all the way up to nursing infants, where the PCBs would be passed intergenerationally from mother to infant. The study of toxins found in the waters of Akwesasne is but one example of many that show industrial pollutants directly impacting Indigenous communities and, specifically, women's bodies and those of their children.

Many Indigenous communities consider women and their bodies as the first environment. During pregnancy and gestation, their bodies nurture and sustain future generations. After birth, life flows from the breast to feed and nourish infants so they can grow into healthy children<sup>27</sup>. The relationships between generations flow directly from Indigenous women's bodies. In the

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<sup>26</sup> Katsi Cook, "Powerful Like a River: Reweaving the Web of Our Lives in Defense of Environmental and Reproductive Justice," in *Original Instructions: Indigenous Teachings for a Sustainable Future*, ed. Melissa K. Nelson (Rochester, New York: Bear & Company, 2008).

<sup>27</sup> Cook.

same way that many communities consider the Earth to be a Mother, Indigenous mothers become synonymous with the Earth. This connection makes the harm to Indigenous reproductive systems all the more threatening to the continued prosperity of Indigenous nations. Reproductive cancers, infertility and high miscarriage rates, autoimmune diseases, thyroid diseases, and more disproportionately affect Indigenous women, and in many cases, affect their children in utero, to be passed along generationally<sup>28</sup>. If the ovum that will one day become a woman's grandchild is formed while they are still in utero, what does it look like when that ovum is exposed to harmful toxins before it has a chance to breathe on its own?

A 1998 study by Sharara et al. determined that heavy metals, such as lead, mercury, cadmium and manganese have been linked to an increased risk of miscarriage, fetal death or preterm delivery in women due to the ways in which the metals affect hormone receptors in the ovaries<sup>29</sup>. In chapter two of this thesis, I will discuss the ways in which exposure to such toxins emitted as a result of the oil industry along the Peace River have resulted in large numbers of reproductive failure in Lubicon Lake Cree Nation, including high rates of miscarriage and infant mortality.

Why does this violence continue to occur on Indigenous lands and bodies? It is crucial to understand that extractive industries, as well as the colonial governments who oversee those industries, treat Indigenous women, girls, and queer people in the same ways that they treat the land. Sacrifice zones are defined by Naomi Klein as places that, to their extractors, do not count, and can therefore be poisoned, drained, and otherwise destroyed for the "greater good" of

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<sup>28</sup> Cook.

<sup>29</sup> Fady I. Sharara, David B. Seifer, and Jodi A. Flaws, "Environmental Toxicants and Female Reproduction," *Fertility and Sterility* 70, no. 4 (1998): 613–22, [https://doi.org/10.1016/S0015-0282\(98\)00253-2](https://doi.org/10.1016/S0015-0282(98)00253-2).

economic progress<sup>30</sup>. The existence of such environmental sacrifice zones is inextricably tied to white supremacy, because in order to have sacrifice zones, there must be people and cultures who are so unimportant that they are deemed worthy of sacrifice. Not only does extractive industry consider Indigenous lands to be worthy of sacrifice, but Indigenous bodies as well, as both Canada's history and present demonstrate. Indigenous women, girls, and queer people are treated as disposable in the name of the extractive industry and the settler "economy".

The body and the land are considered worthy of sacrifice if they can contribute to the accumulation of capital and the advancement of the settler state. Indigenous lands, while they are still occupied and cared for by Indigenous Peoples, are a threat to Canadian sovereignty as they do not allow for the capitalistic pillaging and exploitation that would advance Canada's status as a world leader in natural resources. Indigenous women, as well as Black women and other women of colour, are a threat to Canadian sovereignty as they possess the ability to produce future generations of non-white children, who would inevitably stand in the way of a country founded on principles of white supremacy and genocide<sup>31</sup>.

## EXTRACTIVISM: AN ASSAULT ON INDIGENOUS AUTONOMY

The Women's Earth Alliance and Native Youth Sexual Health Network define environmental violence as the disproportionate and devastating impacts that the proliferation of environmental toxins and industrial development have on Indigenous women, children, and futures without regard from states or corporations for their ongoing harm<sup>32</sup>. A key word in this definition that I believe is worth noting is "disproportionate". Environmental harm affects us all,

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<sup>30</sup> Naomi Klein, "Beyond Extractivism: Confronting the Climate Denier Within," in *This Changes Everything: Capitalism vs. The Climate* (New York, New York: Alfred A. Knopf Canada, 2014), 161–87.

<sup>31</sup> The Red Nation, *The Red Deal: Indigenous Action to Save Our Earth*.

<sup>32</sup> Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence."



on a global scale. This is why climate scientists have declared a climate emergency, this is why governments are urged to take action worldwide. This being said, some populations feel the effects of environmental harm much more deeply and directly. Indigenous communities whose lands are being used for extractive projects or who are near extractive projects are much more likely to bear the burden not only physically, as previously discussed, but socially as well.

To understand the present-day implications of the extractive industry on Indigenous communities, we must first understand the longstanding history of displacement, abuse, and violence that Indigenous women have faced throughout the many different eras of colonization in Canada and across Turtle Island. Deeply entrenched in the narrative of Canada as a settler-state are systems which seek to diminish the status of Indigenous women and queer peoples in this country, therefore eliminating their threat to the survivance of colonialism on these lands. This is done by upholding paternalistic practices and laws which result in the death of Indigenous women, the removal of their reproductive abilities and the limitation of Indigenous motherhood<sup>33</sup>. Although this phenomenon has presented differently over the years, the subjugation of Indigenous women has always been a pillar of the Canadian mission.

Upon the arrival of the first Europeans to the continent, settler society was immediately threatened by the status of Indigenous women in their communities, as it was non-hierarchical, egalitarian, and in some cases matriarchal. European society, which is based in principles of dominance, patriarchy, and the subjugation of women sought therefore to dismantle matriarchal Indigenous societies, to demonize and sexualize Indigenous women, and to paint them as

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<sup>33</sup> Jeff Corntassel and Christine Bird, "Canada: Portrait of a Serial Killer," in *Surviving Canada: Indigenous Peoples Celebrate 150 Years of Betrayal*, ed. Kiera L. Ladner and Myra J. Tait (Winnipeg, Manitoba: Arbeiter Ring Publishing, 2017).

immoral and dangerous<sup>34</sup>. Indigenous women's status in Canada continued to be minimized over the coming years through discriminatory *Indian Act* policies, and through the ongoing sexualization and devaluation that continues into the present day.

Colonial legal systems have long protected and even rewarded non-Indigenous men who exploit Indigenous women and girls, either through sex trafficking, which has been *de facto* legalized through jurisdictional loopholes preventing non-Indigenous men from being prosecuted on Indigenous territories, or through forced marriage and land dispossession<sup>35</sup>. Sexual violence, and all its related atrocities are used as a tool to inflict damage on families that lasts for generations and instills a sense of shame meant to discourage resistance to colonial efforts. The sexual agency of Indigenous Peoples and women in particular has long been a problem for colonizers. Indigenous notions of intimacy and sex shatter Eurocentric heteronormative and patriarchal notions of family, of gender, and of modesty. For this reason, Indigenous women are often faced with physical and sexual violence the more they exercise autonomy over their bodies<sup>36</sup>. Indigenous women who engaged in sexual activity outside of Christian marriage were deemed promiscuous or portrayed as prostitutes; these notions of colonialism and gendered violence have now become so commonplace across North America that such stereotypes often perpetuate themselves<sup>37</sup>.

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<sup>34</sup> Jessica Riel-Johns, "Understanding Violence Against Indigenous Women and Girls," in *Forever Loved: Exposing the Hidden Crisis of Missing and Murdered Indigenous Women and Girls in Canada*, ed. D. Memee Lavell-Harvard and Jennifer Brant (Toronto, Ontario: Demeter Press, 2016).

<sup>35</sup> Sarah Deer, "Relocation Revisited: The Sex Trafficking of Native Women," in *The Beginning and End of Rape: Confronting Sexual Violence in Native America* (Minneapolis, Minnesota: University of Minnesota Press, 2015), 59–79.

<sup>36</sup> Leanne Simpson, "The Sovereignty of Indigenous Peoples' Bodies," in *As We Have Always Done: Indigenous Freedom Through Radical Resistance* (Minneapolis, Minnesota: University of Minnesota Press, 2017), 95–118.

<sup>37</sup> See, for example: Barman Jean. "Taming Aboriginal Sexuality: Gender, Power and Race in British Columbia, 1850–1900," *BC Studies* 115 & 116 (Autumn/Winter 1997/98): 237–66; Carter, Sarah. "Categories and Terrains of Exclusion: Constructing the 'Indian Woman' in the Early Settlement Era in Western Canada," *Great Plains Quarterly*

So where does the extractive industry come into play in the persistent narrative of violence against Indigenous women? I will begin with the most enduring site of harm within the industry, man camps. Man camps, or workers camps, as they are sometimes called, are temporary housing facilities operated by extractive industries to house large numbers of transient workers, usually men. These camps can be either documented or undocumented: documented camps are usually housed in hotels or other existing structures and have facilities for workers to use such as gyms or recreation areas. Undocumented camps, which are far more common, usually involve a large number of trailers on leased farmland, often do not keep record of the men who live there, and often do not even have addresses<sup>38</sup>. Such camps are often necessary for extractive projects because there is insufficient housing in rural areas. These camps, however, come at an incredibly high cost to the Indigenous communities whose land has been co-opted for these housing facilities.

The dynamic that exists between the transient workers who take up residence in these work camps and the Indigenous Peoples who often put themselves on the frontlines of protecting their lands from extractive industry is similar to the dynamic that existed during the gold rush era<sup>39</sup>. The hypermasculine culture of “blowing off steam”, which often involves drug use, alcohol consumption, gambling and involvement in the sex trade places Indigenous women at a high risk of experiencing violence. This risk of violence is heightened when we consider the fact that most industry workers have very few or no ties to community or the area in general<sup>40</sup>. It is

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13 (1993): 147-61; Sangster, Joan. "Criminalizing the Colonized: Ontario Native Women Confront the Criminal Justice System, 1920-60," *The Canadian Historical Review* 80.1 (1999):32-5

<sup>38</sup> Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence."

<sup>39</sup> Deer, "Relocation Revisited: The Sex Trafficking of Native Women."

<sup>40</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al., "Reclaiming Power and Place."

easy to commit crimes when you can remain anonymous; when law enforcement does not know your name, when community members cannot identify you, when resident logs at undocumented man camps are poorly kept, a legal loophole is created that enables transient workers to engage in illegal activities without being held accountable for the harm they cause.

Local law enforcement must share the blame for the conditions of violence surrounding the extractive industry. Indigenous women living on or near extractive projects have reported that the RCMP and other regional police officers, who are employed to protect the local community, often participate in the violence against Indigenous Peoples. Many Indigenous men recount having been brutalized by police officers, and many women detail having been ignored when reporting incidents of sexual violence to police, or worse yet, the perpetrators of said violence are members of law enforcement themselves. Overall, community members insist that law enforcement fail to take seriously allegations of violence at the hands of industry workers, resulting in a loss of trust between community, extractive industry, and police.

Testimonials from the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls describe this lack of support and trust from law enforcement as having fatal consequences. The family of Victoria P., a woman who suffered a stroke while in police custody, emphasized that what happened to Victoria is indicative of the attitudes which are pervasive within the criminal justice system across the country; Indigenous women and their lives do not matter. Despite being in significant distress, and despite a junior officer expressing concern for her wellbeing, senior law enforcement on duty that evening insisted that Victoria did not need medical assistance, or any further attention at all. She later died in hospital following

the stroke<sup>41</sup>. Victoria's story is not an anomaly; it is a glimpse into the gross mistreatment of Indigenous women at the hands of law enforcement in Canada.

Many extractive companies gain approval from Indigenous leaders and band councils to operate on Indigenous land by promising several jobs to Indigenous community members. However, it must be noted that Indigenous Peoples working on extractive projects do not reap the same benefits as their non-Indigenous counterparts and are in fact often putting themselves at risk of violence through this work<sup>42</sup>. Indigenous Peoples, and specifically Indigenous women who work in the oil and gas industry experience a high rate of sexual harassment and violence on the job. Most, however, are unable to report due to a fear of reprisal and dismissal. It may be difficult for Indigenous women to leave these jobs; the conditions of poverty imposed on their communities make employment in the extractive industry seem like a last resort. However, once the land has been sufficiently stripped of her resources, extractive companies will leave, and the communities will be left once again in severe poverty<sup>43</sup>.

The Final Report from the National Inquiry into Missing and Murdered Indigenous Women and Girls provides us with five Calls to Justice relating to the extractive and development industry. As we saw at the beginning of this chapter, Call 13.1 implores industry to take Indigenous women and their safety into account at all stages of development; planning, planning, assessment, implementation, management, and monitoring<sup>44</sup>. What we are seeing is that not only do extractive corporations not consider the safety of women during the active years of the project, but there is no consideration for the long-term impacts of extractivism on

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<sup>41</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al.

<sup>42</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al.

<sup>43</sup> The Red Nation, *The Red Deal: Indigenous Action to Save Our Earth*.

<sup>44</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al., "Reclaiming Power and Place."

Indigenous women and girls. What happens when industry packs up and moves on? What happens to the women who have been violenceed at the hands of oil workers? What happens to the land, who has been left damaged and pillaged by the industry? More often than not, these communities become nothing but a page in the colonial story. The industry will move on to the next piece of land, to the next resource to extract, and will begin the cycle of displacement and violence once again.

### THE NEW COLONIAL PROJECT: EXTRACTIVISM AS NATION BUILDING

Having now established the intrinsic connection between Indigenous Peoples' bodies and the land they care for and having understood the risk to Indigenous communities that comes with the presence of the resource extraction industry, I want to move now to a discussion of how extractive industry functions as a mechanism of colonialism, mirroring the goals of early colonial nation building in Canada and across Turtle Island. This conversation will also provide insight into why government solutions to climate change often fail to address the root causes of the climate crisis.

Since the arrival of Europeans on these lands, Indigenous Peoples have been displaced from their ancestral territories and dispossessed of the regions they have been stewards of for generations. Indigenous lands, as well as the women who cared for them, became commodified as they were transformed into resources to be extracted<sup>45</sup>. By seeing the land as a resource, rather than as a relation, settlers can secure the future for their own use and objectives, so long as those objectives can exclude Indigenous stewardship<sup>46</sup>. When Indigenous territory becomes a resource, it becomes a means of obtaining capital. The Canadian government is then able to exploit the

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<sup>45</sup> Deer, "Relocation Revisited: The Sex Trafficking of Native Women."

<sup>46</sup> Liboiron, *Pollution Is Colonialism*.

land to secure borders, to form and maintain trade relations, and to gain prominence in the global community. So long as land is viewed by Canada to be a resource, the land will be freely available to settlers to earn a living, build a life, and pass the land down to their future generations<sup>47</sup>. That is, until climate change renders the land inhabitable to all human life.

Many Indigenous communities hold the truth that societies based on conquest and extraction are not sustainable; when we take more than we need, when we operate from a place of greed instead of a place of gratitude, we will run through our Earth's gifts much faster than she can replenish them. To Indigenous Peoples, this principle of a gift economy is the key to maintaining the lands for the next seven generations. To governments and corporations, environmentalism and Indigenous rights are a barrier to economic prosperity and the development of the nation on a global scale<sup>48</sup>.

Colonialism, and by extension, capitalism, are both systems that operate on extracting and assimilating all that is Indigenous to a territory. In this respect, colonialism views land as a resource, culture and traditional knowledge as a resource, Indigenous body as a resource and even children as a resource. We have seen this extraction beginning long before the oil boom; the extraction of Indigenous knowledge by Europeans to navigate and settle lands, the extraction of Indigenous women for the pleasure of white men, the extraction of children from their families through the Indian Residential School System<sup>49</sup>.

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<sup>47</sup> For a more in-depth examination of industrialization and nation-building in Canada, see: Brittany Luby, *Dammed : The Politics of Loss and Survival in Anishinaabe Territory* (UMP: University of Manitoba Press, 2020), <http://canadacommons.ca/artifacts/1879418/dammed/2628563/>.

<sup>48</sup> Leanne Betasamosake Simpson, "Nishnaabeg Anticapitalism," in *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis, Minnesota: University of Minnesota Press, 2017), 71–82.

<sup>49</sup> Klein, "Beyond Extractivism: Confronting the Climate Denier Within."

As a result of being the target of capital-driven extractivism for generations, many Indigenous communities find themselves facing an imposed poverty. Inadequate housing conditions on reserve and in urban areas, a lack of access to clean drinking water, systemic racism in both healthcare and education (both of which have been funded by the federal government on a level below non-Indigenous Canadians), and many other social determinants are a symptom of colonial nation-building for Indigenous populations<sup>50</sup>. As Canada secures more borders, gains access to more land, and extracts more resources, the living conditions of Indigenous Peoples will continue to be sacrificed for the good of the Canadian economy.

At a time when a comprehensive and meaningful climate solution is becoming more and more necessary, I do not believe it unfair to point out the somewhat misguided solutions that have been presented to communities at the national level. While there has been a direct acknowledgement through the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls of the gender imbalance on Indigenous lands because of the male-dominated oil and gas industry<sup>51</sup>, the proposed response in the Calls for Justice is not to cease fossil fuel development projects, but rather to employ more women on these projects. As we have seen, employing more women, or specifically more Indigenous women in the industry often does more harm than good: Indigenous women who hold jobs on extractive projects face higher rates of workplace violence, verbal harassment, and sexual harassment<sup>52</sup>. It also does not mitigate the physical harm that Indigenous women face because of the toxins emitted into the air

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<sup>50</sup> Cindy Blackstock, "The Complainant: The Canadian Human Rights Case on First Nations Child Welfare," *McGill Law Journal* 62, no. 2 (December 2016): 285–328.

<sup>51</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al., "Reclaiming Power and Place."

<sup>52</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al.



and water near extractive sites. The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls offers the following Call for Justice:

13.3: We call upon all parties involved in the negotiations of impact-benefit agreements related to resource-extraction and development projects to include provisions that address the impacts of projects on the safety and security of Indigenous women, girls, and 2SLGBTQQIA people. Provisions must also be included to ensure that Indigenous women and 2SLGBTQQIA people equitably benefit from the projects.<sup>53</sup>

Much like Call for Justice 13.1 which opened this chapter, Call 13.3 suffers from the same misdirection when it comes to finding a meaningful solution to the violence enacted upon women due to extractivism. Indigenous women and queer people are not suffering because they do not equally benefit from extractive projects; they are suffering because those extractive projects are destroying their source of life, their ability to create future generations, and their ability to remain safe on their own territories. If development companies were to engage in meaningful consultation with communities about new extractive projects and were to listen to the cautions of the women who are at risk, you would have to assume that the project in question would not move forward. This, however, is not the case.

Before pointing to the hypocrisy of the Canadian State in engaging in industrialization during their era of reconciliation, I would like to indicate that there are many Indigenous communities into which extractive projects have been welcomed by leadership, primarily due to the prospective economic gain that is expected as a result of these projects. Many Indigenous leaders, such as the Chief of the MHA Nation's Fort Berthold Reservation in North Dakota, see

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<sup>53</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al.

industry as the only way out of the poor living conditions that the state has imposed upon their communities<sup>54</sup>. This issue is a divided one amongst Indigenous communities, and we cannot place our blame on those who are simply seeking a better life for their people.

Why, however, does the Canadian State not take heed from Indigenous communities? Why does Canada resist committing fully to its own reconciliation agenda, and continue to prioritize the economy over Indigenous lives and the future of our lands? The answer is unfortunately simple. A capitalist economy in Canada is dependent on the extractive industry, and without a capitalist economy, the settler-colonial state would cease to exist. Capitalism and colonialism sustain each other; in Canada, there cannot be one without the other<sup>55</sup>. The resource extraction industry is based on systems of power and domination; Canada feels a sense of entitlement to the land and the resources that lie beneath it<sup>56</sup>. Just as Europeans felt entitled to claim this territory as their own upon arrival several hundred years ago, that same sense of authority permeates the resource extraction process today. So long as there is oil beneath the surface of the land, the Canadian government will continue to capitalize on it, and as a result, Indigenous women, girls, and queer people will continue to suffer.

Feeding into Canadian capitalism by providing benefit agreements or provisions to Indigenous women who are affected by extractivism, as Call for Justice 13.3 suggests, is not a solution to the undue harm that Indigenous women have faced and continue to face at the hands of the state and development corporations. So long as violence is committed against the Earth,

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<sup>54</sup> Estes, *Our History Is the Future: Standing Rock versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance*.

<sup>55</sup> The Red Nation, *The Red Deal: Indigenous Action to Save Our Earth*.

<sup>56</sup> Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence."

violence will subsequently be committed against Indigenous women and girls, and no sum of money or promise of jobs can make up for the trauma, pain and suffering that follows<sup>57</sup>.

So where do we go from here? Understanding that the Final Report from the National Inquiry on Missing and Murdered Indigenous Women and Girls may not keep Indigenous women safe, where can we turn to protect our communities from the harm that emerges from the extractive industry? *The Red Deal*, a decolonial toolkit for the future of our land from The Red Nation urges us to remember that “you can’t smudge the murder out of capitalism”<sup>58</sup>. We cannot expect those who benefit greatly from the resource extractive industry to suddenly decide to stop benefiting. We cannot work within capitalism to bring an end to its harms.

#### THE ROAD LESS TRAVELLED: FREEDOM FROM SACRIFICE ZONES

As I write this chapter, I am reminded of conversations I’ve had with some non-Indigenous family members about the violence faced by Indigenous women at the hands of extractivism. Though they were sympathetic to the plight of these women, many believed that sexual and physical violence, displacement from land and the rapid destruction of the earth are a “necessary” side effect of economic success. Most did not see a future that did not involve resource extraction and could barely fathom a Canadian economy that did not rely on fossil fuel exportation to stay afloat. None considered a reality in which Indigenous Peoples and their knowledge systems were treated as a climate solution, rather than an impediment to development and industry.

My family are not alone in holding these opinions, and in fact, they were likely holding back out of consideration for my feelings. Their sentiments towards Indigenous Peoples and the

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<sup>57</sup> Women’s Earth Alliance and Native Youth Sexual Health Network.

<sup>58</sup> The Red Nation, *The Red Deal: Indigenous Action to Save Our Earth*.

need to prioritize economic development in Canada are deeply held by most Canadians. When the Canadian government views Indigenous Peoples, both born and not yet born, and their lands as being worthy of sacrifice, or as collateral damage in the colonial project, these views will naturally be shared by the non-Indigenous population<sup>59</sup>. We are, however, at a critical point in our shared history; the Earth will no longer be able to stand the abuse we have thrown at her for the last several generations, and as a result, she will no longer sustain human life.

There is, however, another way. Environmental justice is a grassroots response to environmental harm that places the focus on respect for the land, the health of community and the Earth, protection from environmental discrimination, dispossession, and exploitation<sup>60</sup>. Environmental justice movements that are specifically Indigenous led are the best defense against climate change and may be the only viable option. While Indigenous Peoples make up only about five percent of the global population, a figure comparable to the Indigenous population in Canada, they protect upwards of 80% of the world's biodiversity<sup>61</sup>. Without Indigenous caretakers, the land would be in a state of devastation far worse than we are presently seeing. We must push to follow the lead of Indigenous land and water protectors to move forward in the fight against climate change, and in the fight against environmental violence in Indigenous and other marginalized communities.

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<sup>59</sup> For work that examines the disposability of Indigenous bodies under settler-colonialism, see: Sherene Razack, *Dying from Improvement: Inquests and Inquiries into Indigenous Deaths in Custody* (Toronto, Ontario: University of Toronto Press, 2015); Mary Jane Logan McCallum and Adele Perry, *Structures of Indifference : An Indigenous Life and Death in a Canadian City* (UMP: University of Manitoba Press, 2018), <http://canadacommons.ca/artifacts/1879457/structures-of-indifference/2629112/>.

<sup>60</sup> Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence."

<sup>61</sup> The Red Nation, *The Red Deal: Indigenous Action to Save Our Earth*.

We can no longer consider extractivism and climate change as isolated problems. As we have come to understand, resource extraction and the environmental harm that comes as a result poses a real and imminent threat to the safety of Indigenous women, girls, and queer people. Physical and reproductive illnesses, the high risk of sexual violence and harassment, and the increased rates of Missing and Murdered Indigenous Women and Girls due to the proximity of the industry are an attack on Indigenous sovereignty and a threat to the future of Indigenous livelihood. As the land is pillaged, so are community members. As our Mother Earth is raped and exploited for her resources, so too are the women who care for her. We cannot continue down this path.

## CHAPTER TWO: A STORY OF RESISTANCE IN THE LUBICON LAKE CREE NATION

In Northern Alberta, located between the Peace River, Cold Lake, and along the banks of the Athabasca River lies the largest industrial project in Canadian history: the Alberta Tar Sands project<sup>62</sup>. As of 2016, over 20 corporations operated out of the project, engaging in the extraction of bitumen from tar sands, one of the dirtiest and most destructive forms of oil extraction on earth. At the same time, the Tar Sands region in Alberta has an incredibly high rate of violence against women, connected in many ways to the drastic increase in population over the last several decades<sup>63</sup>. Where Fort McMurray, the epicentre of the tar sands project, saw a population of just 1000 in the late 1960s, it now hosts an ever-growing population of nearly 80,000 residents.

This dramatic increase has brought a series of social issues to the area, including extreme housing shortages, increased mental health crises, an increase in substance abuse, and also, an increase in violent crime. This rate of violence is especially devastating for Indigenous communities in the area; Indigenous women in Canada are already three times more likely than non-Indigenous women to be victims of violent crime, and more than seven times more likely than non-Indigenous women to be victims of homicide<sup>64</sup>. In Alberta specifically, over 16% of all Missing and Murdered Indigenous Women and Girls cases are from the province, second only to British Columbia, and 42% of those cases remain unsolved<sup>65</sup>. In Fort McMurray, there is only

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<sup>62</sup> Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence."

<sup>63</sup> Nobel Women's Initiative, "Breaking Ground: Women, Oil and Climate Change in Alberta and British Columbia."

<sup>64</sup> Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence."

<sup>65</sup> Edmonton Vital Signs, "Indigenous Women in Alberta" (Edmonton, Alberta: Edmonton Community Foundation, 2019), [https://www.ecfoundation.org/wp-content/uploads/FINAL-WEB-013663-VitalTopic\\_Indigenous\\_v9web-1.pdf](https://www.ecfoundation.org/wp-content/uploads/FINAL-WEB-013663-VitalTopic_Indigenous_v9web-1.pdf).

one centre equipped to handle cases of domestic violence and crisis for the entire area, and they often lack the funding to support the needs of the community<sup>66</sup>. By comparison, the city of Calgary has six women’s specific shelters, and the city of Edmonton has five, as well as additional crisis or domestic violence-specific non-resident services<sup>67</sup>.

The very high rates of violence in northern Alberta mirror the horrendous process of oil extraction that takes place on the lands. Extracting bitumen from tar sands is more expensive and more difficult (and as a result, more harmful) than extracting liquid oil. Tar sands extraction involves both surface mining and a process called “in-situ” mining, where steam is used to liquefy bitumen beneath the earth’s surface<sup>68</sup>. In-situ mining creates more carbon emissions than surface mining, and gasoline made from bitumen produces more emissions than gasoline made from regular oil. Tar sands also have a tremendous impact on water supplies; it takes nearly three times as much water to refine bitumen than to refine conventional oil, and the risk of groundwater contamination is extremely high due to the underground nature of in-situ mining<sup>69</sup>.

Oil sands operations are permitted by the Alberta Government to draw fresh water from rivers even if fisheries and habitats are at risk of destruction<sup>70</sup>. The flow of rivers, specifically the Athabasca, vary greatly across seasons. While the rate of withdrawal by oil companies for in-situ mining may be safe at certain times of the year, withdrawing water from the Athabasca River in the winter is incredibly dangerous to the fish populations, and thus damaging to the ancestral

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<sup>66</sup> Waypoints Wood Buffalo, “Waypoints,” Waypoints, accessed May 9, 2022, <https://www.waypointswb.ca/>.

<sup>67</sup> Alberta Council of Women’s Shelters, “ACWS Member Shelters: Shelter Directory,” Alberta Council of Women’s Shelters, accessed May 9, 2022, <https://acws.ca/shelters/>.

<sup>68</sup> Union of Concerned Scientists, “What Are Tar Sands?”

<sup>69</sup> Union of Concerned Scientists.

<sup>70</sup> Jennifer Grant, Simon Dyer, and Dan Woynillowicz, “Clearing the Air on Oil Sands Myths” (Drayton Valley, Alberta: Pembina Institute, June 2009).

practices of surrounding Indigenous communities, as well as the ecosystem at large. However, mining corporations are not required to stop the withdrawal at any time, for any reason.

In-situ mining also involves the creation and maintenance of tailing ponds, which are large pit lakes filled with toxic waste from the mining process and capped with freshwater in an attempt to contain the waste. These tailing ponds operate on Indigenous territory, run entirely by oil and mining corporations, without any governmental oversight or regulation. Tailing ponds seep toxic waste into the groundwater, and therefore into the surrounding environments, and it is unclear how these toxins will affect community members, plant life or wildlife in the coming years. By 2040, tailing ponds are expected to occupy 310 square kilometres in the tar sands region, which is an area nearly three times the size of Vancouver<sup>71</sup>.

Less than 100 kilometres East of the Peace River, near the small rural community of Little Buffalo, the Lubicon Lake Cree Nation has cared for the land for generations. In the late 1800s, during the signing of Treaty 8 in Northern Alberta, Lubicon territory was deliberately overlooked as treaty commissioners assumed the remote and hard-to-reach land would never be of interest to the federal government<sup>72</sup>. In the early 1970s, when the Alberta Government began the construction of an all-weather road into the territory, the Lubicon Cree began protesting the encroachment on their lands. For nearly two decades, the Lubicon attempted to codify their territorial rights through the provincial and federal courts, and through the erection of a peaceful blockade in 1988, which ceased oil production in the territory for six days. From 1989 until 2003, the Lubicon Cree attempted to secure their rights through federal land claim processes, but

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<sup>71</sup> Grant, Dyer, and Woynillowicz.

<sup>72</sup> Laboucan-Massimo, "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree."



after the federal government continued to offer substandard agreements, both parties walked away from negotiations<sup>73</sup>.

Currently, over 2600 oil and gas wells operate on their territories, and over 70% of their remaining lands have been leased out for future development projects<sup>74</sup>. The environmental and social impacts of the industry in Lubicon Lake have been devastating for community members.

In this chapter, I will accomplish the following: First, I will examine the conditions that led to the absence of protected status for Lubicon Lake territory, and the history of land claim processes in the area that have contributed to the mass exploitation of the lands. Second, I will provide an overview of current extractive projects in the area and evaluate their environmental impact on the land. I will also provide an in-depth analysis of the environmental harm caused by the Rainbow Pipeline spill of 2011. Next, I will identify links between the environmental harm done unto the land and the physical and reproductive health of the Lubicon Lake Nation, specifically their women, and will draw parallels between this harm to health and the violence that is enacted against women in Lubicon Lake because of the extractive industry. Finally, I will look again to the Calls for Justice from the Final Report from the National Inquiry on Missing and Murdered Indigenous Women and Girls and examine how each of these Calls may not fully address the physical, sexual, and environmental violence faced by Indigenous women, girls and queer people in Lubicon Lake Nation.

Lubicon Lake can be seen as a microcosm of the greater international issue of extractivism and violence against Indigenous women. The violence experienced by the Lubicon

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<sup>73</sup> Laboucan-Massimo.

<sup>74</sup> Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence."

Lake Cree is simply one example of a much larger problem: one where profits are prioritized over the health and safety of an entire community, and, as a result, the survival of the community and of the surrounding lands is put at risk.

In Grassy Narrows First Nation, for example, long-term exposure to high levels of mercury found in the fish population as a result of pollution from the pulp-and-paper mill upstream from the community in the English-Wabigoon river system has led to concerning rates of premature mortality (younger than sixty years) in community members<sup>75</sup>. In Aamjiwnaang First Nation, the community faces a number of concerns regarding air pollution from industrial facilities in Sarnia, Ontario, also known as “Chemical Valley”. Alongside high rates of asthma, high blood pressure, anemia and central nervous system disorders, members of Aamjiwnaang First Nation experience a number of reproductive disorders and developmental issues in infants and children. A study found that over 88% of mothers in the community experienced anxiety and fear about the health of their families due to the pollution<sup>76</sup>. When the prosperity of the resource extraction industry is placed at a higher priority than the lives of the nearby Indigenous communities, it is the women of those communities who bear the burden of pollution.

## THE LUBICON LAKE NATION: A STORY OF UNCEDED LAND

In the late 1890s, when negotiations between the federal government, the Hudson’s Bay Company, and several First Nations along the Athabasca and Peace Rivers were underway, the Lubicon Lake Cree Nation was deliberately excluded from treaty talks due to their remote

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<sup>75</sup> Aline Philibert, Myriam Fillion, and Donna Mergler, “Mercury Exposure and Premature Mortality in the Grassy Narrows First Nation Community: A Retrospective Longitudinal Study,” *The Lancet Planetary Health* 4, no. 4 (April 1, 2020): e141–48, [https://doi.org/10.1016/S2542-5196\(20\)30057-7](https://doi.org/10.1016/S2542-5196(20)30057-7).

<sup>76</sup> Ingrid R.G. Waldron, “Not in My Backyard: The Politics of Race, Place and Waste in Nova Scotia,” in *There’s Something in the Water: Environmental Racism in Indigenous and Black Communities* (Halifax, Nova Scotia: Fernwood Publishing, 2018), 66–88.

location, and the government's assumption that their territory would never be of interest to the Crown<sup>77</sup>. As a result, the Lubicon Lake territory remains ultimately unceded. Unfortunately, what resulted in this exclusion from treaty recognition is a long, unstable history of land disputes with the federal and provincial governments, as well as with a number of development companies.

Since the late 1930s, the Lubicon have continually lobbied the government for a formal recognition of their rights as well as reserve land, to protect them from outside development. While they were able to secure recognition as a Federal Indian Band in 1939, their fight for protected lands was not so easy<sup>78</sup>. In the early 1940s, an agent from the Department of Indian Affairs unenrolled several hundred Status Indians in Northern Alberta, and as a result, Lubicon Lake became ineligible for Reserve status, as their population was deemed too low. In the early 1970s, when oil extraction began in the area, the Lubicon Lake Nation entered formal land claim negotiations with the Federal government to protect their lands from the encroaching industry.

In 1988, a blockade was built on Lubicon territory and was successful in ceasing oil exploitation for six days. The Province of Alberta offered a 243 square kilometer piece of land under the Grimshaw Accord that would allow the Lubicon Lake Nation to have access to protected lands<sup>79</sup>. However, this piece of land is merely a fraction of the very expansive territory that the Lubicon claim as their own, and the settlement agreement was not sufficient in providing economic stability for future generations. The Lubicon remained in land claim negotiations with

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<sup>77</sup> Laboucan-Massimo, "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree."

<sup>78</sup> Dawn Martin-Hill, "The 'Official Colonial' Lubicon History," in *The Lubicon Lake Nation: Indigenous Knowledge and Power* (Toronto, Ontario: University of Toronto Press, 2008), 14–78.

<sup>79</sup> Laboucan-Massimo, "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree."

both the provincial and federal governments until 2003, when talks broke down completely and all parties walked away.

Today, the Lubicon Lake Nation's traditional territory is occupied by over 2600 oil and gas wells, and more than 1400 square kilometres, or 70% of their remaining land, has been granted to development companies for future projects<sup>80</sup>. While colonial means of recognition are often exclusionary and can be harmful to individuals and communities, such as the misogynistic policies of the Indian Act, land claims can be beneficial to communities as they can legitimize (in the eyes of the state) Indigenous Peoples' commitment to the land and to the preservation of their livelihoods on their land<sup>81</sup>. The United Nations Human Rights Council as well as Amnesty International have determined that Canada has failed to recognize and protect Lubicon land rights and has violated the international covenant on civil and political rights<sup>82</sup>. The United Nations has also called on Canada to address outstanding land claims before bringing in more development projects, but this has not yet occurred. The exploitation of Lubicon land persists as the Nation remains without legal protections.

## LUBICON LAKE : AN ENVIRONMENTAL SACRIFICE ZONE

On April 29th, 2011, a rupture in the Rainbow Pipeline caused 4.5 million litres of bitumen to spill into Lubicon Lake ancestral territory. The Rainbow II, as it is formally known, is a pipeline operated by Plains Midstream Canada, a major oil and gas company in Western Canada. The pipeline begins in the upper Rainbow Lake area, where it runs south across the Peace River, crossing Highway 986 near Little Buffalo, the nearest town to the Lubicon Lake

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<sup>80</sup> Laboucan-Massimo.

<sup>81</sup> Cheryl Suzack, "Land Claims, Identity Claims: Manypenny v. United States (1991) and Last Standing Woman (1997)," in *Indigenous Women's Writing and the Cultural Study of Law* (Toronto, Ontario: University of Toronto Press, 2021), 99–121.

<sup>82</sup> Laboucan-Massimo, "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree."

Nation. From there, it runs southeast to the Slave Lake area and finally arrives in Edmonton<sup>83</sup>.

Also situated in Little Buffalo is the Evi Terminal, a facility operated by Plains Midstream that provides service to a certain portion of the pipeline in the area.

The process of extracting bitumen from tar sands is an incredibly dangerous and harmful practice. In situ mining, as it is known, involves pushing steam into the earth to the level of the bitumen which is held several hundreds of metres underground. There, the earth is melted by the steam and sucked back up to the surface. The by-product of this process is buried in the earth's core, which is incredibly detrimental to underground aquifers and the quality of the groundwater. There is also a high risk of steam leaks and underground explosions, due to the need for fracked gas to produce and transport bitumen<sup>84</sup>.

When 4.5 million litres of oil were spilled from the Rainbow Pipeline, the oil entered the heavily forested areas, and most of the oil was eventually soaked up by wetlands. In Little Buffalo, the nearby town where the oil facility is situated, there is also an elementary school which serves most of the children from the Lubicon Lake Nation. Upon learning of the spill, Plains Midstream did not notify the school of the grave risk to the health of staff and students<sup>85</sup>. The Alberta Energy Resources Conservation Board, however, was notified within minutes of the spill<sup>86</sup>. Throughout the day, children began to feel sick, and were evacuated from the school on the Friday afternoon under the presumption that the school was experiencing a propane leak from the heating system. When the children returned to school on Monday morning, the community

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<sup>83</sup> Plains Midstream Canada, "Pipeline Safety: Keeping Pipelines Safe and Reliable" (Calgary, Alberta, April 2020), [https://www.plainsmidstream.com/sites/default/files/ScreenView\\_PLAINS\\_Rainbow1%262\\_April2020.pdf](https://www.plainsmidstream.com/sites/default/files/ScreenView_PLAINS_Rainbow1%262_April2020.pdf).

<sup>84</sup> Laboucan-Massimo, "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree."

<sup>85</sup> Laboucan-Massimo.

<sup>86</sup> Energy Resources Conservation Board, "ERCB Investigation Report: Plains Midstream Canada ULC, NPS 20 Rainbow Pipeline Failure April 28, 2011" (Edmonton, Alberta: Energy Resources Conservation Board, February 26, 2013), [https://static.aer.ca/prd/documents/reports/IR\\_20130226-PlainsMidstream.pdf](https://static.aer.ca/prd/documents/reports/IR_20130226-PlainsMidstream.pdf).

had still not been notified of the spill, and the children and staff were evacuated from the building once again.

For several days, community members experienced severe physical symptoms because of exposure to the spill; they cited a burning sensation in their eyes, headaches, and severe nausea among others. Alberta Environment maintained that the air quality was not a health concern for those who were living in the area, and that the symptoms they were experiencing must be unrelated to the oil spill<sup>87</sup>. Environmental agents from Alberta Environment would not come into the community for 6 days after the spill out of fear for their own health. The Lubicon Lake Nation did not learn of the severity of the spill until information was published several days later; in the meantime, children, elders, and pregnant women were left vulnerable and without assistance.

The damage of the Rainbow Pipeline spill extended beyond the effect on community members; there was a great damage done to the land and to animal and plant life in the area. The boreal forest, which is one of the last remaining ancient forests in the world, was also seriously harmed because of the spill<sup>88</sup>. Many describe the boreal forest as the “lungs of Mother Earth”, due to its ability to produce large amounts of oxygen, and due to its role as a valuable carbon sink, which is integral in the fight against climate change. The wetlands which absorbed much of the bitumen are an incredibly fragile ecosystem that take decades to regenerate after they have been contaminated. The spill caused irreparable harm.

When Alberta’s Energy Resources Conservation Board (ERCB) investigated the conditions that led to the spill, they found that there were several cracks in the pipeline that

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<sup>87</sup> Laboucan-Massimo, “Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree.”

<sup>88</sup> Laboucan-Massimo.

should have been identified and repaired by Plains Midstream<sup>89</sup>. They also determined that the spill would have been significantly smaller had Plains Mainstream been attentive to alarms indicating a leak, and not restarted the pipeline three times, making the leak significantly worse. While the ERCB did find that Plains Midstream violated provincial regulations and failed to communicate with the Lubicon Cree about the spill, no action was taken against Plains Midstream by the ERCB or by the Province of Alberta.

Greenpeace Canada, a largely conservationist non-profit organization conducted their own investigation into the conditions that allowed for the massive spill in Little Buffalo. Ultimately, they found that the primary objective of the Alberta and Canadian governments were to limit the damage to the reputation and public perception of the oil industry, not to provide reparations or support to the communities who had been affected by the spill<sup>90</sup>. The ERCB received a request from their own investigative team to launch a public inquiry into the spill, but this request was initially denied until the ERCB faced more pressure from the public. When a public inquiry finally was launched, Alberta's energy minister at the time worked closely with the inquiry to ensure the review would not cause harm to the energy sector. The minister met with over a dozen pipeline company CEOs, as well as the Canadian Association of Petroleum Producers and the Small Producers and Explorers Association of Canada to discuss how an investigation should be structured to minimize impact to the industry. Additionally, the Chairman of the ERCB had previously been the lead lobbyist for the pipeline industry in Canada<sup>91</sup>.

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<sup>89</sup> Stewart and Greenpeace Canada, "The Rainbow Spill: A Case of Crime and (No) Punishment."

<sup>90</sup> Stewart and Greenpeace Canada.

<sup>91</sup> Stewart and Greenpeace Canada.

Greenpeace also found that the owner of the pipeline, Plains Midstream, had a poor safety record in the United States, but no review was done to their safety practices before allowing them to operate in Canada. Finally, and perhaps most insidiously, the ERCB misrepresented results of air testing at the Little Buffalo school, where children and staff were complaining of illness due to the spill, providing a false sense of reassurance to community members regarding the exposure risks<sup>92</sup>. While the ERCB report concluded that there were no readings of hydrocarbons in the area, Greenpeace's findings from their Access to Information and Privacy request shows that in actuality, the air testing did not begin until five days after the spill, when the wind had shifted directions and began blowing airborne contaminants away from the school<sup>93</sup>. At this point, community members had already been exposed to toxins for several days. While community members were suffering the very real health effects of the oil spill, and while their ancestral lands were absorbing millions of litres of bitumen, the priority of the Alberta government was to protect the resource extractive industry, and ultimately, to protect capital.

#### LIFE AFTER DEVASTATION: IMPACT OF EXTRACTIVISM IN LUBICON LAKE

Upon entering the traditional territory of the Lubicon Cree, the impact of extractivism is visible to the naked eye; the infrastructure of the oil and gas industry runs right up against the houses, the waterways, and the small piece of reserve land that is still protected from development. The contaminants and toxins that are expelled during the extraction process fall directly on the lands of the Lubicon, without so much as a buffer zone<sup>94</sup>. The traditional way of

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<sup>92</sup> Stewart and Greenpeace Canada.

<sup>93</sup> Stewart and Greenpeace Canada.

<sup>94</sup> Matt Hern and Am Johal, "Little Buffalo," in *Global Warming and the Sweetness of Life: A Tar Sands Tale* (Cambridge, Massachusetts: MIT Press, 2018), <http://direct.mit.edu/books/book/3606/chapter/120717/Little-Buffer>.



life that the Lubicon Cree had to come to know over hundreds of thousands of years has been replaced by an industrial landscape, polluted water, and a loss of animal and plant life that has sustained their community for generations<sup>95</sup>.

While the environmental impact of the tar sands project is a very tangible one, beneath the surface of environmental harm lie several social and physical impacts that pose an equal threat to the sustainability of the Lubicon Lake Nation. The Lubicon were traditionally a community of hunters, relying primarily on the caribou in the area as a food source. The tar sands industry has caused the caribou population to decline rapidly: A study from the *Canadian Journal of Zoology* found that in examining population sizes of the 16 remaining woodland caribou herds in Alberta and some adjacent herds along the Saskatchewan border, the population sizes are reducing at a rate of 50% every 8 years<sup>96</sup>. They are expected to be extinct by the year 2040<sup>97</sup>. Because of this critical loss, there has been an increased reliance on social services among community members just to survive. Where the health of the land has been compromised, the families who have cared for that land for generations are no longer able to be self sufficient.

The Lubicon Cree live in extreme poverty, with a precarious housing situation, a lack of essential medical services, and unreliable drinking water supply. Chief Bernard Ominayak describes how community members have seen their entire livelihoods disappear at the hands of the oil industry, and how he has been forced to watch his family and community suffer since industrialization took over the area<sup>98</sup>. These conditions are present despite the 14 billion dollars

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<sup>95</sup> Laboucan-Massimo, "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree."

<sup>96</sup> D. Hervieux et al., "Widespread Declines in Woodland Caribou (*Rangifer Tarandus Caribou*) Continue in Alberta," *Canadian Journal of Zoology* 91, no. 12 (December 1, 2013): 872–83, <https://doi.org/10.1139/cjz-2013-0123>.

<sup>97</sup> Laboucan-Massimo, "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree."

<sup>98</sup> Dawn Martin-Hill, "Voices from the Lubicon," in *The Lubicon Lake Nation: Indigenous Knowledge and Power* (Toronto, Ontario: University of Toronto Press, 2008), 79–120.

that has been extracted from the territory in oil and gas revenues<sup>99</sup>. Chief Ominayak says money, however, is not of interest to the Lubicon Cree. Unrestricted access to the land and the ability to rely on traditional medicines, trap lines, and caribou population for sustenance is more valuable than any payment from governments or oil companies. The extractive industry has not benefitted the Lubicon Lake Nation; it has been an extraordinary detriment to their survival.

Indigenous women, children, and youth are affected disproportionately by the toxins and violence that occurs on the lands both physically and socially. In addition to the environmental destruction that occurred on Lubicon territory as a result of the ever-expanding tar sands project, the women in Lubicon Lake were heavily undermined by the patriarchal values that were imposed on them during the early years of colonization by Europeans, and their role as the keepers of community knowledge deteriorated<sup>100</sup>.

The Lubicon, like many other Indigenous Nations, believe that women in the community are the bearers of the culture, or the keepers of the sacred bundle that holds the Nation together for future generations. When those women's lives or positions are compromised, so too is the survival of the Nation<sup>101</sup>. Since the beginning of the tar sands development in the 1970s, and even more since the Rainbow spill in 2011, the Lubicon Cree have seen elevated rates of cancers and respiratory illnesses because of toxic gasses being released into the air and water<sup>102</sup>. Tar sands production has been known to release the neurotoxin methylmercury, which can cause

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<sup>99</sup> Laboucan-Massimo, "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree."

<sup>100</sup> Dawn Martin-Hill, "The Lubicon Lake Nation Women," in *The Lubicon Lake Nation: Indigenous Knowledge and Power* (Toronto, Ontario: University of Toronto Press, 2008), 121–52.

<sup>101</sup> Martin-Hill.

<sup>102</sup> Laboucan-Massimo, "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree."

developmental issues in children and cardiovascular issues in adults<sup>103</sup>. Another airborne toxin, benzopyrene, has been known to cause birth defects and organ failure in newborn infants. These illnesses have disproportionately affected young children and pregnant women; those who hold the key to the persistence of future generations. The attack on the Lubicon Lake Nation is not just an attack on their lands, on their waters, and on their food sources, it is an attack on their very existence as a Nation.

Alberta's ERCB refuses to take responsibility for causing this threat; even though the Rainbow Pipeline spill was only twelve kilometres from the Little Buffalo school, where children and staff reported a thick smell of oil in the air before complaining of nausea, headaches and dizziness on the morning of the spill, the ERCB maintains that the hydrocarbon readings in the area were not outside of a safe and normal range, and that the health problems following the spill could not have been related to the spill in any way<sup>104</sup>. Despite Greenpeace Canada's investigation indicating that the Rainbow spill was responsible for the ailments facing the Lubicon Lake Nation, the perpetrators of the violence refuse to hold themselves to account for the damage they have done to this small community along the Peace River.

In the 1984 legal communication *Lubicon Lake Band v. Canada*, submitted to the United Nations Human Rights Committee during the long period of land claim negotiations between the community and the federal government, Chief Ominayak insists that protection for the Lubicon territory is necessary due to the undue harm done unto the Lubicon population by the oil industry. Ominayak communicates to the Committee that since the arrival of extractive

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<sup>103</sup> Diane Bailey and Danielle Droitsch, "Tar Sands Crude Oil: Health Effects of a Dirty and Destructive Fuel" (New York, New York: Natural Resources Defense Council, February 2014), <https://www.nrdc.org/sites/default/files/tar-sands-health-effects-IB.pdf>.

<sup>104</sup> Stewart and Greenpeace Canada, "The Rainbow Spill: A Case of Crime and (No) Punishment."

companies on their lands, miscarriages and stillbirths have skyrocketed, and that abnormal births or birth defects have risen from zero to nearly 100% of all births in the communities<sup>105</sup>.

Furthermore, the federal government uses the declining population in Lubicon Lake as justification for the denial of a formal land agreement when the government is the one who is directly responsible for this low birth rate. As the oil industry has persisted at full force since 1984, we can only assume that such atrocities have continued to plague the community as well.

### CALLS FOR INJUSTICE: FURTHERING THE GOALS OF EXTRACTIVISM

In 2015, in the wake of the Truth and Reconciliation Commission, The RCMP released a report indicating that over 1200 Indigenous women and girls had gone missing or been murdered in the last three decades. Following this horrifying discovery, an inquiry was launched to investigate the structural and cultural factors that contribute to the plague of violence against Indigenous women, girls, and Two-Spirit and queer people in Canada<sup>106</sup>. This inquiry held hearings and statement-gathering sessions, grandmothers' circles and other events for nearly four years in order to paint a clear picture of the factors that contribute to this violencing of relatives.

The National Inquiry into Missing and Murdered Indigenous Women and Girls was a tremendous effort by Indigenous women and allies from across Canada who came together under the mandate that Indigenous women are sacred and that they must be protected. Ultimately, the Inquiry determined that the violence done unto Indigenous women is a genocide, as determined by the 1948 United Nations definition that was ratified by Canada in 1952. The Final Report, released in 2019 and titled *Reclaiming power and place*, was a ground-breaking document

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<sup>105</sup> Lubicon Lake Band v. Canada, Communication No. 167/1984 (26 March 1990), U.N. Doc. Supp. No. 40 (A/45/40) at 1. (United Nations Human Rights Committee 1990).

<sup>106</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al., "Reclaiming Power and Place."

insofar that it was honest and comprehensive in describing the conditions under which Canada consented to the genocide of Indigenous women. More than 2380 people participated in the Inquiry, through testimony, statement gathering, artistic expression or expert witness statement<sup>107</sup>.

Alongside the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, 231 Calls to Justice were published in an effort to reduce the risk of violence and exploitation to Indigenous women and girls across all sectors in Canada. Of those 231 Calls, five were directed at extractive and development industries<sup>108</sup>. While the final report was comprehensive, thorough, and filled with testimony from community members who have lost loved ones to gendered violence or who have been victims of such violence themselves, I feel as if the five recommendations for extractive and development industries are somewhat counteractive to the findings of the report, and do not adequately serve the Indigenous communities for which they are intended, nor do they protect the Lubicon Lake Nation, a community that has suffered tremendously at the hands of the industry.

The first Call to Justice, which was briefly discussed in the first chapter of this thesis, is as follows:

13.1 We call upon all resource-extraction and development industries to consider the safety and security of Indigenous women, girls, and 2SLGBTQQIA people, as well as their equitable benefit from development, at all stages of project planning, assessment, implementation, management, and monitoring.<sup>109</sup>

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<sup>107</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al.

<sup>108</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al.

<sup>109</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al.

After having examined the damage done to the Lubicon Lake Nation, we can clearly see how the safety and security of Indigenous women was not taken into consideration. Both the physical health of the community, as well as the inherent risks of sexual and physical violence that come with the proximity to large numbers of mostly male, mostly non-Indigenous, industry workers, have not been the priority of the Alberta government or the corporations that operate on Lubicon territory. The health issues that have plagued the community threaten the survival of the Nation, and for that reason, they must be mitigated. As Melina Laboucan-Massimo, a citizen of Lubicon Lake and spokesperson for the community explains, the Lubicon Lake Nation rarely sees financial compensation or benefits from the extractive projects, despite the region creating several billions of dollars for the Canadian government<sup>110</sup>. Even if the Lubicon received appropriate financial benefits, it could not compensate for the undue harm done to the environment and to the bodies of community members that pose a direct threat to their way of life.

The second Call to Justice for extractive and development industry is as follows:

13.2 We call upon all governments and bodies mandated to evaluate, approve, and/or monitor development projects to complete gender-based socio-economic impact assessments on all proposed projects as part of their decision making and ongoing monitoring of projects. Project proposals must include provisions and plans to mitigate risks and impacts identified in the impact assessments prior to being approved.<sup>111</sup>

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<sup>110</sup> Laboucan-Massimo, "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree."

<sup>111</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al., "Reclaiming Power and Place."

This Call implores governments and oversight bodies to evaluate the gendered impacts of specific resource extraction projects as they relate to the nearby Indigenous communities; something which is not inherently problematic, but unfortunately does not extend far enough. For a project to be ethical and to be without harm, the community in question must hold the power to veto the project in part or in its entirety. The federal government has a duty to consult, and this consultation process must be meaningful as has been affirmed in the Supreme Court of Canada through the Haida, Taku River, Mikisew Cree, Little Salmon/Carmacks and Rio Tinto decisions<sup>112</sup>.

The Haida decision, formally known as *Haida Nation v. British Columbia (Minister of Forests)* decided in 2004, affirmed that the federal and provincial governments have a legal requirement to consult with and accommodate the needs of Indigenous Peoples when conducting extractive or developmental business on their lands. The decision also reaffirmed that the Crown, or the government, cannot delegate this responsibility to a third-party organization such as an extractive corporation<sup>113</sup>. Taku River, Mikisew Cree, Little Salmon/Carmacks and Rio Tinto were additional Supreme Court decisions that identified similar situations where the federal or provincial government failed to perform their duty to consult with Indigenous Peoples and where Aboriginal rights were reaffirmed through Section 35 of the *Charter of Rights and Freedoms, 1982*.

Unfortunately, the burden to prove the need for meaningful consultation and accommodation falls on the community in question: according to the Aboriginal Consultation

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<sup>112</sup> Government of Canada; Crown-Indigenous Relations and Northern Affairs Canada, "Government of Canada and the Duty to Consult," Administrative Page, March 15, 2012, <https://www.rcaanc-cirnac.gc.ca/eng/1331832510888/1609421255810>.

<sup>113</sup> Supreme Court of Canada, *Haida Nation v. British Columbia (Minister of Forests)*, No. 29419 (Supreme Court of Canada November 18, 2004).

and Accommodation Guidelines, a community must provide proof of adverse impact from any given project and must meet a number of requirements to prove that consultation and accommodation are required<sup>114</sup>. For a community like Lubicon Lake Nation, where there is no treaty or land claim settlement, this process is even more arduous. A community must prove that they have occupied the territory in question for a specified time period and must also provide proof that the traditional practices or lifeways that are threatened by the development project date back to pre-contact times. This is, for many communities, a near-impossible task.

Assessments are only useful to communities if after the risk has been determined, the affected community is given the power to refuse the project if they deem it to be too dangerous, or too harmful to community members. An assessment alone does not mitigate the harm that the resource extraction industry can have on the health, safety, and lives of Indigenous Peoples.

The third Call for Justice is as follows:

13.3 We call upon all parties involved in the negotiations of impact-benefit agreements related to resource-extraction and development projects to include provisions that address the impacts of projects on the safety and security of Indigenous women, girls, and 2SLGBTQQIA people. Provisions must also be included to ensure that Indigenous women and 2SLGBTQQIA people equitably benefit from the projects.<sup>115</sup>

My primary concern with the third Call is the use of the word “provisions”. Provisions involve providing a certain population with supplies such as food, medical care, financial

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<sup>114</sup> Government of Canada; Crown-Indigenous Relations and Northern Affairs Canada, “Aboriginal Consultation and Accommodation - Updated Guidelines for Federal Officials to Fulfill the Duty to Consult - March 2011,” Guide, January 27, 2010, [https://www.rcaanc-cirnac.gc.ca/eng/1100100014664/1609421824729#chp3\\_2\\_5](https://www.rcaanc-cirnac.gc.ca/eng/1100100014664/1609421824729#chp3_2_5).

<sup>115</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al., “Reclaiming Power and Place.”



support, and the like for a specific period. While a community affected by resource extraction may benefit from receiving provisions from an oil company or government body while a project is active on their lands, once the project is done, it is expected that the provisions will stop. This is problematic as the impact of the extractive industry can be generational. A new generation of youth may not experience the direct impact of an extractive project, yet they can be deeply affected by the destruction of land and of the poor health of the community that developed before they were born; provisions do not account for this. For a project to be considered safe for Indigenous women, girls, and youth, development corporations must consider the safety and security of the next seven generations.

The fourth Call for Justice reads:

13.4 We call upon the federal, provincial, and territorial governments to fund further inquiries and studies to better understand the relationship between resource extraction and other development projects and violence against Indigenous women, girls, and 2SLGBTQIA people. At a minimum, we support the call of Indigenous women and leaders for a public inquiry into the sexual violence and racism at hydroelectric projects in northern Manitoba.<sup>116</sup>

This fourth Call to Justice unfortunately undermines the incredible work that was done by the Inquiry; the National Inquiry into Missing and Murdered Indigenous Women and Girls spent the better part of four years investigating the relationship between resource extraction and violence against Indigenous women, girls, and queer people. The Final Report outlined in detail the risk to Indigenous women that exists by the sheer presence of resource extraction on their

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<sup>116</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al.

lands; how the culture of resource is based on a culture of power and domination, and how this culture is harmful to the communities who are targets of extractivism<sup>117</sup>. While further study will always be necessary, especially as extractivism persists on Indigenous lands. Lubicon Lake Nation, for example, would benefit from a long-term study of the effects of the Rainbow Pipeline spill on their reproductive health. However, my fear is that this Call will be misinterpreted by development industries as an excuse to delay reforming or ceasing their operations. Violence against Indigenous women and queer or Two-Spirit peoples is an incredibly urgent and pressing issue, and we cannot allow extractive corporations to avoid taking action by twisting the words of the National Inquiry.

The fifth and final Call for Justice for extractive industries is as follows:

13.5 We call upon resource-extraction and development industries and all governments and service providers to anticipate and recognize increased demand on social infrastructure because of development projects and resource extraction, and for mitigation measures to be identified as part of the planning and approval process. Social infrastructure must be expanded and service capacity built to meet the anticipated needs of the host communities in advance of the start of projects. This includes but is not limited to ensuring that policing, social services, and health services are adequately staffed and resourced.<sup>118</sup>

While an increase to support for social infrastructure is a positive strategy to mitigate some of the harmful effects of the extractive industry, we must pay close attention to which infrastructure is being prioritized by governments and industry. While social services and health

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<sup>117</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al.

<sup>118</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al.

services should be bolstered in and around communities who are heavily affected by extractivism, increased policing would only be a greater risk to the women, girls, and queer or Two-Spirit folks in the community. As established in the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, law enforcement, and more specifically the RCMP have been vastly inadequate in responding to the needs of Indigenous women, girls, queer people, and their families, especially with regards to the epidemic of missing and murdered Indigenous women<sup>119</sup>.

During the hearing process for the National Inquiry, the commissioner of the RCMP apologized to Indigenous women and their families for the RCMP's mishandling of missing persons cases, but many community members maintain that the harm done by law enforcement extends beyond these transgressions. The attitudes of police officers, whether they be municipal, provincial or RCMP, or even First Nations police, often mimic the attitudes of industry workers in terms of their disregard and disrespect towards Indigenous women<sup>120</sup>. Law enforcement officers have been known to fail to report violence against Indigenous women, and in some cases, have been perpetrators of violence themselves.

Bernice C., a woman who testified to the National Inquiry about the loss of her daughter Jennifer, described her experiences with the RCMP as being a negative factor in the disappearance of her daughter. Bernice contacted the RCMP multiple times after her daughter went missing, and because she was young and Indigenous, the RCMP refused to file a missing persons report under the racist assumption that Jennifer was binge drinking and would return home on her own. It took over a month for the RCMP to follow up with Bernice, as her and her

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<sup>119</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al.

<sup>120</sup> Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence."

husband had been frantically conducting their own search for weeks<sup>121</sup>. These kinds of assumptions about Indigenous women made by police are a form of colonial violence and are part of the reason why many Indigenous Peoples have developed such a deep distrust of law enforcement.

During Inquiry hearings, law enforcement leaders from the RCMP and different provincial police forces testified about a number of policies in place that are often not followed when dealing with Indigenous Peoples; for example, there is no waiting period to file a missing persons report. Despite many families being denied the opportunity to file missing persons reports for their family members due to a supposed 48-hour waiting period, OPP Chief Superintendent confirmed that such a policy does not exist<sup>122</sup>. Families of missing and murdered women were denied this service based on biases alone.

Lubicon Lake has not been exempted from this mistreatment of law enforcement – Bella Laboucan-McLean, a woman from Lubicon Lake Nation and older sister of Melina Laboucan-Massimo, who’s writings have been a prominent voice for the community and have been very present in this thesis, died after suspiciously falling from a 31<sup>st</sup> floor condo unit in downtown Toronto in 2013. Her death was labelled suspicious, but little has been uncovered since her death<sup>123</sup>. The investigation into her death has remained stagnant since 2014, and her family remains without answers to this day. Melina Laboucan-Massimo asserts that Bella’s indigeneity is a factor in the lack of urgency by Toronto Police to bring this tragic case to justice.

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<sup>121</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al., “Reclaiming Power and Place.”

<sup>122</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al.

<sup>123</sup> Jackie Hong, “Why Did a Proud, Happy, ‘Strong-Hearted’ Cree Woman Fall from the 31st Floor? No One Knows,” *The Toronto Star*, July 25, 2016, sec. GTA, <https://www.thestar.com/news/gta/2016/07/25/why-did-a-proud-happy-strong-hearted-cree-woman-fall-from-the-31st-floor-no-one-knows.html>.

The kidnapping, violencing, and murder of Indigenous women and girls is not a coincidence; it is a systemic issue that is rooted in colonialism and white supremacy<sup>124125</sup>. In 2011, the House of Commons and the Standing Committee on the Status of Women determined that the phenomenon of Missing and Murdered Indigenous Women was caused by a combination of racism, institutional poverty, a deep colonial history, and police failures. An increase in police presence will not benefit the women in communities who have been affected by resource extraction; it will not benefit the women of Lubicon Lake.

## IMAGINING A FUTURE FOR LUBICON LAKE

Something that I've had to keep at the back of my mind throughout the process of writing this thesis is that the Lubicon Lake Nation is not the exception; it is the rule. The violence and environmental harm that is done unto the Lubicon Cree can be found in virtually every other community across Turtle Island who has been affected by the resource extraction and development industry, such as Grassy Narrows First Nation or Aamjiwnaang First Nation, as discussed at the beginning of this chapter, or in the Haida Nation in their battle for accommodations through the Supreme Court. While each community has their unique conditions and circumstances, the root cause of their suffering is the same: colonial rule values capital over the lives of human and more-than-human relatives. In Lubicon Lake, we see that this colonial rule extends even beyond the so-called rule-of-law, as the Canadian government continues to

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<sup>124</sup> Wendee Kubik and Carrie Bourassa, "Stolen Sisters: The Politics, Policies, and Travesty of Missing and Murdered Women in Canada," in *Forever Loved: Exposing the Hidden Crisis of Missing and Murdered Indigenous Women and Girls in Canada* (Toronto, Ontario: Demeter Press, 2016), 17–33.

<sup>125</sup> This source is co-authored by Carrie Bourassa, a professor of Community Health at the University of Saskatchewan. Bourassa was recently fired from her professorship based on the discovery that her claims to Indigenous ancestry, specifically that she was Métis. This work is included in this thesis on the basis that her false claims to Indigeneity should not discount the work of her co-author, Wendee Kubik, nor should it negate the impact that this research has on the pursuit of justice for Indigenous women.

intrude on unceded and sovereign land, a clear violation of their own laws as affirmed through their own court system<sup>126</sup>.

We have seen over the last two chapters that the situation in Little Buffalo will persist so long as Indigenous women, youth, and queer people are persecuted for standing up and defending their own lands. We have also seen that the reports and recommendations that were intended to protect Indigenous communities often have less-than-desirable outcomes: creating more harm when communities are at their most vulnerable, either in the aftermath of a massive oil spill or in the wake of family tragedy, or an insidious combination of the two. When extractivism is prevalent on Indigenous lands, the imposition of colonial and capitalistic values creates profound suffering for Indigenous community members: economic marginalization, environmental and physical harm, and the destruction of traditional lifeways and means of sustenance<sup>127</sup>. These conditions often drive community leaders to support extractive projects in order to benefit financially and give the community members more opportunities.

This is, however, usually a false solution and contributes only to maintaining the cycle of colonial encroachment and capitalism. In Wet'suwet'en, for example, the elected band council voted to partner with Coastal GasLink in order to bring financial prosperity into the community, having been promised jobs and revenue sharing. Hereditary Chiefs, however, saw this deal for what it was: a thinly veiled opportunity for CGL to extract the value from the land and leave

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<sup>126</sup> Government of Canada; Crown-Indigenous Relations and Northern Affairs Canada, "Government of Canada and the Duty to Consult."

<sup>127</sup> Laboucan-Massimo, "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree."

community members empty handed, destroying their traplines and archaeological sites in the process<sup>128</sup>.

Greenpeace Canada provided a number of recommendations meant to contrast the ERCB's recommendations following the Rainbow Pipeline spill in 2011. Today, following the Calls to Justice from the National Inquiry on Missing and Murdered Indigenous Women and Girls, I feel as if these recommendations are applicable to the greater extractive and development industry. These recommendations, listed below, are a good starting point for industry to begin making reparations for the harm they have done unto Indigenous communities across Turtle Island, beyond the Lubicon Lake Nation.

Greenpeace recommends the following: that governments and industry increase transparency about extractive projects through greater access to information, that governments and industry implement greater public involvement in decision-making processes as a counteraction to industry influence, and that governments put an end to the revolving door between industry lobby groups and the leadership of regulatory agencies<sup>129</sup>. This final recommendation is a specific reference to the fact that the Chairman of the ERCB had previously been the lead lobbyist for the pipeline industry in Canada, as discussed previously in this chapter<sup>130</sup>. It is also relevant insofar as in the communication to the United Nations Human Rights Committee, Chief Ominayak complained that Lubicon Lake's legal efforts had been biased as many of the judges on their cases had been former oil lobbyists as well<sup>131</sup>. While these

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<sup>128</sup> Matt Simmons, "Why Tensions Are Escalating on Wet'suwet'en Territory over the Coastal GasLink Pipeline," *The Narwhal*, October 20, 2021, <https://thenarwhal.ca/wetsuweten-coastal-gaslink-explainer/>.

<sup>129</sup> Stewart and Greenpeace Canada, "The Rainbow Spill: A Case of Crime and (No) Punishment."

<sup>130</sup> Stewart and Greenpeace Canada.

<sup>131</sup> *Lubicon Lake Band v. Canada*, Communication No. 167/1984 (26 March 1990), U.N. Doc. Supp. No. 40 (A/45/40) at 1.

recommendations are small steps, they will have a tangible impact when it comes to placing the health and safety of Indigenous women above the capital generated from the oil industry and the tar sands project.

Regardless of government action or industry concessions, we must not underestimate the strength and resilience of Indigenous communities who have persisted and reasserted their sovereignty time after time, and the Indigenous women, youth and queer or Two-Spirit folks who continue to be at the forefront of resistance and land defense movements. These community members repeatedly put their physical safety at risk for the survival of their lands and to ensure a healthy future for their children and grandchildren. Their contributions are critical and cannot be overlooked.



### **CHAPTER 3: IMAGINING AN INDIGENOUS FUTURE BEYOND EXTRACTIVE CAPITALISM**

I do not believe that I am alone in my yearning for a land on which Indigenous sovereignty is respected, the Earth is cared for as our Mother, and the violence on Indigenous bodies begins to heal. I also do not believe that I am alone in my disappointment in the Calls for Justice brought forward by the National Inquiry for Missing and Murdered Indigenous Women and Girls in 2019. What preceded the recommendations was an incredibly candid and comprehensive collection of testimony from women and their families from across the country, sharing their sorrow and their anger towards a government that has failed to protect their sisters time and time again. Unfortunately, Indigenous women and their families, as well as former commissioners of the National Inquiry have expressed their disappointment with the government's response to the Calls to Justice<sup>132</sup>. The federal government did not present an action plan in response to the Final Report for two years after the report's release, and violence against Indigenous did not cease during this time. When an action plan was released, many families were concerned that the plan was not realistic.

What if there was an alternative to state-sponsored solutions? What if governments took the lead from Indigenous community members who are vulnerable in sharing their experiences of violence, and built a collaborative plan forward based on those experiences? What if Indigenous communities were able to take back the care of their people and lands? Since the arrival of Europeans on these lands, Indigenous communities have been forced to be resilient and to push up against efforts to stifle their culture, their traditions, their languages, and their

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<sup>132</sup> John Paul Tasker, "Ottawa Promises 'transformative Change' to Address Violence Directed at Indigenous Women and Girls," *CBC News*, June 3, 2021, <https://www.cbc.ca/news/politics/mmiwg-federal-response-1.6051661>.

nationhood. Today, on the precipice of environmental destruction, Indigenous-led resurgent efforts are more necessary than ever.

This chapter will examine grassroots and Indigenous-led efforts against extractivism, climate change, and environmental violence as they pertain to the reclamation of consent over Indigenous land and body, and as they contribute to the resurgence of Indigenous sovereignty and nationhood. I will look at resurgent efforts at the individual, family, and community level and examine how they fit within the Seven Fires Prophecy to become a model for a modern-day decolonial project, as illustrated by Leanne Simpson<sup>133</sup>. This will include an inclusion of small but tangible grassroots and individually led efforts to combat physical, sexual and environmental violence in Indigenous communities, as well as an examination of the modern and historical defense efforts by the Lubicon Lake Nation and throughout the Alberta tar sands region.

Although the Seven Fires Prophecy is an Anishinaabe teaching, its inclusion in this discussion of the Lubicon Cree and resistance in the Alberta tar sands region is relevant due to the spread of Pan-Indian spirituality from the 1960s onwards. A need for a cohesive path forward for colonial resistance emerged in the 1960s and 1970s which led to continent-wide sharing of spiritual practices in order for Indigenous communities to more effectively mobilize against colonial powers amidst discriminatory Indian Act policies, the persistence of residential schools, and the beginnings of industrialisation on Indigenous territories<sup>134</sup>.

Although Pan-Indian spirituality, or Pan-Indigenous spirituality as it is often called, is not a perfect solution, especially in terms of healing intergenerational trauma or other more nation-

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<sup>133</sup> Leanne Betasamosake Simpson, "Nimtoowaad Mikinaag Gijiying Bakonaan (Dancing on Our Turtle's Back): Aandisokaanan and Resurgence," in *Dancing on Our Turtle's Back: Stories of Nishnaabeg Re-Creation, Resurgence and a New Emergence* (Winnipeg, Manitoba: Arbeiter Ring Publishing, 2011), 65–84.

<sup>134</sup> Marc Fonda, "On the Origins and Spread of Pan-Indian Spirituality in Canada," *Studies in Religion* 45, no. 3 (September 2016): 309–34.

specific spiritual issues, Pan-Indigenous resistance is a useful tool for coming against settler colonialism, which seeks to replace the Indigenous with the foreign<sup>135</sup>. The Seven Fires Prophecy will be relevant to the plight of the Lubicon Cree as both Anishinaabe and Cree Nations have been confronted with colonialism and with the destruction of their lifeways as told in the prophecy. Both Nations, as well as every other Indigenous Nation on Turtle Island, are compelled to move forward and light the seventh fire of resurgence. Additionally, the geographic and linguistic proximity of the two Nations have resulted in the emergence of mixed Oji-Cree communities across what has become a shared territory, many of whom serve as a formal alliance between Anishinaabe and Cree communities. The closeness of these communities should not be ignored.

Following this, I will move to look at how Two-Spirit, Queer and Gender Non-Conforming identities in Indigenous communities are an act of resistance and resurgence in themselves, as they challenge the heteropatriarchal norms that have been imposed on Nations by the colonial state. This section will also examine how Two-Spirit, Queer and Gender Non-Conforming Indigenous individuals will be crucial in the liberation of their communities from the resource extractive industry and the environmental, physical, and sexual harm that accompanies it.

I will then move into a discussion on how Indigenous communities can reclaim the land for use by future generations and fulfil the Prophecy of the Seven Fires. This section will draw on community-based research conducted in an urban Indigenous community where parents of school-aged children were asked about their land-based practices and how they encourage a

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<sup>135</sup> Baron Pineda, "Indigenous Pan-Americanism: Contesting Settler Colonialism and the Doctrine of Discovery at the UN Permanent Forum on Indigenous Issues," *American Quarterly* 69, no. 4 (2017): 823–32, <https://doi.org/10.1353/aq.2017.0068>.

connection to the land and a respect for nature with their children. This section will also examine land-based pedagogy as a means of encouraging a resurgence of traditional land stewardship practices which will serve as the foundation for the fight against environmental degradation and climate change going forward.

Finally, I will revisit the Final Report of the National Inquiry on Missing and Murdered Indigenous Women and Girls to ask how strategies of reclamation and resurgence can better serve Indigenous communities and the needs outlined in the body of the report. I will examine how resurgence may be more effective in preserving the autonomy of body and land for Indigenous communities, and specifically for Indigenous women and girls, than state sponsored solutions that place a heavy emphasis on retaining the integrity of the extractive industry.

We are at a pivotal moment in history; many believe that Indigenous liberation and the resurgence of Indigenous environmental stewardship are the only way forward in the fight against climate change<sup>136</sup>. At the same time, Canada's climate action plan has been deemed to be highly inefficient, failing to comply with Paris Agreement and COP26 targets, which are already considered to be insufficient<sup>137</sup>. Canada has repeatedly affirmed through climate and energy policy that capital and economic progress are more important than the health, lives, and future generations of their inhabitants, Indigenous or not. Climate change is not an Indigenous problem, it is just most deeply felt by Indigenous and other marginalized communities. But this will not be the case forever.

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<sup>136</sup> The Red Nation, *The Red Deal: Indigenous Action to Save Our Earth*; Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence"; Leanne Simpson, "Looking after Gdoo-Naaganinaa: Precolonial Nishnaabeg Diplomatic and Treaty Relationships," *Wicazo Sa Review* 23, no. 2 (September 22, 2008): 29–43.

<sup>137</sup> Climate Action Tracker, "Canada: Climate Action Tracker," September 2021, <https://climateactiontracker.org/countries/canada/>.

## THE BODY IS NOT TREATY LAND: CONSENT AS RESISTANCE

Leanne Simpson recounts the prophecy of the Seven Fires as being the journey that settlers and Indigenous Peoples, specifically Anishinaabe people on Turtle Island must walk together, from the period of first contact, to the difficult period of immense destruction done unto the lands by settlers, to now, the Seventh Fire, where Anishinaabe people must return to their traditional forms of governance, culture, language, and way of life<sup>138</sup>. This process of building a culture of resurgence will not happen overnight; it is slow and requires patience and sacrifice at the individual and community level. While this may seem like a daunting or impossible task, there are many Indigenous Peoples who have been pursuing this common goal for generations, reclaiming autonomy over their bodies and lands amidst the violence of the resource extractive industry.

While many Indigenous women, girls, and queer or Two-Spirit individuals are facing the threat of physical and sexual violence at the hands of industry workers, government officials, and law enforcement, it can be easy to feel as if Indigenous bodies are worth as little as extractivism makes them out to be: as if they are *terra nullius*, or lands which are considered to be legally empty and therefore open for conquering and extraction<sup>139</sup>. This concept has been used by Europeans since early colonization to justify the colonization of many lands and peoples globally, including Turtle Island, by claiming that lands which are not inhabited by Christians are not inhabited at all. The culture of domination which accompanies this legal concept has also allowed for the violencing of our relatives over many generations.

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<sup>138</sup> Simpson, "Nimtoowaad Mikinaag Gijiying Bakonaan (Dancing on Our Turtle's Back): Aandisokaanan and Resurgence."

<sup>139</sup> Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence."

The Women's Earth Alliance and Native Youth Sexual Health Network have outlined a number of activities to be taken up at the individual level to instil a sense of autonomy in youth and allow them to regain a sense of control over their bodies and lands by building a culture of consent. The activity involves first coming to understand the concept of *terra nullius*, and how this concept has been used against the individual's family or community specifically. Participants will then come to understand how *terra nullius* is a root cause for many symptoms of colonialism by connecting different concepts such as resource extraction, reproductive health, and gender. This will allow the individuals to see exactly how environmental violence is so pervasive and all-encompassing in their communities. Finally, participants will look at how consent is exercised individually and in their home Nations. They will examine the definition of Free, Prior, and Informed Consent and determine whether this is a process they have seen truly respected on their lands, or on their bodies.

By coming to this understanding of consent, Indigenous youth will feel better equipped to identify injustice on their lands and will have the tools to stand up for their lands and bodies. They will come to understand how consent on body and consent on land are not mutually exclusive; they are in fact deeply intertwined. This series of activities, and others distributed by Indigenous-led, grassroots organizations across Turtle Island is an important first step towards individual resurgence and fulfilling the Seven Fires Prophecy where Indigenous societies can finally be free to thrive once again.

Resurgence is just as important at the community level as it is within the individual; Leanne Simpson recounts the concept of *chibimoodaywin* as told to her by Eddie Benton-Banai and Shirley Williams as the process of ten generations of Indigenous Peoples carrying out a

single vision for achieving resurgence<sup>140</sup>. This cannot be achieved without the collaboration and commitment of entire communities, or entire Nations. While the small, personal reclamations of land are an important part of the resurgence process, as demonstrated by the Women's Earth Alliance and Native Youth Sexual Health Network, community members must also be willing to work towards the goals and vision for the future laid out by their ancestors.

Many communities across Turtle Island have taken the security of their lands and peoples into their own hands after experiencing disappointment, violation of treaty and violence within their ancestral territories. The Lubicon Lake Nation is no exception to this. As discussed in Chapter 2 of this thesis, the Lubicon were deliberately excluded from treaty-making processes in the area due to their remote location, which made their eventual pursuit of a land-claim agreement with the Federal government incredibly difficult<sup>141</sup>. In the early 1970s, when an all-weather road was constructed connecting Lubicon territory to the rest of the province, the threat of resource extraction grew even more eminent. The Lubicon Lake Nation attempted to sign federal land agreements numerous times without success, and finally, in 1988, determined that direct action was the only way forward to protect their lands.

In the decade since the construction of the all-season road, the Lubicon Lake Nation had seen catastrophic effects of the increased oil production on their lands. In 1985 and 1986, 19 of 21 pregnancies resulted in miscarriages or stillbirths. In a small community like Lubicon Lake, this rate of infertility endangered their survival as a community<sup>142</sup>. On October 15<sup>th</sup>, 1988, the Lubicon people erected a peaceful blockade on the road into their territory which was successful

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<sup>140</sup> Simpson, "Nimtoowaad Mikinaag Gijiyng Bakonaan (Dancing on Our Turtle's Back): Aandisokaanan and Resurgence."

<sup>141</sup> Martin-Hill, "The 'Official Colonial' Lubicon History."

<sup>142</sup> Briarpatch Magazine, "A History of Struggle," *Briarpatch Magazine*, February 28, 2012, <https://briarpatchmagazine.com/articles/view/a-history-of-struggle>.

in ceasing oil production in the area for six days. While the protest was peaceful, after the six days the blockade was forcibly removed by the RCMP, and then-premier Don Getty offered a 243-square-kilometre plot of reserve land to be set aside for the Lubicon Lake Nation under what was known as the Grimshaw Accord<sup>143</sup>. Unfortunately, this agreement failed to provide environmental safety and economic stability to the Lubicon Cree, and due to the all-or-nothing nature of the offer by the Alberta government, talks broke down in 2003 and both parties walked away completely.

Although their land claim negotiations eventually fell apart, the direct action enacted by the Lubicon Cree did prove effective; they were able to halt resource extraction on their lands for six days. While this is a relatively short amount of time, what we can determine is that collective action and civil disobedience are effective in challenging the colonial status-quo. It is for this reason that colonial powers are so driven to remove land defenders from the front lines as soon as possible. In Lubicon Lake, the Alberta government handed down a small concession which served more as a public relations stunt than meaningful action. The government and oil companies then proceeded to resume operations on Lubicon land with minimal disruption from land defenders. Had they allowed the blockade to remain in place, we can speculate that the inconvenience to industry would have been much greater.

Lubicon Lake is not alone in this circumstance. Many Indigenous Nations across Turtle Island are manipulated to accept subpar concessions in exchange for the persistence of extractive industries in their territories. Let us consider the solidarity actions taken up across Canada in support of the Wet'suwet'en land defenders in the winter of 2020. To protest the construction of

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<sup>143</sup> Laboucan-Massimo, "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree."



the Coastal GasLink pipeline that would infringe on the Wet'suwet'en's unceded land and cause unnecessary environmental harm, Indigenous and non-Indigenous allies set up rail blockades across the country, resulting in the disruption of rail service in Canada for nearly two weeks<sup>144</sup>. CN Rail estimated that nearly 100,000 passengers were required to find alternate means of travel, and nearly 1500 temporary layoffs in CN Rail and Via Rail resulted from the service disruption.

Land Defenders in on Wet'suwet'en Yintah and at solidarity actions across Canada were criminalized and were subjected to violent RCMP raids and arrests despite their legal assembly. Upon the onset of the COVID-19 pandemic, which criminalized in-person gatherings, land defence efforts were quieted, all while industry endured, bringing in increased numbers of transient workers to the land<sup>145</sup>.

Many Canadians saw the blockades as an annoyance, and as an inconvenience to their day-to-day life. In the first week of the national land defense actions alone, more than 150 trains were cancelled and over 24,000 passengers had to find alternate means of travel<sup>146</sup>. But for Indigenous Peoples, the existence of Canada as a settler-state is the true inconvenience. Canada has infringed on traditional forms of government, has attempted to eradicate culture and language, and has kidnapped children. Now, the existence of Canada threatens the health of the environment and the lands that Indigenous Peoples have been protecting since time immemorial. On May 14<sup>th</sup>, 2020, the federal government and the hereditary chiefs of Wet'suwet'en signed a

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<sup>144</sup> BBC News, "The Wet'suwet'en Conflict Disrupting Canada's Rail System," *BBC News*, February 20, 2020, sec. US & Canada, <https://www.bbc.com/news/world-us-canada-51550821>.

<sup>145</sup> Betsy Trumpener, "900 Bed Work Camp for Coastal GasLink Set to Open by Summer, West of Prince George," *CBC*, May 1, 2020, <https://www.cbc.ca/news/canada/british-columbia/coastal-gaslink-pipeline-builds-vanderhoof-work-camp-for-900-1.5552617>.

<sup>146</sup> Leyland Cecco, "Canada: Thousands of Travelers Affected as Indigenous-Led Rail Blockade Continues," *The Guardian*, February 12, 2020, sec. World news, <https://www.theguardian.com/world/2020/feb/12/canada-protests-indigenous-rail-blockade>.

memorandum of understanding that recognizes Wet'suwet'en right and title as law within their system of governance<sup>147</sup>. This memorandum, however, does not include a plan for implementation and leaves many crucial demands of the community open-ended. The media interpretation of this memorandum led many to believe that the issue of sovereignty on Wet'suwet'en has come to a close, and that there was no longer a need to support land defenders on the Yintah. Unfortunately, this could not be further from the truth.

Leanne Simpson retells the story of *Gezhizhwazh* as it relates to fulfilling the prophecy of the seven fires: *Gezhizhwazh* sacrifices herself to the *wiindigo* in order to protect her community, in order to contribute to the greater collective good<sup>148</sup>. The story of *Gezhizhwazh* tells us that when the stakes are high, we as Indigenous communities must have plans and strategy in the face of injustice and must be prepared to put individual needs aside to fulfil the vision of our ancestors, the vision of prosperity and resurgence. Colonial governments will consistently stand in the way of this obligation.

## DECOLONIZING SEX AND GENDER: QUEERNESS AS PROTEST

It is impossible to discuss colonialism without considering the impact that puritanical European values have had on the culture of sex in Indigenous communities. Sex has been used as a weapon by colonizers to access both land and body since the early days of colonization; it was used as a tactic in the forced relocation of Indigenous communities as a means for white men to gain access to Indigenous land and resources<sup>149</sup>. The colonial narrative of the helpless Indigenous woman falling in love with the strong white man was then established and has persisted well into

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<sup>147</sup> The Canadian Press, "Timeline of the Coastal GasLink Pipeline in British Columbia," *The Vancouver Sun*, January 24, 2021, <https://vancouversun.com/business/energy/timeline-of-the-coastal-gaslink-pipeline-in-british-columbia>.

<sup>148</sup> Simpson, "Nimtoowaad Mikinaag Gijiying Bakonaan (Dancing on Our Turtle's Back): Aandisokaanan and Resurgence."

<sup>149</sup> Deer, "Relocation Revisited: The Sex Trafficking of Native Women."

the present day where it has falsely justified the pillaging of lands for resource extraction under the guise of “saving” Indigenous women from the poverty that has been imposed on them by that same system of colonialism<sup>150</sup>.

This is not the only harmful colonial stereotype to be imposed on Indigenous women: often narratives used to justify settler colonialism are contradictory and polarizing. Just as we have the narrative of the helpless woman and the White saviour, we have by contrast the “immoral” Indian woman, or the “outlaw” woman: a harmful stereotype which has dehumanized Indigenous women and left them at risk to be victims of abuse and violent crime<sup>151</sup>. Early colonial lawmakers determined that due to the “biological inferiority” of Indigenous Peoples to Europeans, there was an inherent susceptibility to criminal activity, which, according to White law enforcement, accounted for the astronomical numbers of incarcerated Indigenous Peoples compared to their White counterparts<sup>152</sup>. For Indigenous women, this meant they were seen by Europeans as being sexually promiscuous and lacking in civilized morals. This is primarily due to the lack of stigma within Indigenous communities of having children “out of wedlock”, or engaging in non-monogamous, non-heterosexual relationships that do not align with Christian values.

This sexual immorality, as it was portrayed by colonial governments and lawmakers, was justification enough to pillage the bodies of Indigenous women in the same way legal principles

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<sup>150</sup> Chris Finley, “Decolonizing the Queer Native Body (and Recovering the Native Bull-Dyke),” in *Queer Indigenous Studies: Critical Interventions in Theory, Politics and Literature* (Tucson, Arizona: The University of Arizona Press, 2011), 31–42.

<sup>151</sup> Kara Jo Wilson, “Confronting Canada’s Indigenous Female Disposability,” *The Canadian Journal of Native Studies* 38, no. 1 (2018): 153–63.

<sup>152</sup> Dorothy Ann Nason, “Red Feminist Literary Analysis: Reading Violence and Criminality in Contemporary Native Women’s Writing” (Berkeley, California, University of California, Berkeley, 2010).

like *terra nullius* were used to justify the pillaging of the land<sup>153</sup>. The supposed immorality has been used for generations to justify the rape and trafficking of Indigenous women, as well as the lack of support they've historically received from law enforcement. Just as Indigenous land and body are intrinsically connected, as was discussed in Chapter One of this thesis, so too is the harm inflicted on them.

Pre-colonial Indigenous societies did not operate in a hetero-patriarchal manner; there were diverse sexualities, traditional third gender identities that served important roles in the communities, and non-nuclear family structures which were welcomed as any others<sup>154</sup>. Through the many dark years of colonization, Indigenous communities have unfortunately internalized the sexual values of the dominant culture; those that place importance on heterosexual, cisgender marriages in order to create nuclear families in the name of a Christian God. As a result of this internalization, many queer Indigenous Peoples face a great deal of discrimination from their own families and community members; discrimination which, unfortunately, is a function of colonial society.

When thinking about where queer and Two-Spirit individuals fit into the resurgent project, where they may find a place in the Seven Fires Prophecy, we must come to understand that the very nature of being queer and being Indigenous challenges the authority of the nation-state and presents a challenge for the internalized colonialism that exists within our own Nations<sup>155</sup>. By being queer, by expressing a gender that exists outside of strictly male or female,

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<sup>153</sup> Deer, "Relocation Revisited: The Sex Trafficking of Native Women."

<sup>154</sup> Mark Rifkin, "The Erotics of Sovereignty," in *Queer Indigenous Studies: Critical Interventions in Theory, Politics, and Literature* (Tucson, Arizona: The University of Arizona Press, 2011), 172–89.

<sup>155</sup> Quo-Li Driskill et al., "The Revolution Is for Everyone: Imagining an Emancipatory Future through Queer Indigenous Critical Theories," in *Queer Indigenous Studies: Critical Interventions in Theory, Politics, and Literature* (Tucson, Arizona: The University of Arizona Press, 2011), 211–23.

or by honouring relationships that look differently from a Eurocentric monogamous marriage, Indigenous Peoples are reclaiming autonomy over their own bodies in a way that was violated by the onset of settler-colonialism. By refusing to consent to relationships that do not suit us, we are taking the first step towards a reclamation of the land that continues to be violated every day.

When Indigenous bodies are regularly violated, when narratives of white saviourism and conquest are imposed upon us, returning to original ways of relating to one another is part and parcel with returning to our original instructions to care for the land. When the body has become a commodity for settlers to exploit, we must move forward to reclaim them for ourselves. When the body and land are one, they must be healed as one, and reopening our communities for the existence and prosperousness of queer people is a vital step.

#### SEEDS OF KNOWLEDGE: RECLAIMING SPACE FOR FUTURE GENERATIONS

The principle of the Seventh Generation comes from the Haudenosaunee, and their Great Law of Peace, which is considered to be the founding document of the Iroquois Confederacy. The principle of the Seventh Generation states that in every decision that is made at the individual, family, or community level, we must consider the impact on the next seven generations<sup>156</sup>. While some may see seven generations as an inconceivable amount of time, it is actually closer to us than we may believe; if you were young enough to remember your great-grandparents, and if you live long enough to meet your great-grandchildren, you will have known seven generations. The principle of the Seventh Generation compels us to consider the actions our great-grandparents took for the wellbeing of our great-grandchildren and asks us to do the same for the great-grandchildren of our great-grandchildren. Though we will never meet

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<sup>156</sup> Seven Generations International Foundation, "7th Generation Principle," Seven Generations International Foundation, accessed January 27, 2022, <https://www.7genfoundation.org/7th-generation/>.

these descendants, we have a great responsibility to them to ensure they can have the same access to a safe environment, just as our ancestors did for us.

With this principle in mind, this section will examine how Indigenous parents have begun to take this kind of land-based resurgence into their own hands when planning for their children's education. This section will draw on research conducted with a Toronto-based Indigenous child welfare organization. In this research, Indigenous parents were interviewed about their land-based education practices and how they work to dismantle the legacy of Residential Schools and colonialism within their own families. These practices allowed families to communicate how they work towards resurgence in their own communities. I was personally involved in this research process: I assisted the Principal Investigators in the design of the research project, revisions of the ethics procedures, and development of the research questions. I was also involved in the recruitment of research participants, conducting of interviews and transcriptions of those interviews. Finally, I synthesized the results from this project and disseminated the findings into the report that is cited in this thesis. I am drawing on these research findings with the intention of sharing this thesis back to the respective community members who offered their stories.

The inclusion of this study is relevant as land-based practices are an integral part of reclaiming land and initiating resurgence within communities, whether they be urban or rural. Having access to programming that allows for the participation in traditional land-focused activities, especially for youth, is essential for a community's fulfilment of the seven fires prophecy, as discussed earlier in this chapter. Although Toronto is very different geographically to Lubicon Lake, Indigenous Peoples in both areas have experienced similar histories of dispossession: for the Lubicon, several decades of extractivism have resulted in the destruction

of the land and violencing of the community. For Indigenous Peoples in Toronto, they have historically and presently experienced the non-consensual development and urbanization of a very sacred piece of land, which is bound by the Dish With One Spoon covenant between the Anishinaabe, the Haudenosaunee and the Mississauga to share and care for the territory<sup>157</sup>.

Although the landscapes differ greatly, the study done in Toronto can provide great insight into the importance of accessing the land and conserving land in all parts of Turtle Island, and in Lubicon Lake, for future generations of Indigenous Peoples.

In an effort to better understand how land-based education could be used to improve children's programming at the aforementioned organization, Indigenous parents were asked questions about their experiences with elders, their experiences with their children, their experiences with land-based learning and their own needs or desires for their children's learning. Throughout this process, parents shared stories about their own experiences learning about the land from their grandparents, aunts and uncles, or other older relatives. Many identified their grandparents as the first source of land-based knowledge<sup>158</sup>. In keeping with the spirit of the principle of the Seventh Generation, many also described that they felt an obligation to expose their children to the land as much as possible, even in an urban area like Toronto.

Some participants expressed a sort of disconnect between their own learning and what they wished to pass on to their children. When asked about their experiences with Elders, some identified a lack of knowledge in their own childhoods about how to relate to Elders and how to ask questions in a good way, as a result of intergenerational trauma from the Indian Residential School System. The other side of this story is that many parents felt a responsibility to break the

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<sup>157</sup> Simpson, "Looking after Gdoo-Naaganinaa."

<sup>158</sup> Native Child and Family Services of Toronto and Trent University, "Trauma Informed Land-Based Pilot: A Report" (Toronto, Ontario: Native Child and Family Services of Toronto, September 2021).

cycle of trauma and ensure that their children (and grandchildren, and great-grandchildren) had access to positive experiences on the land as much as possible<sup>159</sup>.

This sort of desire felt by Indigenous parents to reconnect to the land and to their culture through their children is a crucial part of Indigenous resurgence. Land-based learning is an important site of transformative change which can shift community focus away from personal or economic gain towards a collective resurgence<sup>160</sup>. Family and community relationships are a site of learning, and enhanced children's programming which takes place on the land can be an opportunity for all community members, not just children, to embody Indigenous knowledge that may have been made unavailable to them in the past, either for reasons of access or reasons of trauma.

Although much of this thesis has been focused on the Lubicon Lake Nation, a rural community in northern Alberta, it is important to keep in our minds that the principles of resurgence can apply to any community regardless of geographical landscape, they may simply need to be adjusted in order to fit community needs. Many of the principles of land reclamation and resurgence that were discussed with research participants that were specifically tailored to life in an urban setting can be applied to Lubicon Lake, as both are sites of constant dispossession<sup>161</sup>.

Styres, Haig-Brown and Blimkie describe the land as being animate, as being a relative rather than an object. In the city, they explain that it is important to consider the cityscape as

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<sup>159</sup> Native Child and Family Services of Toronto and Trent University.

<sup>160</sup> Jeff Corntassel and Tiffanie Hardbarger, "Educate to Perpetuate: Land-Based Pedagogies and Community Resurgence," *International Review of Education* 65, no. 1 (February 1, 2019): 87–116, <https://doi.org/10.1007/s11159-018-9759-1>.

<sup>161</sup> Leanne Betasamosake Simpson, "Land as Pedagogy," in *As We Have Always Done: Indigenous Freedom Through Radical Resurgence* (Minneapolis: University of Minnesota Press, 2017), 145–74.



being part of the animate landscape, as it is built atop our relation<sup>162</sup>. It is essential for Indigenous Peoples living in cities to develop strong relationships with the land without needing to leave the city. The same could be said for Indigenous Peoples living in areas which have been heavily exploited, where industry and industrialism have become part of the landscape. As it is often unrealistic for Indigenous Peoples to have to travel away from their ancestral lands in order to build a connection with the land (or they do not wish to leave their territory), we can begin to consider industrialism as part of the natural world because of the land on which it is built.

As the city of Toronto and the Alberta tar sands are both sites of dispossession, where Indigenous Peoples are pushed to the outskirts to make room for economic and industrial development, practicing land-based learning is a means for families to confront colonialism, and to resist the imposition of resource extraction or urbanization on their lands<sup>163</sup>. Small but tangible actions such as providing children with a place to safely play on the land or involving children in the planting and harvesting of medicine gardens can be a turning point for a community in their journey towards resurgence.

When I think of resurgence, as it relates to land-based practices and regaining access to use and care for the land, I imagine a future in which Indigenous Peoples do not need to rely on governments and colonial entities to provide them with sustenance, because the land is well cared for enough that such assistance is no longer necessary. As colonial governments have broken treaties and agreements promising to sustain the livelihoods of Indigenous Peoples on their lands, it has become more essential for Indigenous Peoples to reclaim their lands and make their own way on their territories as they have done in the past, as they have continued to do

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<sup>162</sup> Sandra Styres, Celia Haig-Brown, and Melissa Blimkie, "Towards a Pedagogy of Land: The Urban Context," *Canadian Journal of Education* 36, no. 2 (October 2013): 34+.

<sup>163</sup> Simpson, "Land as Pedagogy."

amidst generations of violence<sup>164</sup>. A revival of traditional land practices would mean a complete resurgence of traditional ecological knowledge, which has sustained these lands since time immemorial. Healing the land through traditional land use will, eventually, result in a healing of body and spirit, as they are so intrinsically connected<sup>165</sup>. Securing the land, or achieving “Land Back”, as we so often hear, is essential for healing from the generations of violence that has been subjected to our communities.

#### LOOKING FORWARD: BEYOND EMPTY CALLS FOR JUSTICE

The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls states that the inquiry is not the end, but rather a new beginning of an era where Indigenous women are no longer seen as “less-than”, and where non-Indigenous Canadians and governments begin to listen to communities and begin to genuinely address their needs and concerns<sup>166</sup>. The Final Report allowed for family members and survivors of violence against Indigenous women to illustrate to the country how relationships matter; relationships between two people, between two communities, between ourselves and the land, or between Indigenous and non-Indigenous Peoples. The violence experienced by Indigenous women, girls, youth, and queer or Two-Spirit people at the hands of the government or at the hands of extractive industry has made it difficult for these relationships to be based in mutual respect.

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<sup>164</sup> Nancy J. Turner and Pamela Spalding, “Learning from the Earth, Learning from Each Other: Ethnoecology, Responsibility, and Reciprocity,” in *Resurgence and Reconciliation: Indigenous-Settler Relations and Earth Teachings*, ed. Michael Asch, James Tully, and John Borrows (Toronto, Ontario: University of Toronto Press, 2018), 265–91.

<sup>165</sup> Women’s Earth Alliance and Native Youth Sexual Health Network, “Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence.”

<sup>166</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al., “Reclaiming Power and Place.”

The Final Report identifies four pathways that maintain and uphold colonial violence against Indigenous women and girls, and that reinforce historic and contemporary manifestations of colonialism. They are: “historical, multigenerational, and intergenerational trauma; social and economic marginalization; maintaining the status quo and institutional lack of will; and ignoring the agency of expertise of Indigenous women, girls, and 2SLGBTQQIA people”<sup>167</sup>. Knowing this and seeing that the National Inquiry has identified these factors as significant in the persistence of violence on Indigenous lands and bodies, it becomes even more clear where the Calls for Justice offered at the end of the final report have fallen short. The five Calls for Justice that are directed at extractive and development industries, as we have examined in detail in Chapter 2 of this thesis, continue to violate Indigenous women and girls’ inherent right to security, to health, and to protect their communities by being the keepers and defenders of water, land and more-than-human life on which we depend.

However, as we have also seen, there is another way. Indigenous thinkers and scholars have shared what it would mean for us to move towards resurgence as Nations and as individuals. Indigenous families have begun implementing these practices in their own lives, as a means of providing future generations with the tools to reclaim their lands and to restore autonomy in their bodies that they did not have as children. The children who were attending Little Buffalo School in 2011 when the Rainbow Pipeline spilled into the wetlands of the Lubicon Territory are still children<sup>168</sup>. It is not too late to provide them and their descendants with the future that they deserve.

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<sup>167</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada) et al.

<sup>168</sup> Stewart and Greenpeace Canada, “The Rainbow Spill: A Case of Crime and (No) Punishment.”

## CONCLUSION

Writing this thesis has been one of the most difficult undertakings of my life, and certainly of my academic career. Western academia as an institution does not hold space for Indigenous knowledge, does not make room for Indigenous scholars, and does not desire to lend an ear to projects that are intended to serve a community, not the university. This has been my primary challenge throughout my writing process, and especially in the end stages of editing and polishing this piece of work. How can I ensure that this thesis, which I am writing in fulfilment of a degree that I alone will obtain, serves a greater purpose?

I have had to return to this question many times throughout this nearly year-long process of research and writing. Who is this thesis for? The university would want me to own it, to produce knowledge for myself and for myself alone. However, my obligation to the Lubicon Cree compels me to answer the question differently. If this work cannot serve them in some way, cannot thank them for putting their tales of struggle and resistance on display and for allowing me to draw connections between their histories and the histories of communities across Turtle Island, then what is it good for?

My own desire to produce knowledge that serves community is often suppressed by the fact that the university, and academia as an institution, is a hostile place for Indigenous thinkers, for Indigenous knowledge, and for Indigenous students, especially when those students are women, gender-diverse individuals, or queer people. How can I create a piece of work “in a good way” (at risk of sounding like a cliché), when the university does not afford us the time and space needed to do so? In an ideal world, this thesis would look very differently than it does. I would have liked to connect with community members directly, to hear testimony from the women, youth, and elders who have had their health deteriorate as a result of the Rainbow

Pipeline spill, and to come to a fuller understanding of what it means to connect to a territory which is constantly under attack. Alas, a desire to prevent a lengthy university-led ethics review process, one which would likely not be sufficient in meeting the standards for ethical work by the Lubicon Cree, led me to do this work based solely on previously published research, or research I had conducted for other projects which had already been approved by the university's ethics board. This was a concession I made to prevent a costly extension of my program, beyond my allocated funding period. This compromise is one I believe is all too common amongst Indigenous students, and I do believe it prevents us from producing the most meaningful knowledge during our time in academia.

This moral qualm with my own thesis research is further complicated when I consider the fact that Trent University is an active contributor to the fossil fuel industry, the very industry my work seeks to shine a light on and begin to dismantle. In March of 2013 a referendum conducted by the Trent Central Student Association determined that 76% of undergraduate students at Trent University supported divestment from fossil fuels, as laid out in a proposal from Sustainable Trent. The proposal involves an immediate freeze in investment in new fossil fuel projects, and a divestment within five years from direct ownership and comingled funds, including fossil fuel public equities and corporate bonds<sup>169</sup>. A report from Sustainable Trent identified Trent's investments in the fossil fuel industry as being harmful to the wellbeing and survival of students and staff, as well as potentially financially devastating to faculty, whose pension funds are threatened by an impending climate disaster caused by fossil fuels.

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<sup>169</sup> Julian Tennent-Riddell and Sustainable Trent, "Trent University Divestment from the Fossil Fuel Industry," digitalcollections.trentu.ca, April 2014, <http://digitalcollections.trentu.ca/islandora/object/tcrc:1001>.

In 2015, after several years of campaigning, the Trent University Board of Directors rejected the proposal for divestment, instead opting to engage with the fossil fuel industry and invest in research for mitigation strategies<sup>170</sup>. Trent urged that although they appreciated the enthusiasm and concern from the student body, they feel they have a greater fiduciary duty to protect pension and endowment funds that would be placed at great risk if the university were to divest from the fossil fuel industry.

My question then becomes, as I write this, how are Indigenous students, and specifically Indigenous women and queer or Two-Spirit students supposed to feel supported by an institution which actively contributes to the violencing of their relatives? How am I to complete this thesis when the actions of this university (who is, in theory, in support of this knowledge production) are actually a direct harm to the community to which I am trying to provide justice? What does it mean for the Lubicon Cree to have their story told by an institution which reinforces the systemic violence done unto Indigenous communities at the hands of extractive industry?

Even in a time where several large Canadian and American universities are committing to fossil fuel divestment, either in part or in whole, Trent University, an institution which claims to be committed to sustainability and the fight against climate change, remains firm in their stance that keeping their investments in fossil fuels is the best option financially for students, staff, and faculty<sup>171</sup>. I have held this knowledge in the back of my mind throughout the entire process of writing this thesis, and it has made the work a more emotionally challenging task.

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<sup>170</sup> Tennent-Riddell and Sustainable Trent.

<sup>171</sup> Alyssa Scanga, "Trent Bleeds Oil, Not 'Green,'" *Trent Arthur*, November 1, 2021, <https://www.trentarthur.ca/news/trent-bleeds-oil-not-green>.

Working within colonial institutions is not a new concept for Indigenous communities. As a result of colonization, Indigenous Peoples often find themselves needing to work within the structure of the state in order to make progress towards their communities' self-determination. The Lubicon Lake Nation is no stranger to this process. Over the past several decades, the Lubicon Lake Nation has ceaselessly participated in the colonial land claims process in an effort to protect the land from the encroachment of the oil and gas industries, and while the community has also engaged in more grassroots land defence actions, they have recognized the necessity of coming to the table with federal and provincial governments in order to preserve the land for their future generations, especially as a community with no federal reserve lands or Indian Act protections<sup>172</sup>.

Indigenous Peoples have, however, always managed to make the most of their time within colonial institutions, a testament to their resilience and strength as a people. Melina Laboucan-Massimo, a featured voice in this thesis from Lubicon Lake Nation, utilized her master's research at the University of Victoria to create prosperity for her home community through the production of renewal energy on the land. During her time in the Indigenous Governance program, a graduate program which became notorious after enrollment was suspended for being the root cause of a number of traumatic experiences for Indigenous women, queer or Two-Spirit individuals, and others who were students in the program<sup>173</sup>, Laboucan-Massimo implemented a renewable solar project in Little Buffalo as partial fulfilment of her

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<sup>172</sup> Laboucan-Massimo, "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree."

<sup>173</sup> Jorge Barrera, "Enrolment Suspended after Report Finds UVic Indigenous Governance Program Left Students 'traumatized'," *CBC News*, April 24, 2018, <https://www.cbc.ca/news/indigenous/university-victoria-indigenous-governance-program-suspended-1.4633889>.

master's degree<sup>174</sup>. This 20.8 kw solar project powers the community's health centre, a sustainable ray of hope in the heart of Canada's largest industrial project<sup>175</sup>.

Today, Laboucan-Massimo's project has evolved into Sacred Earth Solar, an Indigenous-led national organization which assists and empowers communities to reclaim authority over their energy production by developing solar projects on their homelands<sup>176</sup>. As discussed in chapter three of this thesis, Sacred Earth Solar aims to provide communities with energy sovereignty, which allows Indigenous nations to develop place-based renewable energy solutions that align with their own values and governance models while on the frontlines of defending their lands against extractivism.

Laboucan-Massimo implemented her solar project in Little Buffalo in 2015, just four years after the Rainbow Pipeline spill devastated her community, and just three years before the suspension of the Indigenous Governance program at the University of Victoria. To see what she produced under such conditions, and how her project has had such a deep impact across so-called Canada gives me both comfort and strength. Completing this thesis has been an incredibly emotional and difficult process for me, especially knowing that I am doing this work within an institution that works in direct opposition to what I wish to accomplish with this project. To know that others have done the same and been successful, under an even greater threat of duress and violence, shows me that I am but one of many Indigenous academics who are or who have

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<sup>174</sup> Sacred Earth Solar, "Melina Laboucan-Massimo," Sacred Earth Solar, accessed April 11, 2022, <https://sacredearth.solar/melina>.

<sup>175</sup> Women's Earth Alliance and Native Youth Sexual Health Network, "Violence on the Land, Violence on Our Bodies: Building an Indigenous Response to Environmental Violence."

<sup>176</sup> Sacred Earth Solar, "About Us," Sacred Earth Solar, accessed April 11, 2022, <https://sacredearth.solar/about-us>.



fought their way through the university successfully. Their stories bring me strength, but they also show me that I am not alone. During a time of great isolation, this is so invaluable to me.

There are many things I wish this thesis could have become. For many months during the planning process of this research project, I found it incredibly difficult to remain focused on one single community. I felt it was not enough; I needed to talk about Wet'suwet'en, I needed to talk about Standing Rock. I wanted to delve into the violence at Fort McMurray, at Grassy Narrows, in Thunder Bay, and in Vancouver. I wanted to show how Lubicon Lake is not an isolated incident, they are not an anomaly. Lubicon Lake is the rule in a country where Indigenous lands and bodies are sacrificed to the greater goal of nation-building and the accumulation of state capital.

The intricacies and details of this violence and how it threatens the future of Indigenous sovereignty and survival are areas which require more attention, more study. The stories of women, youth, and queer or Two-Spirit Indigenous Peoples are out there, and they deserve to be uplifted. This is what I have clung to during this long, difficult process. While I was limited by the scope and time restraints of this master's program, of this short thesis, and while I was not able to provide an account of every extractive project on Turtle Island, I believe that I was able to uplift the voices of a community who are so often overlooked. From their exclusion in the treaty-making process in the late 1800s, to the challenges faced in the land claims processes in the 1970s, to the Rainbow Pipeline spill in 2011, to today, Lubicon Lake Nation has been an afterthought to the federal and provincial governments<sup>177</sup>. But still, they have been resilient.

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<sup>177</sup> Laboucan-Massimo, "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree."

Though the challenges I have faced over the past two years in completing this thesis do not compare to the centuries of struggle endured by the Lubicon Cree, getting to know their community so intimately has given me strength to carry on, as I feel a responsibility to tell these stories. When asking myself “who is this thesis for?”, I have considered many possible answers. Is it for the university, who will grant me a degree upon its completion? Is it for my peers in academia, who may stumble upon these pages in their own research? Is it for me? No. This thesis is for nobody other than the Lubicon Lake Cree Nation. They have lent their stories to the world, to me, and it is my duty to uplift them in every way I know how.

On February 24<sup>th</sup>, 2022, at the height of my writer’s block and personal challenge with this thesis, I opened a notebook that I had kept in the earlier days of writing to document my feelings about each day’s work. After reading through my past self’s thoughts, I wrote an entry for the first time in months.

*“What does it look like to step back from a project and remember who you’re doing it for? The goal of this thesis is to uplift the pre-existing voices of the community who have been working tirelessly for towards justice for their people for generations. This project must implore people to give a shit<sup>178</sup>.”*

I believe that this project has accomplished what I decided it should do in February. I believe the thesis has done what it must. And with that, I do not believe there is any more to be said.

Kinanâskomitin, mîkwêc.

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<sup>178</sup> Annie MacKillican, “Personal Journal Entry, February 24th, 2022,” February 24, 2022.

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