

## **WINDIGO FACES: ENVIRONMENTAL NON-GOVERNMENTAL ORGANIZATIONS SERVING CANADIAN COLONIALISM**

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### **Abstract / Résumé**

This paper argues that environmental non-governmental organizations (ENGOS) play a role in perpetuating colonialism in Canada, specifically by legitimizing the state's control over Indigenous peoples. It positions ENGOS as indirectly serving imperialism in Indigenous peoples' territories when forming partnerships with First Nation governments that are themselves established to serve Canada's interests. The paper links Canada's interests in resource exploitation, how Canada dominates Indigenous peoples' political systems, and how ENGOS are legitimated by the state to demonstrate First Nations-ENGOS partnerships can actually serve to assimilate Indigenous peoples, using the 2010 Canadian Boreal Forest Agreement as a primary example.

L'article souligne que les organisations non gouvernementales de l'environnement (ONGE) aident à perpétuer le colonialisme au Canada, en particulier en légitimant le contrôle de l'État sur les peuples autochtones. Il souligne aussi que les ONGE servent indirectement l'impérialisme sur les territoires autochtones lorsqu'ils forment des partenariats avec des gouvernements des Premières nations qui sont eux-mêmes établis pour servir les intérêts du Canada. L'article fait des liens entre les intérêts du Canada dans l'exploitation des ressources, la domination des systèmes politiques des Autochtones et la façon dont les ONGE sont légitimées par l'État pour démontrer que les partenariats des Premières nations et des ONGE peuvent réellement servir à assimiler les Autochtones. L'Entente sur la forêt boréale canadienne de 2010 est donnée à titre d'exemple principal.

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## Introduction

On May 18, 2010, nine large environmental organizations<sup>2</sup> operating in Canada announced the Canadian Boreal Forest Agreement (CBFA) in partnership with 21 multi-national forestry companies for the dual purpose of protecting habitat for species at risk and optimizing forest economic productivity in the boreal forest region of Canada (CBFA, 2010:8). Unfortunately, the agreement was negotiated and signed without the participation of Indigenous peoples, despite the fact that the CBFA encompasses the territories of several different Indigenous nations and despite the boreal forest being home to over 500 Indigenous communities in Canada (Osbourne and O'Reilly, 2010).<sup>3</sup> In doing so, the environmental organizations party to the CBFA chose to completely disregard Indigenous jurisdiction over Indigenous lands by negotiating the deal without the consent or awareness of the Indigenous communities that will be directly affected by the agreement. This action seriously undermined relationships the signatory environmental organizations may have established with Indigenous communities over the past decade while simultaneously undermining two centuries of Indigenous resistance to colonial Canada's attack on Indigenous self-determination.<sup>4</sup> The fact that the CBFA was negotiated and agreed upon without the political participation of Indigenous peoples is a paternalistic and blatant disregard for Indigenous nationhoods, treaty relationships, and our responsibilities to determine the use of our lands.

The majority of responses from Indigenous leaders regarding the announcement of the CBFA demonstrated the agreement was understood as yet another attempt by settler society to undermine Indigenous self-determination (e.g. The Dominion, 2010). While at the time of writing this paper no Indigenous leaders have come forward in favor of the CBFA,<sup>5</sup> a number of Indigenous leaders, activists and people at the community level<sup>6</sup> spoke out against the agreement, asserting that Indigenous nations will not be sidelined in their own territories. For example, Mike Mercredi wrote that:

The Canadian Boreal Initiative's Larry Innes, David Suzuki Foundation, CPAWS, ForestEthics, and Greenpeace do not speak for the people of Fort Chipewyan [First Nation]. Any ENGO group out there who speaks on tar sands issues related to rare cancers being found in Fort Chipewyan or the boreal forest in Alberta, Saskatchewan, Northwest Territories, Nunavut, and Manitoba...do not have the right to even mention First Nations rights at any event, campaign, rally or protest.... [T]he sovereignty of the First Nations people of Canada...will be extinguished if this carries on and I will not allow it to happen. We are not allowing ENGOs to bargain with our children's future... (Mercredi qtd. in The Dominion, 2010).

Clayton Thomas-Muller of the Indigenous Environmental Network spoke about presumptions of legitimacy made by CBFA signatories and other potential future impacts:

We have to be cautious about the fact...that [the CBFA] is a precursor to a forests [carbon trading] offsets program here in Canada, which commodifies the boreal forest and turns it into a commodity to be bought and sold on carbon trading markets to offset developments like Canada's tar sands and the mega mining explosion that's taking place across this country.... And so, we're highly concerned about the nature of [the CBFA], about the lack of represen-

tation of First Nations Peoples...considering we're the ones who live in places where resources, like the boreal forest, exist.... [W]hat it comes down to is that the legality of this deal...in my opinion, is in question; there are so many areas in the boreal forest that are in litigation, that are in land claims process [and] that have not been settled in terms of Aboriginal title. (Thomas-Muller qtd. on APTN National News, 2010)

Stan Beardy, Grand Chief of the Nishnawbe Aski Nation, denounced the CBFA as a form of colonial encroachment:

Nobody has the right to develop an agreement that affects any of [Nishnawbe Aski Nation's] lands and resources without consultation, accommodation and consent from us. The [CBFA] was made without our knowledge and treats NAN as a stakeholder – not a government. The right of consent is reflected in the spirit and intent of both Treaty 9 and Treaty 5, this is our right.... These kinds of agreements have to stop and the true decision makers, First Nations, must be the ones to have the final say. (Beardy, 2010)

It is interesting to note that in speaking out against the CBFA, Indigenous leaders were not only challenging the paternalism<sup>7</sup> of the environmental organizations party to agreement, but were also resisting something much more dangerous, that is, colonialism hidden within Canadian civil society as a whole. This raises important questions regarding environmental organization-Indigenous nation alliances that take place within a continuing colonial context. Do such alliances undermine self-determining Indigenous nations that do not recognize themselves as subordinate to the Canadian state? If so, how do such alliances reinforce colonialism?

In this paper, I argue that environmental non-profit organizations (ENGOS), in abiding state-affirming legislation rooted in Eurocentric and colonial ideologies, play a key role in ensuring federal and provincial governments in Canada gain and maintain access to resources in Indigenous territories. ENGOS—particularly large ones, as will be discussed below—serve Canada's resource extraction interests in Indigenous territories when they form partnerships with First Nation governments that are themselves established to serve Canada's interests.<sup>8</sup> Revealing how this system ensures the state's access to resources in Indigenous peoples' territories requires me to link a broad range of issues together; I link Canada's interests in resource exploitation, how Canada dominates Indigenous peoples' political systems, and how ENGOS are legitimated by the state. I use these links to frame a discussion about how alliances with ENGOS can actually serve to assimilate Indigenous peoples, drawing on the CBFA as a primary example.

While developing short-term relationships with environmental groups has from time to time been a useful strategy to further Indigenous nations' self-determination agendas, we must approach such potential partnerships carefully to ensure our political agendas are not co-opted (Simpson, 2010). This is critical, for, as Davis and Shpuniarisky (2010) aptly note, "[c]olonization has many different faces, and these faces can show themselves in any relationship between Indigenous and non-Indigenous people, despite all precautions.... In many cases, [the perpetuation of oppression] can happen when non-Indigenous peoples try to use Indigenous peoples to further their own agenda" (346). Like windigo spirits<sup>9</sup> in the Anishinabe worldview, colonialism seeks to cannibalize

the spirit of Indigenous nations' self-determination in Canada's "nation-building." In a context where colonial violence against Indigenous peoples has become normalized and invisible to Indigenous and settler people alike (e.g. Regan, 2010), understanding how Canadian civil society organizations erode our self-determination is critical to ensuring our resurgence is not co-opted when/if we decide to form partnerships with Canadian civil society organizations (Alfred, 2005:180).

## Alliances?

A number Indigenous and non-Indigenous scholars have explored the benefits of alliances between Indigenous communities and civil society organizations (e.g. Davis, 2010). Alliances can take many shapes to address many issues, including environmental as well as social justice issues. From the Indigenous side, alliances may include individuals who are fighting to exercise Aboriginal and/or treaty rights (such as fishermen), Indigenous organizations and community-based groups seeking to address a specific concern, First Nations Chiefs and Councils, or regional political organizations that represent several Indigenous communities. On the civil society side, organizations might take the form of non-profits or charities, faith-based groups and churches, and unions. Some alliances are formed out of a recognition that working together might achieve a specific goal; others are formed under coercive conditions or because overlapping interests make co-operation unavoidable (Davis, 2010).

When Indigenous peoples are free to choose, alliances may form when it is believed both parties share a common or related agenda. For example, when the state permits resource extraction in Indigenous territories alliances might form to protect certain tracts of land from resource extraction or to ameliorate the aftermath of resource exploitation projects. Common agendas provide an opportunity for differing motivations to converge, where all parties have a better chance at achieving their individual goals. For Indigenous communities, often the main issue is being self-determining in their territories; for ENGOs, environmental conservation and/or protection are often main themes. An example is the 2006 Great Bear Rainforest Agreements, in which approximately one third of a vast expanse of old-growth rainforest on the coast of what is currently British Columbia received varying degrees of protection from resource extraction (Smith and Sterritt, 2010; Stainsby and Oja Jay, n.d.).<sup>10</sup> Here, Indigenous nations' agendas combined with large and small ENGO agendas through tumultuous negotiations that lasted more than a decade (Davis and Shpuniarsky, 2010; Stainsby and Oja Jay, n.d.). Two of the large ENGOs driving this alliance—ForestEthics and Greenpeace Canada—would later become CBFA signatories. In the end, the Great Bear Rainforest Agreements were heralded by some as "one of the most comprehensive conservation achievements in North American history" (Smith and Sterritt, 2010:131). First Nations asserted some authority over Indigenous traditional territories, ENGOs conserved some lands and forests, and the Province of British Columbia maintained access to areas in which it could permit resource extraction activity. This seems like a win, win, win situation.

In other cases, alliances may form to protect Aboriginal and treaty rights. In the 1990s, fishermen from Chippewas of Nawash First Nation—an Anishinabek community in Ontario—became targets of violence by non-Indigenous fisher-

men and local settler elites when they exercised their inherent right to fish in their traditional territory. A group of local settler allies supported the Nawash fishermen by voicing a peaceful counter narrative to disrupt racist anti-Indigenous sentiments that otherwise had the potential to divide local communities and/or distort the situation in the media (Wallace, Struthers and Cober Bauman, 2010). Additionally, regional organizations with broader geographical scopes (such as a union and a faith-based group) also got involved as allies. These alliances resulted in the "Chippewas of Nawash...mount[ing] a successful communications and community relations strategy that added strength to a legal campaign to win recognition and implementation of inherent fishing rights..." (Wallace et al. 2010:91).

However, some scholars have noted settler-Indigenous alliances are also wrought with problems that can ultimately serve colonialism in Canada. The two examples above also provide two examples of how alliances can be a risk for Indigenous communities and individuals fighting continued Canadian colonialism. First, where and how civil society organizations locate themselves in relation to Indigenous communities and nations has bearing on the results of the alliance (Wallace et al., 2010). While local groups that seek alliance with Indigenous communities around specific issues are more likely to have relationships that pre-exist the issue catalyzing the alliance, large civil society organizations have a much harder time establishing relationships with Indigenous individuals at the community level (Wallace et al., 2010). Such larger organizations still require "go to" Indigenous people to ensure their work aligns with the issue at hand without being totally devoid of relevance, making those individuals more visible to colonial authorities (e.g. police). Second, as resistance to logging in the Great Bear Rainforest grew throughout the 1990s, hereditary Indigenous leaders and smaller ENGOs were sidelined by four large ENGOs (comprising the Rainforest Solutions Project)<sup>11</sup> (Stainsby and Oja Jay, n.d.). While Indigenous nations of the Great Bear Rainforest, with help from The David Suzuki Foundation (which later become a signatory to the CBFA), did at this time organize themselves into a political unit "to assert their right to self-determination in relation to their territories in the face of the multiple forces that were challenging their authority to govern in their own territories" (Davis, 2009:142), the fact remains that the push to save the Great Bear Rainforest, dominated by government and ENGOs, inherently sidelined customary Indigenous leaders and their governance systems, exemplified by at least one hereditary chief being silenced (Stainsby and Oja Jay n.d.). Large ENGOs were in negotiating rooms with logging companies and governmental representatives, while the "Nuxalk [nation was] left out of the negotiations" and "logging activity just kept on going" (Qwatsinas qtd. in Stainsby and Oja Jay n.d.: 5). Seventy per cent of Great Bear Rainforest remains open for resource extraction with the Province of British Columbia having preserved its role in permitting exploitation projects. What impact did the government-ENGO-band council relationship have on silencing hereditary leadership and entrenching settler control over Indigenous territories?

## **Convergences in Colonialism**

The Canadian state has always been interested in exploiting resources in Indigenous peoples' territories (Henderson, 2006).<sup>12</sup> This colonial interest con-

tinues today: a significant portion of the Canadian economy remains built on exploiting resources found in Indigenous nations' territories. Access to natural resources for such industries as forestry, mining, agriculture, fisheries, and oil and gas development are integral maintaining the Canadian state's position as one of the world's top ten largest economies (Wilson and Dragusanu, 2008:11).<sup>13</sup> Given that natural resources are finite, the state's need to feed an insatiable global economy with raw resources drives federal and provincial attacks on Indigenous nations' self-determination; the territories the state occupies now are running short of resources, putting pressure on the lands and waters Indigenous peoples call home. This is perhaps best exemplified today by the Alberta tar sands mega project currently underway (e.g. Indigenous Environmental Network, 2010). The colonial spirit that wrought so much damage on Indigenous nations throughout the history of Canada is alive and well.

This need to access resources in Indigenous territories informs the state's relationships with Indigenous peoples. Exploiting natural resources has been used by the state for generations as a means to colonize Indigenous nations, as many of our cultures, identities, intellectual and political traditions and worldviews are based directly on relationships with the land (Johnston, 2008, Monture-Angus, 1999). Indeed, Indigenous governance traditions are tied directly to the ecology in a relationship that unfolds moralities and therefore systems of law and governance (e.g. Henderson 2006; Johnston, 2008; Meyer, 2004). In a word, colonizing the land through permitting resource extraction colonizes the people (Alfred, 2010). With Indigenous peoples removed from their lands, relegated to reserves, and disempowered politically, resource extraction is easier to permit and carry out for state interests.<sup>14</sup>

Assimilation through permitted resource extraction is not the only way the state directly undermines Indigenous peoples' self-determination. The state also enforces racist legislation to ensure access to Indigenous territories is maintained. The *Indian Act*—a colonial piece of legislation that displaces Indigenous nations' governance systems with municipal-style Eurocentric forms of government (Monture-Angus, 1999)—is used to legitimize Canada's occupation within Indigenous territories and political systems, enabling the state to control Indigenous territories for resource exploitation (Alfred, 2010:46; Olthuis, Kleer, Townshend, 2008:197).<sup>15</sup> While some individual Chiefs and Councilors may be trying to use the imposed Chief and Council system to exercise self-determination, such systems are *not* inherent systems of Indigenous governance, and are ultimately more accountable to the Government of Canada than they are to Indigenous communities (Alfred, 2009; Monture-Angus, 1999). These two leadership systems often are not co-dependent, as seen in the Great Bear Rainforest Agreements mentioned above: the hereditary chiefs and elders of the Nuxalk Nation led the way in fighting logging in Indigenous territories, with *Indian Act* Chiefs and Councils following suit only afterwards (Qwatsinas qtd. in Stainsby and Oja Jay, n.d.). Once established, the *Indian Act* band council system that Chiefs and Councils are a part of is legitimized through sanction and fiscal targeting: band councils receive the funding that the Government of Canada is holding in trust from the exploitation of resources within Indigenous territories (Alfred 2009, 2010; Manuel, 13 November 2008).

Like band council administrative systems that are subordinate to the state, ENGOs are also controlled to varying degrees by the state's legislative framework (surprisingly, though, less so than Chiefs and Councils).<sup>16</sup> While ENGOs

have their own mandates that are influenced primarily by the interests/concerns of their primarily non-Indigenous memberships (Davis and Shpuniarisky, 2010), such organizations ultimately must abide by federal and provincial laws, with different laws applying depending on whether an organization is incorporated as a non-profit corporation or a charity, and whether incorporated at the provincial or federal level. Regardless of how they are controlled, ENGOs can form partnerships with an array of entities, including *Indian Act* band councils.

As the state refuses to engage with Indigenous nations on a nation-to-nation level by way of enforcing the *Indian Act*, Indigenous communities fight the impositions of the state directly by working at the international level, or by forming alliances with civil society organizations that legally have limited political authority. Yet, such alliances create an interesting misalignment of interests, as Indigenous anti-colonial resistance “contest[s] the very foundation of the Canadian state as a colonial construction while most theories of group politics and social movements take the state for granted” (Ladner, 2008:228). Civil society organizations, when seeking partnerships with Indigenous communities, often partner with extensions of the federal government: *Indian Act*-imposed band council bureaucracies, Chiefs and Councils and/or regional political organizations that merely represent more *Indian Act* Chiefs.<sup>17</sup> This serves the state by helping it to avoid its nation-to-nation relationships with Indigenous nations, as the state downloads such responsibilities to its citizens who want to address issues that the state is unable or unwilling to address. For example, as environmental destruction accrues from state-permitted resource extraction activities, ENGOs are attracted to Indigenous territories to ‘help’ local communities address the aftermath of disrupted ecosystems, reflecting a deeper history of benevolent settler projects that ultimately serve state interests.<sup>18</sup> This linking between two entities that are given form from state legislation (i.e. band council governments and ENGOs) only serves to obfuscate nation-to-nation relationships through reinforcing the state’s legislative framework.

ENGOs also bring their own motivations when seeking alliances with Indigenous peoples. In a competitive civil society market where resources such as funds and legitimacy are scarce, ENGOs seek not only to address issues of public concern, but also to hold authority in society, for which legitimacy is an indicator (A. Smith, 2007; Powell and Steinberg, 2006; Rose, 1996). For an organization to continue to exist, it needs to convince its funders and the public that it is effectively addressing real concerns. This means gaining more power than other organizations, and also gives rise to tension with governments over some issues of authority (Rose, 1996). While the state recognizes the utility of civil society organizations through sharing power (i.e. by permitting civil society organizations to exist), it never fully gives up ultimate control: civil society actors are sanctioned through legislation, where power in the form of authority is distributed across numerous ideologically aligned ‘centers’ (i.e. civil society organizations and sectors) that ultimately serve the state as an alternate route to governing society “at a distance” (Barry, Osborne and Rose, 1996:12; Rose, 1996). Government bureaucracies build a better Canada with these smaller *non-governmental bureaucracies*, but all remain tied together through distributed power that is predicated on perpetuating the idea of Canada, thus tying the hands of civil society organizations so that the government maintains supremacy. For example, registered charities can devote a maximum of only 10% of their resources to overtly political activities (Calgary Chamber of Voluntary Organiza-

tions, 2009),<sup>19</sup> preventing such organizations from effectively questioning the sovereignty of the settler state. This restriction on 'getting political' raises the question as to how effective ENGOs *can be* in providing *real* solutions to the environmental destruction taking place in Indigenous territories, as such problems are the result of political decisions made by the state (permitting resource extraction in another nation's jurisdiction is an act of *political* interference at best, and cultural genocide at worst given the history of Canada's approach to relationships Indigenous nations). What results is a network of civil society organizations that, *de facto*, is at odds with the political goals of Indigenous nations because of its ties to Canada's legislative framework that directly and indirectly assimilates Indigenous peoples politically and culturally in order to maintain access to natural resources.

The combination of these state interests and the state's restriction of ENGO activities gives rise to non-profit industrial complex (NPIC) – a colonial force unto its own that serves Canada. The NPIC is "a set of symbiotic relationships that link political and financial technologies of state and owning class control with surveillance over public political ideology, including and especially emergent progressive and leftist social movements" (Rodríguez, 2007:21-2). It "is not wholly unlike the institutional apparatus of neocolonialism...[in] that [it] ultimately reproduces the essential coherence of the neocolonial relation of power itself" (Rodríguez, 2007:39). According to Andrea Smith (2007), state and societal elites use the NPIC to:

Monitor and control social justice movements; Divert public monies into private hands through foundations; Manage and control dissent in order to make the world safe for capitalism; Redirect activist energies into career-based modes of organizing instead of mass-based organizing capable of actually transforming society; Allow corporations to mask their exploitative and colonial work practices through 'philanthropic' work; [and,] Encourage social movements to model themselves after capitalist structures rather than to challenge them. (3)

ENGOS can be examined through this framework to assess their hidden impacts on Indigenous peoples' self-determination. And there are many – for example, alliances that link Indigenous leaders and/or Chief and Council governance structures to the NPIC create space for the state to surveil Indigenous resistance movements. Indeed, scholars have recognized that police can infiltrate alliances between settler organizations/movements and Indigenous peoples (Davis, O'Donnell and Shpuniarisky, 2007) to gather intelligence on Indigenous individuals and communities for state interests.<sup>20</sup> This, in addition to the fact that especially large civil society organizations in Canada tend to be close to governments for funding<sup>21</sup> (Hall et al., 2003:11) has the potential for putting the most insurgent or resistant Indigenous leaders on the radar of settler authorities in what is an already violent<sup>22</sup> and racist colonial situation.

When one considers that the state is interested in colonizing Indigenous nations, the NPIC is revealed as a softer, gentler tool of colonialism. Indeed, in the Canadian context, when ENGOs partner with installed *Indian Act* band council bureaucracies, the entire anti-Indigenous resource-focused legislative framework that underpins Canada is re-enforced. This calls our attention to understand how ENGOs are complicit in this assimilating system. The NPIC is an effective harnessing of citizen altruism in the dubious anti-Indigenous project



of cultural and political genocide in Canada. Regardless of whether ENGOs are aware of this link or not, Indigenous peoples' alliances with ENGOs must be interrogated for how they contribute to destroying Indigenous nations as part of a broader scheme of neo-colonialism (Henderson 9 February 2010).

## Windigo Faces

The complex relationships between state legislation, ENGOs, neo-liberal benevolence, the reinforcement of the *Indian Act* band council system and the oppressive function of the NPIC itself creates windigo faces – organizations that invisibly erode Indigenous self-determination on behalf of the state to perpetuate state-permitted resource extraction in Indigenous territories. This can be seen in a number of ways, a few of which are explained here. For example, philanthropic gifts (e.g. funding) the state offers to Indigenous communities via the NPIC entrench the relationship between oppressed and oppressor by way of fostering reliance on the state (Freire, 2006). The funds acquired by ENGOs for ENGO-Indigenous community alliances can be understood in a Freirean sense as “instrument[s] of dehumanization” that are “cloaked in the false generosity of paternalism” (Freire, 2006:49-54). It is here that the insidious nature of the NPIC is clearest in regards to Canada's attack on Indigenous nations: in offering Indigenous communities those moneys generated from the unsanctioned resource extraction in our territories, Canada and its civil society sector entrench state paternalism through pseudo-philanthropy and colonial occupation (Alfred, 2010; Manuel, 13 November 2008; Robbins, 2006:19).

There is also a more direct way in which windigo faces help the state assimilate Indigenous peoples. The types of alliances that form between large ENGOs and Indigenous leaders (particularly installed band councils) can serve to assimilate Indigenous nations into “Aboriginal Canadians.” Often, Indigenous nations are already defined merely as “stakeholders” in natural resource negotiations (e.g. CBFA, 2010; Smith and Sterritt, 2010). Yet, by entering such alliances as a “stakeholder,” Indigenous nations tacitly enter Canadian society. The vehicles for this within ENGO partnerships are the technocratic reforms to state legislation being led by ENGOs. Alliances with ENGOs and other civil society organizations are technocratic in the sense that the projects ENGOs participate in cannot challenge the foundation of the state. As part of Canadian legislation, ENGOs can only influence technical adjustments or reforms to existing legislation, therefore taking the state's legitimacy for granted. Being re-situated as technicians of Canadian society as a result of partnerships with ENGOs, Indigenous peoples come to be interpreted by the state and Canadian society in a way similar to ENGOs in terms of how much political power they hold – namely, subordinates to the federal or provincial governments. This is a sacrifice of Indigenous independence; fixing the state's problems is work for Canadians, not for Indigenous nations that exist *outside* the state by nature of being pre-existing independent nations. According to Alfred (2005), the best that Indigenous nations could hope for in acting like stakeholders is “further political... injustice, leading to reforms that are mere modifications to the pre-existing structures of colonialism” (180).

Indigenous nations, inherently legitimate on their own, have more power in remaining in nation-to-nation relationships with the state than being brought into Canadian society as stakeholders. This issue of legitimacy might reveal

why ENGOs are so interested in alliances with Indigenous nations; whereas legitimacy is already scarce in a liberal democracy society by design (Rose, 1996), what could more legitimating for non-governmental organization than allying with a self-determining nation? However, for Indigenous nations the alliance is a compromise, where nation-to-nation status is exchanged for “equality,” as can be seen in the Great Bear Rainforest Agreements mentioned above. The Agreements provided Indigenous nations with “a level playing field with [provincial] government, environmental organizations, the forest industry, and other *stakeholders*” (Smith and Sterritt, 2010:138. Emphasis added). Equality with stakeholders that are operating within Indigenous territories without consent is not liberation – it is a compromise of Indigenous self-determination.

Evidence of this ‘assimilate through the civil society sector’ can also be seen in the Canadian Boreal Forest Agreement. For example, while signatory environmental organizations seek partnership with Indigenous nations, Indigenous nations are seen by these organizations as “stakeholders” or “groups” or “communities” instead of nations (e.g. CBFA, 2010:20), revealing a deeper colonial pathology inherent to Canadian collective consciousness that is ingrained in the Canadian legislative framework and various settler institutions. While Indigenous nations already tend to be viewed by settler society as “stakeholders” when it comes to boreal management (Stevenson and Webb, 2003), the CBFA builds on this colonial ideology by seeking support from “legally recognized Aboriginal government[s]” (CBFA, 2010:5, 20) instead of customary Indigenous leaders. Actions such as this only entrench the *Indian Act* system and, like the Great Bear Rainforest Agreements, sideline customary leaders because “legally recognized Aboriginal government” most often means the Chief and Council governance system recognized by (i.e. imposed by) the state for its own interests. Viewing Indigenous nations as “stakeholders” and then seeking alliances with “legally recognized Aboriginal government” demonstrates how the CBFA serves Canada’s interests in silencing customary leaders in order to maintain and expand access to resources. Indeed, CBFA signatories have agreed to turn a blind eye to the colonial context in which Indigenous leaders and their territories continue to find themselves, for “ENGOs agree[d] information used to make decisions [regarding the implementation of the CBFA] should be collected and/or developed independent of social or political considerations” (CBFA, 2010:9). These issues speak to why technocratic means of addressing environmental problems fall short for Indigenous nations: colonial occupation and cultural/political genocide are *political* problems requiring resistance that is explicitly political. In this sense, the CBFA lends signatory environmental organizations’ capacities to the state’s broader interests in assimilating Indigenous nations into the Canadian body politic by purposely upholding *Indian Act* oppression and distracting the public from the political nature of colonial occupation.

Yet, at least one environmental organization signatory to the CBFA attempts to go beyond the politics of distraction and subordination. Greenpeace Canada (2010) posted a statement to its website noting that in addition to band council governments, it “also recognizes traditional First Nations’ leadership and governance structures,” exhibiting a break from the CBFA pack. However, not only is this statement located outside the CBFA—therefore doing little to force CBFA signatories to recognize traditional Indigenous leaders in their work affected by the agreement—it is also in keeping with the self-preservation logic of the CBFA and, I would argue, the NPIC itself. The agreement states “Recognizing that

there are third parties...that may take a position or make public statements that are contrary to the principles and intent of the CBFA, [CBFA signatories] [w]ill actively work (both individually and/or jointly as appropriate in the circumstances) to have such third party *appropriately modify its position and/or public statements*" (CBFA, 2010:37-8. Emphasis added). While the Indigenous leaders who publicly denounced the CBFA are not third parties to the signatory organizations, the text quoted here demonstrates that the environmental organizations are prepared to convince dissenters about the CBFA's legitimacy. This statement only highlights a contradiction in how some ENGOs' approach alliances with self-determining Indigenous nations: several of the environmental organizations party to the CBFA claim to support the *United Nations Declaration on the Rights of Indigenous Peoples*, yet the CBFA itself further legitimizes the state's racist *Indian Act* legislation by seeking alliances with "legally recognized Aboriginal government." It is this type of implicit colonialism that links ENGOs with broader state interests.

The CBFA provides other examples of how ENGOs serve Canada's interests as components of the NPIC. Indeed, assimilation is not only limited to reinforcing the *Indian Act* – assimilating knowledge systems is just as potent as political assimilation, which are often synonymous processes (Henderson and Battiste, 2000). The signatory environmental organizations subordinate Indigenous knowledge systems to scientific approaches to knowledge – a process that contributes to cognitive imperialism.<sup>23</sup> For example, in agreeing to address species at risk (specifically Woodland Caribou), CBFA signatories prioritize Environment Canada's strategies instead of giving primacy to Indigenous knowledges (CBFA, 2010:24-8). This is in addition to the fact that "Aboriginal traditional knowledge" is to be mined like a resource to supplement the CBFA's "[b]est available information" (CBFA, 2010:4); Indigenous knowledges are targeted for subordinated inclusion in the CBFA without the prior consent or involvement of the holders of such knowledge—Indigenous peoples—thus clearly indicating that Indigenous knowledges are perceived by the signatories through a neo-colonial mindset reflective of broader settler society's perception of Indigenous knowledge (e.g. Henderson and Battiste, 2000; McGregor, 2004). Requiring Indigenous knowledges to be a part of the CBFA *without* including Indigenous Knowledge Holders in the genesis, planning and negotiation of the agreement itself is a form of neo-colonialism, contributing to the tokenization, degradation and colonization of Indigenous peoples.

The way Indigenous knowledge is treated in the CBFA reflects a larger danger. Treating Indigenous knowledges as something to be mined for a settler initiative reflects how broader Canadian society sees such knowledges as something to be distilled and used for settler priorities (McGregor, 2004). Indigenous knowledge mined in this way becomes archived in settler knowledge systems (e.g. in governments, in ENGO project planning, etc.), but in distorted and subordinated form (Henderson and Battiste, 2000; L. Smith, 1999). Disconnected from the territory and people that give it its meaning, the distorted Indigenous knowledges become available for use in furthering settler society's need "to access, to know, and to assert control over [our] resources" (Henderson and Battiste, 2000:12). This distillation and subordination of Indigenous knowledge occurs, among other ways, at arm's length from the state through the NPIC (e.g. CBFA 2010:4, 9, 24-8, 51), yet the state still benefits in terms of gaining or maintaining access to Indigenous territories.

With ENGOs and the broader civil society sector helping to assimilate Indigenous nations, the state can be seen awarding legitimacy to organizations that appear to be addressing issues in the 'best' way (i.e. in ways that align with Canadian values and ideology) (Rodríguez, 2010).<sup>24</sup> Reinforcing the NPIC in this way can be seen in how federal and provincial governments responded to the announcement of the CBFA. For example, the Province of Ontario lauded the CBFA in this way:

The Ontario government is encouraged to see environmental groups and forest companies working together to help develop a plan that would lead to both a healthy and a prosperous Canadian forest. The historic Canadian Boreal Forest Agreement, signed today between the Forest Products Association of Canada and the environmental community, is an exercise in cooperation that will ultimately benefit Ontario's Crown forests. (Government of Ontario, 2010)

The Government of Canada, on the other hand, awarded legitimacy in this way:

As Minister of the Environment, I welcome the signing of this collaborative agreement between forest sector companies and environmental groups, which represents significant progress for the conservation and sustainable use of the boreal forest of Canada. I am pleased that the agreement has goals that will help the federal government to implement our interests.... *We look forward to working with the parties to the agreement.* It will be important to work closely with others who have an interest in the boreal, such as... Aboriginal people, including consideration of Aboriginal Traditional Knowledge. (Prentice, 2010. Emphasis added)

These accolades reproduce the myth of Canadian sovereignty over Indigenous peoples' lands, and give a clear green light to the CBFA signatory environmental organizations to continue, *status quo*.

With ENGOs more legitimated and thus more powerful, the state harnesses capacity from ENGOs for its own interests (Clemens, 2006:208), constructing a "shadow state" out of civil society that becomes complicit in settler colonialism (however unintended) (Gilmour, 2007). It is here that the state creates the situations for a downloading of its nation-to-nation responsibilities to Canadian citizens, relegating these responsibilities to the forum of domestic relations. Instead of fulfilling its nation-to-nation responsibilities with Indigenous nations, the Canadian state focuses on ENGO initiatives that ultimately avoid questioning the state's occupation of Indigenous territories. The technocratic activity of ENGO-band council alliances help to erase the notion that the state is ultimately at fault for the environmental destruction in Indigenous territories (and therefore the undermining of Indigenous nations' self-determination). This forestalls the state's responsibilities to decolonize itself and its relationship with Indigenous nations (Clemens, 2006). To paraphrase LaDuke (2005), with no problems to speak of, the state no longer can be held accountable for decolonizing itself (133).

## Some Concluding Thoughts

Using institutions at arm's length of the state has a long history in Canadian attacks on Indigenous self-determination. Well meaning people can be co-opted

through state-controlled legislative frameworks to undermine Indigenous nations in the name of state interest in resources. ENGOs play a particular role in this system due to their interest in fixing the environmental problems that arise from the state's permitting of resource exploitation. When combined with *Indian Act*-imposed band council governments, these two entities entrench state control and cloud the fact that Indigenous communities continue to face colonialism. In a society saturated with Canadian colonialism, is it possible to form alliances that support the resurgence of Indigenous self-determination? Can ENGOs be useful at all in our struggle?

Some scholars and activists have argued that alliances with ENGOs should aim to make use of existing treaty rights (e.g. A. Smith, 2005; Whaley and Bresette, 2009). Andrea Smith (2005) argues that by not supporting Indigenous nations' treaties, ENGOs miss the best opportunity for preventing and/or ameliorating state-permitted environmental destruction. However, I believe the problem is bigger than environmentalists failing to see Indigenous peoples' treaties as opportunities for conservation. Rather, the very fabric of state legislation within which ENGOs operate and take for granted is the primary problem. We need to speak about the elephant in the room; we need to talk about how organizations formed through honoring the state's anti-Indigenous legislative framework is itself an act of supporting Canada's attack on Indigenous peoples.

Transcending this would require ENGOs to do the unthinkable (and, probably, the impossible): risking their privilege as centres of power inside the Canadian body politic. Unfortunately, if the CBFA is any indication of broader Canadian civil society organizations' need for legitimization by and recognition from the state, the idea of ENGOs undermining their own privilege in the name of truly supporting Indigenous nations and their ecosystems is still a long way off, for "[n]othing in the CBFA requires an ENGO to take action that would undermine its charitable status or otherwise violate applicable laws regarding its tax status" (CBFA, 2010:16). It seems that self-determination is something found beyond the state in all its forms.

For these reasons, I would argue that when Indigenous leaders engaging in acts to reclaim self-determination find it useful to form external alliances, partnerships should be formed with settler groups not incorporated under federal or provincial legislation. Large ENGOs simply have too much to lose and may be unwilling to compromise their relations with colonial authorities. Smaller organizations, on the other hand, also inherently hold up the state's legislative framework designed to undermine Indigenous self-determination, though possibly with less capacity to harm resurgent Indigenous leaders. That said, while allying with unincorporated groups does not immediately eradicate problems such as navigating neo-liberal approaches to liberation or potential infiltration by colonial authorities, such alliances would be situated outside of the state's legislative framework. In other words, as resurgence necessarily takes place outside of the state, alliances with settlers should also be located outside of the state to reflect the nature of what many leaders of Indigenous resurgence seek – self-determination beyond state control.

## Notes

1. Damien Lee, Anishinabek through custom adoption (1981), is from Fort William First Nation on the north shore of Lake Superior. He brings to this paper insights and experiences from working in ENGOs for nearly a decade at international, regional and local levels before deciding to leave that sector in 2008. Much of his past ENGO work included developing relationships and partnerships with Indigenous communities. He has worked either for or directly with some of the environmental organizations signatory to the Canadian Boreal Forest Agreement.
2. The ENGO signatories are: Canadian Boreal Initiative, Canadian Parks and Wilderness Society, David Suzuki Foundation, ForestEthics, Greenpeace Canada, Canopy, The Nature Conservancy, Pew Environment Group International Boreal Conservation Campaign, and The Ivey Foundation (CBFA, 2010:2).
3. Over 80% of Indigenous Peoples living in Canada live in forested areas, of which the boreal is largest and most expansive (Stevenson and Webb, 2003:65).
4. I use self-determination in the way Kanien'kehaka legal scholar Patricia Monture-Angus (1999) defines the term within her worldview: "As I have come to understand it, self-determination begins with looking at yourself and deciding if and when you are living responsibly. Self-determination is principally, that is first and foremost, about our relationships" (8). I interpret self-determination to mean fulfilling our responsibilities to the lands, waters and beings we co-exist with.
5. The only mention of support from an Indigenous leader came in an email to the Montreal Media Co-op after CBFA signatories (environmental organizations and forestry industry representatives) held a meeting in Prince George, BC in October 2010 apparently, according to the Montreal Media Co-op, to "court First Nations' support for the Canadian Boreal Forest Agreement" (McSorley, 2010). As the origin of that email cannot be guaranteed, I have chosen to not relay the name of the Indigenous leader mentioned. For those interested, the leaked email is available on the Montreal Media Co-op webpage as referenced here.
6. For example, Charles Wagamese wrote a creative piece in response to the CBFA, entitled "Who Are You Calling Endangered Anyway - Another View of the Canadian Boreal Forest Agreement" (Wagamese, 2010).
7. Such paternalism takes many forms within the CBFA including the mere presumption that signatory environmental organizations and forestry companies could make land use plans over Indigenous nations' territories and simultaneously requiring Indigenous knowledge be included in "best available information" while excluding Indigenous Knowledge Holders from the negotiation process. This latter point is discussed again later in this paper.
8. It is important to note that many Indigenous nations are engaged in their own processes of political and cultural resurgence, sometimes using *Indian Act* Chief and Council structures, while other times subverting that structure altogether. My purpose here is not to overlook the anti-colonial and resurgent work Indigenous communities are doing, but rather to make the point that partnerships are complex and, in the case of partnering with (particularly large) ENGOs based in Canadian civil society, they can serve

as conduits for neo-liberalism, cognitive imperialism and the Eurocentric order, and therefore require vigilance if and when Indigenous nations decide to partner with them.

9. For one story about windigo, see Borrows (2010:224-7).
10. Smith and Sterritt (2010) note that the Great Bear Rainforest covers approximately 74,000 square kilometers. Full protection from mining and forestry rests at 28%, which includes First Nations' land use plan areas, while 11.8% of the forest received only "partial" protection from extraction activities (see Davis, 2009; Sherrod qtd. in Stainsby and Oja Jay, n.d.: 11).
11. These organizations were Greenpeace Canada, Sierra Club BC, Rainforest Action Network and ForestEthics (Stainsby and Oja Jay, n.d.). The Rainforest Action Network distanced itself from the project later.
12. The Canadian state emerged out of a colony that, by design, was established to access resources in Indigenous territories as part of the broader context of imperialism. When Great Britain gave its colonial outpost in Canada powers to govern, the newly governing legislatures carried with them the resource exploitation mentality that had "justified" their presence in North America the first place (Henderson, 2006).
13. According to Statistics Canada, in 2008, for example, the timber, energy and mineral resource sectors alone contributed 22% (or CA\$1,723 billion) to Canada's wealth (Forbes, 2009:3-4).
14. This is only *easier*, not absolute. Many Indigenous nations and communities are actively fighting state-permitted resource extraction activities outside of reserve boundaries.
15. This is not only an artifact of the past – such practice continues today. For example, in August 2010 Indian and Northern Affairs Canada attempted to force the Algonquins of Barrier Lake to adopt *Indian Act* governance. The community resisted. In July 2010, Tony Wawatie, a community spokesperson, stated that "The Canadian government is trying to forcibly assimilate our customs so they can sever our connection to the land, which is at the heart of our governance system. They don't want to deal with a strong leadership, selected by community members who live on the land, that demands that the federal and Quebec governments implement the outstanding agreements regarding the exploitation of our lands and resources" (Wawatie and Poucachiche, 22 July 2010).
16. Whereas ENGOs that are registered as charities must submit audits and other administrative information to the Canada Revenue Agency, Chiefs and Councils are at the mercy of the Minister of Indian and Northern Affairs Canada for even the enacting of garbage dumping by-laws on-reserve, among other trivial things.
17. For a critique of such political organizations, see Monture-Angus (1999).
18. For example, Adams (1975) shows how the state used religious institutions and missionizing to attack Indigenous nations throughout Canadian history. Similarities can be seen in how the state now uses the NPIC for the same goals.
19. Notes the Calgary Chamber of Voluntary Organizations (2009) website: "In Canada, federally registered charities must devote substantially all of their resources to their charitable purposes and activities. They can only use 10% of their resources for allowable political activities (non-partisan) that further their charitable purpose. These restrictions, known as the "10% rule,"

- are set in policy by the Canada Revenue Agency (CRA) and are an interpretation of the Income Tax Act.”
20. Surveillance can also take place through mining funding reports of the non-Indigenous organizations. Indeed, funding reports are designed to mine specific types of information (Rose, 1996:55).
  21. Some large organizations such as Greenpeace Canada do not accept funding from governments. However, funding and direction for Greenpeace Canada is linked to Greenpeace International, based in Amsterdam, the Netherlands, meaning annual organization direction and budget restrictions are influenced by people from other parts of the world (Greenpeace International, 2008; Timmer, 2009).
  22. I use violence here not only in a physical sense, though physical violence is still used against Indigenous peoples who take a stand against colonial encroachment. But violence also includes invisible violence – settler society is inherently violent for Indigenous peoples, who have their identities challenged constantly, and their land occupied by entities that are backed by police, among many other examples.
  23. Marie Battiste defines this term: “Cognitive imperialism, also a form of cultural racism, is the imposition of one worldview on a people who have an alternate worldview, with the implication that the imposed worldview is superior to the alternate worldview” (Battiste, 2000:192-3).
  24. This legitimization translates into growing larger membership bases, more funding and better relationships with government representatives. This is seen, for example, by informal relationships between civil society organizations and governmental bureaucrats who share information ‘off the record’ or by organization campaigns receiving public endorsement by political elites. This is a type of state-affirming pedagogy where ENGOs are taught what actions will be supported inside the state’s legislative framework (Gramsci qtd. in Rodríguez, 2007:28).

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