

University of Nebraska - Lincoln

DigitalCommons@University of Nebraska - Lincoln

Honors Theses, University of Nebraska-Lincoln

Honors Program

Spring 3-9-2022

Settler Colonialism and the Movement Towards Indigenous Forest Sovereignty

Madison Zucco

University of Nebraska - Lincoln

Follow this and additional works at: <https://digitalcommons.unl.edu/honorstheses>



Part of the [Environmental Studies Commons](#), [Gifted Education Commons](#), [Higher Education Commons](#), [Indigenous Studies Commons](#), and [the Other Education Commons](#)

Zucco, Madison, "Settler Colonialism and the Movement Towards Indigenous Forest Sovereignty" (2022). *Honors Theses, University of Nebraska-Lincoln*. 398. <https://digitalcommons.unl.edu/honorstheses/398>

This Thesis is brought to you for free and open access by the Honors Program at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Honors Theses, University of Nebraska-Lincoln by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

SETTLER COLONIALISM AND THE MOVEMENT TOWARDS INDIGENOUS FOREST
SOVEREIGNTY

Madison Zucco

Thesis submitted for the degree of Bachelor of Arts and Bachelor of Sciences

University of Nebraska-Lincoln

Advisors: Dr. Margaret Huettl (Department of History) and Dr. Christine Haney (Institute of
Agriculture and Natural Resources)

Table of Contents

Abstract	2
Introduction	2
Literature Review	5
Methodology	11
The Haida First Nation	14
The Pacheedaht First Nation	17
The Sámi People	21
Conclusion	24
References	26

Abstract

This research paper examines the historical and political implications of settler colonialism on Indigenous nations in forested areas around the world. Through a thorough analysis of the Haida First Nation, Pacheedaht First Nation, and the Sámi people, it is argued that settler colonial legislation systematically and intentionally separated Indigenous people and their knowledge from forested areas. Since then, shared management protocols have been implemented to amend racist and environmentally degrading legislation on forested land, but are limited in their effect to reconcile the settler colonial legal system. The only true way to reconcile the settler colonial structure in place that degrades Indigenous nations and their forests is through full Indigenous forest sovereignty.

Key words: settler colonialism, forest sovereignty, white environmentalism, Indigenous sovereignty, traditional ecological knowledge, reconciliation

Introduction

At the beginning of gathering data for this project, I interviewed Professor Jessica Shoemaker on the history of Canadian law and Indigenous territory. Shoemaker is a professor of law at the University of Nebraska-Lincoln who has research experience on Indigenous land rights in Canada. She explained that in Canada, American laws were the blueprint for setting down a legal framework to claim ownership to Indigenous territory (J. Shoemaker, personal communication, September 23, 2021). In 1823, the United States Marshall Court ruled that Indigenous people did not have title to their land in *Johnson v. M'Intosh*. Canada adopted this

ruling and automatically gave itself title to all of the Indigenous land in the country. Territory was taken and renamed to erase the ties Indigenous nations had to their land. Haida Gwaii, the territory of the Haida Nation, became Queen Charlotte Islands (Taillon, 2002). In the 1880s, the area known as Oskana ka-asastēki was colonized and renamed after the British monarch, Regina (City of Regina, 2017). In traditional Sámi territory, colonization led to Norweiganization policies inflicted on the Indigenous Sámi people. This included legally banning tribal languages from being spoken or taught, effectively stifling the cultural significance and power of the Sámi (Steinlien, 1989). Americans generally look to nations like Canada and the Scandinavian countries as examples of upholding quality education and human rights, but these states have been just as complicit in the effects of their Indigenous oppression as the United States.

Cultural erasure and assimilation have been topics of much discussion in Indigenous and historical spaces, but the natural environment is usually left out or not fully considered when this is discussed in academic spaces. The research and analysis in these spaces is mostly conducted through Western frames of thinking, which have a rigid view of what is related to and what influences the physical environment. While there is no monolith Indigenous culture, it is generally true that Indigenous cultures around the world incorporate what is considered to be the environment into their lived experiences and culture. The Haida First Nation, for example, harvest century-old cedar trees to create totem poles that honor their ancestors (Council of the Haida Nation, 2005). This creates a dichotomy between what is commonly discussed in these academic spheres and what Indigenous people around the world have experienced. This paper bridges that gap by examining not only the impacts of settler colonial legislation on Indigenous forest sovereignty but also how communities are working together to shift management back into the jurisdiction of Indigenous nations. This raises an important question: how effective has

colonial legislation been in fostering productive relationships between colonial governments and Indigenous nations when it comes to forest management? The following research aims to examine the historical pattern of the transnational relationship between Indigenous nations and colonial governments; exploring similarities in the legislation; and its effects in Indigenous territory, culture and survival. Highlighting similarities in legislation and its negative effects on Indigenous people around the world demonstrates a global need for more effective reconciliation efforts that return management and sovereignty of forests back to the Indigenous nations that sustained them for thousands of years. This will not only protect the cultural heritage and ecological knowledge of Indigenous tribes, but will also ensure that forested areas are able to withstand the environmental risks of today and the future.

The Sámi, the Haida First Nation, and the Pacheedaht First Nation share experiences with settler colonialism that have disrupted their forest sovereignty. The Sámi, also referred to as Saami and Sámit, are the Indigenous people who traditionally live in Sápmi, also known as Lapland and Samiland. This area covers the northern water and land of Finland, Sweden, Norway, and the Kola Peninsula of Russia. The Sámi people herd reindeer through the Sápmi forests and have maintained a sustainable relationship with the forests for thousands of years (Vladimirova, 2011). Similarly, the Haida First Nation, who traditionally live in Haida Gwaii, a collection of islands off the western coast of Canada, and the Pacheedaht First Nation, who traditionally reside on the southern coast of Vancouver Island, are dealing with ongoing colonial intrusions into their forests. Before colonization, the Haida and Pacheedaht nations sustainably used their forests to harvest medicinal plants and hunt.

From Sápmi to Haida Gwaii, the removal of Indigenous people from forestry decision-making processes and the lack of legislative power used to uplift Indigenous ecological

knowledge illustrates the global impacts of settler colonialism and its threat to our collective future. This paper intends to raise awareness among my audience about the damage caused by excluding those impacted the most by the effects of climate change from the decision-making table. Focusing on a few specific interactions and legislative examples, this paper highlights how colonial legal structures have worked to remove Indigenous people and practices from forested areas and the consequences of those actions. By uncovering the impacts of oppressive historical legislation and recognizing the political actions that have separated Indigenous people from their land, scholars, lawmakers, and communities can begin the long and complicated but essential process of holding colonial governments accountable for returning autonomy to Indigenous nations through forest sovereignty.

Literature Review

There is a growing body of scholarship on colonization and its impact on Indigenous nations and the natural environment. A gap in the scholarship exists, however, around legislation as a tool of colonization to separate Indigenous nations from forested land, as well as the adverse environmental and cultural impacts. A thorough literature review is needed to identify the interconnection between colonization and the current climate crisis through the viewpoint of forested land. Additionally, this review assesses existing government documents between tribal and colonial governments to provide insight into the benefits and limitations of shared decision-making protocols as well as the final solution of returning forests back to Indigenous nations through the implementation of forest sovereignty.

Existing scholarship helps us to understand what Indigenous land management looked like before colonization. Swedish historians Ingela Bergman, Olle Zackrisson, and Lars Liedgren

use their study to describe the Sámi lifestyle from 800 to 1500 CE through their early settlements and land use practices. This is an important foundation to lay to understand the long history of Sámi cultivation and land use before Scandinavian colonization. In the Haida Gwaii, archeological evidence of bear hunting by the Haida Nation can be traced to the Pleistocene epoch 13,000 years ago (Takeda, 2015). This, along with timber use for canoes and totem poles, indicates the managed relationship that the Haida Nation developed with the land and water around them. In their published article in the *Journal of Forestry*, Forestry Professor Michael Lewis, Amy Christensen of Natural Resources Canada, and Marsha Spins of the Lytton First Nation examine how Pacific Coastal Indigenous tribes in what is currently known as British Columbia have used fire to control land and promote growth of desired plants for ceremonies, medicine, and other resources as far back as the early Holocene period (Lewis et al., 2018). Management practices of the Sámi people, Haida Nation, and Pacheedaht Nation provide evidence of thousands of years of successful and sustainable forestry practices before colonization.

Additionally, scholars have identified how colonization forcibly shifted the management of forested lands from Indigenous nations to colonial powers. Historian Mark Dowie explains in *The Haida Gwaii Lessons: A Strategic Playbook for Indigenous Sovereignty* that the cultural and environmental impacts of colonization can be boiled down to a cultural difference of “living on and living with the land” (42). Researcher Louise Takeda gives a primary example of this difference in worldviews with the colonial name of the Queen Charlotte Islands, which replaced “Haida Gwaii” in 1787 (Takeda, 2015, 5). This name change was a symbolic moment depicting the battle between Indigenous sovereignty and colonial rule. Claiming both the name and rights to the land, the colonial government passed policies that banned the Haida Nation from accessing

their own timber for commercial and personal use (6). This phenomenon is not unique to Canada's history, however. Oystein Steinlien (1989), a former student at the University of Tromsø, examined the 100 year period of "Norweignization" of the Sámi people that limited the exchange of their language and cultural practices (2). Although Steinlien makes little mention of the removal of Sámi people from the land or the impact of assimilation policies on land use, he does conclude that political and territorial rights must be handed back to the Sámi before environmental and social change can occur. Hannu Hyvönen documents more recent colonial policies forced on the Sámi, taking place after World War Two. The migration of Finnish settlers onto Sámi land in order to cut down timber and pay reparations to Russia led to violent takings of cultural and environmental autonomy, laying a foundation to later social oppressions towards the Sámi and environmental degradation of their land. Together, these authors show how colonization set the foundation for a long period of legal theft of property and culture from Indigenous nations, which limited their ability to exercise full sovereignty on forested land.

Scholars and Indigenous nations identify two specific systems of colonialism that continue to impact environmental issues: settler colonialism and white environmentalism. Historian Patrick Wolfe examines the connection between settler colonialism and Indigenous genocides around the world. As defined by Australian Professor Lorenzo Veracini, settler colonialism intentionally removes or displaces an Indigenous people from their land to form a new power (Veracini, 2010). Wolfe defines settler colonialism as a structure that works to eliminate Indigenous people from their land to access said land and its resources (Wolfe, 388). "Settler colonialism destroys to replace" is a sentiment that shows how Indigenous people have been removed from forested areas so colonial governments and corporations can profit off the land. Similarly, white environmentalism promotes white voices and worldviews in environmental

spaces and excludes the issues and practices that do not align. In their respective news articles, journalists Sarah Cox and Rochelle Baker both detail how white environmentalists continue colonial thought by disobeying the Pacheedaht Nation's plea to leave the Fairy Creek blockades--a demonstration against logging of old-growth trees--because of the risk of wildfires, COVID-19, and to respect that the Nation knows what is best for them (Cox, 2021; Baker, 2021). Writer Josiah Haynes details that while the Pacheedaht people have regained authority over the local timber operations in the area, Canadian environmentalists still display white saviorism and racism by protesting the choice of the nation to log old-growth trees and risk the health of the Pacheedaht by protesting during the COVID-19 pandemic (Haynes, 2021). Documentarian Hannu Hyvönen captures the effects of settler colonialism in Finland through the displacement of Sámi people and the destruction of their land for commercial use (Hyvönen, 2012). Hyvönen's interviews with the Sámi and filming of their current battles display what happens when Indigenous oppression and environmental destruction are silenced by those at fault. Indigenous Studies scholars Eve Tuck and K. Wang Yang go into further detail about the current impacts of settler colonialism and white environmentalism, including how the symbolization of decolonization throughout Western societies has weakened the ability of decolonization to be effectively achieved (Tuck & Yang, 7). By lessening the severity of decolonization's impact, society reinforces the status quo and reconciliation remains unfulfilled. In contrast, by identifying these systems, including their origins and their impacts on forested areas and Indigenous nations, scholars and members of the affected nations can find solutions to disrupt both settler colonialism and white environmentalism.

In Canada, recent examples of shared development and decision-making processes between First Nations and governmental agencies show progress towards possible reconciliation

while also revealing persistent barriers. Shared decision-making in this context means a collaboration between the colonial government agencies and tribal governments on managing forested areas. In his thesis paper, “Reclaiming Haida Gwaii: the Haida’s road to co-management”, Calum MacKay, an undergraduate student at the University of British Columbia, puts forth a detailed description of the Haida Nation’s fight to reclaim their land. He examines the 2004 landmark case, *Haida Nation v. British Columbia*, that put into law the requirement of consulting First Nations before exploiting their land (MacKay, 9). This case spawned several shared decision-making processes to increase collaboration between tribal and colonial governments, including the Kunst’aa Guu — Kunst’aayah Reconciliation Protocol (Haida Nation, 2009). Alternatively, Catherine Shapcott examines in her essay how Western applications of environmental protection such as Environmental Impact Assessments and the concept of “resource management” impose an additional layer of Western views on Indigenous practices. Shapcott’s analysis challenges the view that shared decision-making can mend hundreds of years of oppression and separation of Indigenous people from forestry decisions. While shared management and decision-making processes can be a part of the path towards reconciliation, there are other legal actions worth noting to achieve healthier forests and justice for Indigenous nations.

Indigenous councils and scholars advocate for more than shared management that disproportionately benefits settler colonial systems. They argue that full Indigenous sovereignty is essential for environmental restoration and Indigenous justice. For instance, the Central Council of Tlingit and Haida Indian Tribes of Alaska document several land use practices related to forestry such as zoning, burn permits and cutting permits (Central Council of Tlingit and Haida Indian Tribes of Alaska, 2). Government documents such as the “Land and Natural

Resources Statute" from this Council display the implementation of Indigenous knowledge in forests that were previously governed by colonial agencies. The Haida Nation crafted a similar document, the Haida Land Use Vision, which explores the cultural importance of Haida Gwaii and how to balance the economic, cultural, and ecological uses of the land (Council of the Haida Nation, 2005). Writer Seth Zuckerman observes that land managed by Indigenous nations appears to have stricter regulations compared to federally governed land (Zuckerman, 2004). These documents and Zuckerman's observation demonstrates that Indigenous land governance balances the cultural and economic importance of an area, resulting in regulations that may seem harsh to non-Natives accustomed to federally protected land that continues to serve capitalist and settler colonial goals. Contributors to the "First Nations Governance and Forest Management: A Discussion Paper" establish a framework for analyzing governance and management of forested land by Indigenous nations through diverse factors that include harvest allocations and human resource development (Brucacher et al., 6). They also examine different statutes that have been introduced and their effectiveness in incorporating traditional ecological knowledge (TEK). The framework established by Brucacher et al. can be implemented to Indigenous land management on a global scale, allowing scholars to compare the ecological, social, and economic benefits of these land practices to settler colonial land protections.

This literature review demonstrates that Indigenous nations around the world have been and continue to be affected by colonization through cultural oppression and systematic separation from their traditional forests. There are efforts to reconcile these actions through lawsuits filed by Indigenous nations, shared management practices, and incorporating cultural and ecological knowledge back to the traditional territories. These actions are often met with pushback from either the federal government or white environmentalists. This literature review

also highlights that there is a lack of academic observation of the ecological and cultural effects of separating Indigenous people from their land. Furthermore, there are limited ways to enforce Indigenous autonomy over land through legislation. The literature examined above supports the argument that legislation has been used to separate Indigenous nations from forestry decisions on their territory which has led to environmental and cultural degradation. While this degradation has been acknowledged by some, there is still much work to be done to fully protect Indigenous forest sovereignty.

Methodology

This study takes a transnational, comparative approach to examine Indigenous forest sovereignty with a focus on colonial legislation. The Pacheedaht and Haida First Nations were chosen for this study for two reasons. First, both nations reside in areas that have evolved from old-growth forests to acres of heavily logged timber to co-managed forests. I want to analyze the similarities and differences of the legal steps and the current management styles of the Haida and Pacheedaht Nations in relation to the Canadian government. The second reason involves the impact that settler colonialism and white environmentalists had in the Fairy Creek logging blockades on Pacheedaht territory and Athlii Island logging blockade in Haida Gwaii. The Sámi people were chosen as the third case study to compare the legislation, its impacts, and the Indigenous legislative actions taken in Canada to another region that has a similar type of forest and has a cultivated image of upholding human rights despite a history of problematic relations with Indigenous people. Since Sápmi covers four different colonial governments, I also want to dive into how these Scandinavian governments differ and coincide with each other when it comes to legislation on forest management and interaction with the Sámi.

This paper will also examine the implications of settler colonialism on different areas including federal legislation, Indigenous government documents, and activist actions. Settler colonialism brings together the idea of not only the taking of land and the genocide of those previously living there, but also the long-term effects of that taking and the cultural implications (Wolfe, 2006). Throughout this paper, collaborative management and Indigenous forest sovereignty are examined as possible antidotes for the effects of settler colonialism in relation to the three case studies.

Forest sovereignty is the main pathway explored in this paper to restore justice from Western natural resource management and cultural erasure. Advocates of forest sovereignty argue that Indigenous nations in forested areas have traditional ecological knowledge that is inseparable from the land and is crucial to the survival of old growth forests, the ecosystem, and the Indigenous nation. Forest sovereignty is proposed as a solution to bring balance to this system and reintroduces TEK in areas where it has been stifled. Throughout Canada and Samiland, these forested areas have witnessed a history of degradation connected to colonial mismanagement. Without the routine sustainable harvesting, ceremonies, and collection of forest resources from Indigenous nations, these forests were subject to fire suppression, overlogging, and put in stressed ecosystems that became more susceptible to wildfires and degradation. This is the current situation forest colonizers created for themselves around the world. Forest resources are currently not sustainably managed and wildfires overwhelm wild and residential areas every year. While shared decision-making and management processes are adopted between Indigenous tribes and colonial governments to alleviate some of these threats, this is not enough. Many of these collaborations still use Western practices, such as Environmental Impact Assessments, as the main management tool and include TEK with less priority (Shapcott, 1989). This creates a

paternalistic relationship between the two governing bodies that reflects settler colonial structures. The analysis of forest sovereignty in the three case studies provides a solution to eliminate this relationship.

Furthermore, this emphasis on legislation and government protocols is intentional. Laying out historical decisions by the colonial government of each area illuminates the stakeholders that have been historically left out of decision-making processes. The focus on legislation makes visible the foundation for the situation we are currently experiencing. In Norway, the lack of Sámi representation in forest management protocols has deliberately separated Indigenous knowledge from the land (Steinlein, 1989). A focus on legislation will also provide a framework for what needs to be amended in future policies and in what areas we should be including the voices that have been shut out.

Protocols and declarations from tribal governments will be used to compare the management and conservation practices put into colonial and tribal policy. Government documents from the Haida Nation outline the legal procedures the Nation uses for timber permits and zoning ordinances (Executive Council of Central Council of Tlingit and Haida Indian Tribes of Alaska, 2018). Declarations such as the Hišuk ma c'awak Declaration between the Pacheedaht First Nation, the Ditidaht First Nation, and Huu-ay-aht First Nations give insight into Indigenous nations taking back their territory and enforcing their place as traditional protectors of the natural resources on their land (Ditidaht First Nation et al.). These documents will be compared to current shared decision-making protocols and analyzed based on their ability to address current forestry issues.

The Haida First Nation

One of the most prominent issues that has faced the Haida First Nation since colonial contact is the legal title of Haida Gwaii. Legal title determines who is able to make decisions about the land, who can benefit from the natural resources, and what practices are limited. In 1787, colonists changed the name of Haida Gwaii to Queen Charlotte's Islands, which legally shifted the land autonomy and decision-making authority from the Haida Nation to the colonial Canadian government (Takeda, 2015). What the Canadian lawmakers from the late 1700s onward saw as a new island full of natural resources for their use held a history dating back thousands of years of a balanced relationship between the Haida Gwaii and the activities of the Haida Nation including hunting, fire ceremonies, and cultural wood use. Cultural wood in this sense encompasses wood used to build culturally significant objects such as canoes, totem poles and longhouses (Council of the Haida Nation, n.d.).

Canada's adoption of *Johnson v. M'Intosh* and other policies that removed title from First Nations laid the legal groundwork for subsequent settler colonial actions. Traditional practices such as cultural burnings and logging for tribal purposes were legally limited and leaders of the Haida Nation were barred from the decision-making process. By removing cultural and environmental autonomy, the Canadian government had the power to make decisions that benefited their worldview without having to consider the TEK that had been used for several millennia. During the next two centuries, members of the Haida Nation were not able to freely practice traditional forest management and the old-growth forests were logged at an alarming rate. This led to the Athlii Island logging blockade of 1993, also commonly known as the Lyell Island blockades (von der Porten, 2014). The blockade was formed to protest industrial logging in Haida Gwaii and led to an increased awareness of Indigenous rights by the Canadian

government. Protests like this gained international attention by showing Indigenous land activists challenging the current forest practices and, in turn, the forestry legislation of the time.

In 2002, the Haida Nation again took unprecedented steps by bringing a claim of hereditary title to the British Columbian Court, which would transfer Haida Gwaii from Canada's jurisdiction to the Haida Nation (Taillon, 2002). As stated by the former President of the Haida Nation, Guujaaw, "If you have title, you don't need a treaty." The Haida Nation at the time was contesting actions taken by the British Columbian government to log forests the Nation had claimed under title. This 2002 lawsuit, *Haida Nation v. British Columbia*, found its way to the Canadian Supreme Court in 2004, where the judges ruled in favor of the Haida Nation and concluded that parties planning to exploit natural resources on Indigenous land must consult the respective First Nation (MacKay, 2015). This was a groundbreaking case not only for the Haida Nation, but for all First Nations in Canada. From this success, the Haida Gwaii Strategic Land Use Agreement was formed in 2007, which restored a portion of land use authority to the Haida Gwaii Management Council (British Columbia, n.d.). This council is made up of both Haida First Nation members and representatives from British Columbia, indicating a move toward a balanced decision-making body. In this agreement, "ecosystem-based management" is used as a pillar for forestry decisions, which exemplifies a collaboration between TEK and Western management practices (Environmental Justice Atlas, 2018).

The Haida Nation exercised their knowledge and governance once again through the Kunst'aa Guu--Kunst'aayah Reconciliation Protocol in 2009. This protocol creates a shared decision-making board for forest management by gathering the many stakeholders of Haida Gwaii and expanding what was included in forest management beyond the Western frame of thought (Haida Nation, 2009). What sets this protocol apart from the Strategic Land Use

Agreement (SLUA) and other agreements is its ability to bring together the Haida Gwaii and the British Columbian government to outline the steps of reconciliation in terms of environmental justice, social wellbeing, and the process of shared decision-making. From this body, the tribal and colonial governments centered reconciliation and passed the Haida Gwaii Reconciliation Act, which among other things, restores the name of the island from Queen Charlotte's Islands to Haida Gwaii (Office of the Premier, 2010). Both the SLUA and Haida Gwaii Reconciliation Act remain limited because the ultimate legal authority still lies with the colonial government rather than the Haida Nation. Management practices and the polity used for implementing these protocols are governed through the structure of the Canadian government. This is what separates the shared decision-making process from forest sovereignty.

The history of Haida Gwaii and the Haida Nation outline the fight towards forest sovereignty and the benefits of shared decision-making processes. While *Haida Nation v. British Columbia* was a monumental shift towards Indigenous consulting and sovereignty, there is still a long way to go. Logging companies and federal agencies continue to exploit the forest resources in Haida Gwaii against the Nation's consent meaning that implementation of this court order is not effectively enforced (Environmental Justice Atlas, 2018). In the same vein, name restoration does not flip a switch and solve the outcomes that came from hundreds of years of settler colonial legislation and forest degradation, but signifies a step of reconciliation that has both cultural and historical implications. In order to fully assure that the resources of Haida Gwaii are protected and the Nation's cultural heritage is respected, forest sovereignty must be implemented.

Forest sovereignty of Haida Gwaii is being carried out to some extent in the Haida Land Use Vision (HLUV), which was approved by all members of the Land Use Planning Table

except the logging industry and received a neutral vote from the Province of British Columbia (Council of Haida Nation, 2005). The HLUV is a thorough two-part report that first emphasizes the cultural, economic, and ecological importance of the resources on Haida Gwaii to the Nation. Second, it develops a plan of how to balance these sectors in order for the Haida Gwaii and the Haida people to survive. The actions set in the HLUV are attainable and sustainable, but as industrial logging continues to violate Indigenous rights and the colonial government turns a blind eye, the Haida Nation and the Haida Gwaii face a major roadblock on their path to full sovereignty.

The Pacheedaht First Nation

Beyond the changing of title, Canada implemented legislation that systematically removed Indigenous people, including the Pacheedaht First Nation, from their traditional land and limited access to its resources. Section 57 of The Indian Act of 1876 outlines that the Governor in Council (the Crown's representative in Canada) has the authority to make decisions related to timber and forestry (NAFA, 2002). This allowed the Canadian government and logging industries to overlog Pacheedaht territory well into the 1970s and profit from the timber mills that took resources from the Pacheedaht without their consent or just compensation (Cox, 2021). The lasting impact of *Haida Nation v. British Columbia* and the work of Indigenous activists challenged the traditional dynamic between the Pacheedaht and logging industries and allowed the Nation to make forestry decisions.

Throughout the past twenty years, the Pacheedaht Nation has regained authority over forestry decisions relating to timber cuts and conservation practices in their territory. In 2005, the First Nation authorized the Pacheedaht Cedar Conservation Strategy, which sets standards for

cedar trees that could be cut by the Pacheedaht and restoration practices that align with their cultural practices (Cox, 2021). This differs from the Western forest regulations that have been implemented in the past because it takes into account the significance of cultural practices that benefit the Nation beyond their commercial use. Cedar trees, for example, take over 400 years to grow to the ideal size before they can be harvested to make a canoe or totem pole (Natural Resources Canada, 2018). With the Pacheedaht implementing this conservation strategy, they are able to ensure that cedar trees will be preserved beyond their Western economic value.

In 2010, the Pacheedaht Nation was awarded the right to Woodlot License 1957, an area of cedar forests near the recognized Pacheedaht territory. A woodlot license is a contract between the federal government and the logging party that allows said party to harvest the timber on that land. By securing this section of forest under Pacheedaht control, the Nation is able to conserve the forests for their cultural needs as well as profit off of timber cuts they choose to make. While this is a step in the direction towards reconciliation, the contract's phrasing still gives land *to* the Pacheedaht Nation *from* the Canadian government. There is no assurance that the colonial government will not retract the license in the future. Until the Pacheedaht have a legal agreement with the Canadian government returning sovereignty of this forested land to the Nation, these contracts and agreements provide only a limited level of reconciliation and still enforce the settler colonial structure of management.

On a broader scale, the Pacheedaht Nation and provincial government entered a forest consultation and revenue sharing agreement in 2017 that gave the First Nation a percentage of revenue from timber cut in the Pacheedaht territory. Historically, the colonial government divided the Pacheedaht territory and sold rights to private logging companies to harvest and profit off of the land (Haynes, 2021). The transition of logging rights from a private company to

the Pacheedaht Nation showed an opportunity to steadily transfer rights from private operations to the Pacheedaht. A large step of this process occurred in 2019 when economic decisions of forest resources on Pacheedaht territory was transferred solely to the Pacheedaht Nation. In this case, shared decision-making between the British Columbian government and the Pacheedaht First Nation has allowed for negotiations and agreements that improve relations between the two and the health of the forest. One example of improved forest health since the transfer of rights is the return of salmon species and the restoration of salt marshes in the San Juan and Gordon Rivers now that dredging (the facilitated movement of timber down waterways) has been eliminated (Cox, 2021).

This process is not without complications, however. In the Pacheedaht territory, protests led by predominantly white environmentalists have clashed with the First Nation's decision to cut trees in old-growth forests. While decisions like the Hišuk ma c'awak Declaration state the Pacheedaht Nation, the Huu-ay-aht Nation, and Ditidaht Nation's control of natural resources in their area, white environmentalists hold this with little regard (Ditidaht First Nation et al., 2021). To these Nations, old-growth forests include century-old trees that are cut for canoes, totem poles, and other cultural purposes. The Nations know how many trees to cut at a time, how to sustainably harvest timber, and when to conserve the forests resources. To white environmentalists, many of whom do not live in or near the Pacheedaht territory, these trees should be preserved for their aesthetic beauty and ecological benefits. Although the First Nations in this area have secured a level of forest sovereignty from the British Columbian government and have proven their ability to find a balanced relationship between timber operations and old-growth management, white environmentalists assert this is not enough. This is not the first of this type of protest. The Fairy Creek protests resemble a stark similarity to the Clayoquot protests

of the 1990s, showing a pattern of white environmentalists disregarding the message and authority of First Nations people when it comes to forest management (Baker, 2021). The Clayoquot protests, also known as War in the Woods, is marked as one of the largest environmental civil disobedience acts in Canadian history that protested against old-growth logging in Clayoquot Sound, British Columbia. White environmentalists in Clayoquot Sound shifted from advocating for Indigenous interests to violent and contradicting actions that took away from the original message. As in the 1990s, the actions of white environmentalists in Pacheedaht territory are rooted in settler colonialism. It is not only that white environmentalists have disobeyed the Nation's plea for protesters to leave because of the risk of violence and COVID-19, but also their protests represent the notion that the Pacheedaht don't know how to manage their forest. Forest management is a part of the Pacheedaht Nation that fulfills cultural practices, provides jobs for the Nation, and secures future forest health. The Fairy Creek protests show an outcome of Indigenous forest sovereignty that should be considered by all as this process continues. Discourse and disagreements should be allowed and encouraged as forest management begins to restore TEK, but as this occurs, one must realize the difference between disagreement stemming from settler colonial assumptions of Indigenous nations not having the capacity to manage their forests and what is an outcome of a multi-stakeholder decision.

Although the Pacheedaht Nation has regained rights to large portions of their forested territory, the protests described above show how this is usually not a smooth transition. In response to the lingering direct and indirect effects of settler colonialism, the Pacheedaht Nation along with the Ditidaht and Huu-ay-aht First Nations have taken action to fully claim authority over their traditional land. The three First Nations released the Hišuk ma c'awak Declaration in 2021 to defend the rights given to them from "Aboriginal Title, Aboriginal Rights, and Treaty

Rights" and eliminate third-parties from speaking on their behalf (Ditidaht First Nation, 2021). This declaration can be seen as a declaration of forest sovereignty for several reasons. First, it sets forth the responsibility that these Indigenous governments have to their land under the principle of "Hišuk ma c'awak - everything is connected". Second, it lays out the history of degradation and oppression caused by the colonial government and how it has impacted both the land and Indigenous cultures in Canada. Third, the Nations declare that as stewards to the land, they will no longer accept this behavior and that their rights will be respected. While shared logging agreements and decision-making processes can alleviate some of the historical inequality seen in Pacheedaht territory, the Hišuk ma c'awak Declaration puts forth the only way that the rights of the Nation can be respected: full forest sovereignty.

The Sámi People

Before Sámiland was divided by the four colonial governments, the Sámi tribes freely traveled the peninsula. Over millennia, Sámiland evolved with the mobile tribes as they shifted from pastoralist societies to reindeer herding tribes (Bergman et al., 2013). While the Sámi sustainably maintained a balance of resource use and conservation, this way of life was permanently changed in the early 1800s. For the Sámi people under Norway's jurisdiction, Norway implemented Norwegianization policies to separate the Sámi from their land and limit cultural practices such as speaking their native language and celebrating traditions (Steinlein, 1989). This forced assimilation of Sámi people from their Indigenous traditions and worldview to Scandinavian cultures took place well into the late 1950s. At this time, the forests of Finland that were home to the Sámi were clearcut and colonized by Finnish loggers without regard to Sámi sovereignty to pay reparations to the Soviet Union after World War II (Hyvönen, 2012).

Violent clashes and a shared disdain between the Indigenous Sámi and Finnish loggers has occurred since the 1950s onward. When there were no more forests to cut, Finnish loggers were laid off and hostilities grew between the two groups. Both the way that the land and the Indigenous people were treated in Sápmi show distinct examples of settler colonialism. Scandinavian governments strove to transform the forest and the people to benefit their needs without any regard to the cultural significance of the area or the cultures they targeted for eradication. This demonstrates how Indigenous Sámi are perceived by Scandinavians and gives insight into the lack of accountability and conservation of these forested areas.

In 1956, Sámi People throughout Sápmi created the Saami Rights Council to connect Sámi people from Finland, Norway, Sweden, and Russia and advocate for policy changes (Sámiráđđi, n.d.). This organization supports Sámi lawyers, provides assistance to Sámi communities facing discrimination, and advocates for the right of Sámi people to use their territory's natural resources. The Saami Rights Council uses shared decision-making processes with government bodies and non-governmental organizations to stand up for the rights of the Sámi people. This includes the Council's work in the Ottawa Indigenous Knowledge Principles, which outlines 13 goals for the Arctic Council to implement Indigenous knowledge and practices about cultural and ecological resources in Sápmi (Saami Council, 2019).

In November of 2005, Sámi activist Kalevia Paadar and his two brothers made a complaint to the United Nations Human Rights Commission about Metsähallitus, the Finnish Forest and Parks Service, and their cutting of old growth forests in the town of Nellim, Finland (Hyvönen, 2012). This cutting not only violated agreements between the Sámi of the area and Metsähallitus, but impaired crucial reindeer herding habitats. The Saami Council, along with Greenpeace and the Finnish Association for Nature Conservation, mapped forested areas that

needed to be preserved for reindeer herding (Sanders, 2015). This shows how the Council is used to support Indigenous lawyers and advise on forestry decisions that protect Sámi culture in ways that the colonial governments can not. Support from the Saami Council indicates what is currently being done to eliminate the historical impacts of settler colonialism. Although Metsähallitus halted logging around the town of Nellim, it continues to log other areas, which negatively impacts reindeer herding practices for the Sámi, pollutes local streams from logging mills, and eradicates keystone fish species in local rivers. This shows a shortcoming of international organizations like the UN Human Rights Commission in their mission to uphold the rights of people when they are being violated. Because of the UN's lack of action, Metsähallitus will continue to overlog Sápmi land without regard to the cultural or ecological impacts.

This is not the only evidence of the lack of justice from the international community on forestry-related decisions. From 2006 to 2010, Jan Heino, the former chief of Metsähallitus who allowed the clearcutting of Sápmi forests, was named Forestry Leader of the Food and Agriculture Organization of the United Nations. How can we expect Indigenous people in forested areas to trust and feel heard by these international organizations if those leading them are the same people who are violating that trust? Again in 2015, the Office of the United Nations High Commissioner for Human Rights (OHCHR) let down the Sámi People in their report on Metsähallitus's new bill, which transferred the majority of Sámi land under Finnish authority without consulting the Sámi on this decision (OHCHR, 2015). This transfer of power would allow Metsähallitus to cut Sápmi forests without consent from the Sámi people and continue logging areas without regard to ecosystem degradation. In this report, the OHCHR notes that this bill not only violates the UN Declaration of the Rights of Indigenous Peoples, but also limits the ability of the Sámi to freely participate in their cultural traditions or way of life. The most the

OHCHR does, however, is express their “deep concern”. Without the ability of international organizations, such as the United Nations, to remain objective, implement reconciliation strategies, and transfer forest sovereignty back to the Indigenous people who have lived there for milenia, exploitation of forest resources and the threat to Sámi cultures will continue.

Conclusion

The extreme wildfires, forest degradation, and even the lack of available loggable land can all be traced back to separating Indigenous people from their cultural land and imposing unsustainable forest practices since colonization. This analysis shows the benefits that reconciliation and incorporating shared decision-making processes have in Canada and Sápmi to reimplement Indigenous TEK into forested areas. But this is not enough.

There is still a gap on the international scale of accountability between logging industries, governmental bodies, and Indigenous people in forested areas, as can be seen between the Sámi and Metsähallitus. For every level of decision-making, from local to international, the first step of reconciliation should be an honest look inward at the effects of settler colonialism and forest degradation. Beyond that, a collaboration through shared decision-making processes and legal agreements should be made between Indigenous nations and the other forest stakeholders to blend the different land ethics that are practiced. The final step of reconciliation should be a legal transition to Indigenous forest sovereignty if colonial governments are genuine about their efforts to restore justice to forests and Indigenous nations.

Settler colonialism uses legislation to separate Indigenous people from their traditional land and exploit the natural resources of that land. While shared decision-making processes and reconciliation protocols have been implemented to rectify these effects, colonial governments,

private companies, and white environmentalists still undermine the authority of Indigenous people in forested areas, which shows a gap in the effectiveness of these protocols. As global warming and forest degradation become more prominent, there is only so much progress that conversations and reports can do. Implementing proactive legislation is essential to put forward the voices of those that have been systematically left out of forestry decisions, but have been affected the most.

References

- Baker, R. (2021, June 1). Activists seeking to protect Canada's old growth forest say they are aligned with First Nations. Is that really true? *National Observer*.
<https://www.nationalobserver.com/2021/06/21/news/fairy-creek-activists-old-growth-forest-first-nations-neocolonialism>
- Bergman, I., Zackrisson, O., & Liedgren, L. (2013). From hunting to herding: Land use, ecosystem processes, and social transformation among Sami AD 800–1500. *Arctic Anthropology*, 50(2), 25-39.
- Canadian Virtual Hospice. (2016, January 7). Jenny: Haida Gwaii or West Coast) fire ceremonies. [Video]. Vimeo.
https://vimeo.com/151016927?embedded=true&source=vimeo_logo&owner=10868544.
- Central Council of Tlingit and Haida Indian Tribes of Alaska. (2018). *Governing Documents: Land and Natural Resources*.
<http://www.ccthita.org/government/legislative/GoverningDocs/Title11.pdf>.
- City of Regina. (March 13, 2017). *Regina in a Nutshell* [Video]. Youtube.
<https://www.youtube.com/watch?v=-W9Chk05I2Q>
- Council of the Haida Nation. (n.d.). *Cultural Wood*. <https://www.haidanation.ca/cultural-wood/>
- Council of the Haida Nation. (2005). *Haida Land Use Vision*.
https://www.haidanation.ca/wp-content/uploads/2017/03/HLUV.lo_rez.pdf
- Cox, S. (2021, July 1). Inside the Pacheedaht Nation's stand on Fairy Creek logging blockades. *The Narwhal*. <https://thenarwhal.ca/pacheedaht-fairy-creek-bc-logging/>

Ditidaht First Nation, Huu-ay-aht First Nations, and Pacheedaht First Nation. (2021). *The Hišuk ma c'awak Declaration*.

<https://huuayaht.org/wp-content/uploads/2021/06/declaration-FINAL-signedpdf.pdf>

Environmental Justice Atlas. (2018, August 18). Haida Gwai Forestry Conflicts.

<https://ejatlas.org/print/haida-gwai-forresty-dispute>

Haida Nation. (2009). *Kunst'aa Guu — Kunst'aayah Reconciliation Protocol*.

https://www.haidanation.ca/wp-content/uploads/2017/03/Kunstaa-guu_Kunstaayah_Agreement.pdf

Haynes, J. (2021, April 13). Pacheedaht First Nation: An example of reconciliation and

development. Resource Works. <https://www.resourceworks.com/pacheedaht-example>

Hyvönen, H. (Director). (2012). Last Yoik in Saami Forests? [Motion Picture]. Retrieved from:

<https://www.youtube.com/watch?v=LKLgP8tnyGo>

Lewis, M., Christianson, A., & Spinks, M. (2018). Return to flame: reasons for burning Lytton First Nation, British Columbia. *Journal of Forestry*, 116(2), 143-150.

MacKay, C. (2015, April 30). Reclaiming Haida Gwaii: the Haida's Road to Co-Management.

UBC. doi:<http://dx.doi.org/10.14288/1.0075604>.

National Aboriginal Forestry Association. (2002). *First Nations Governance and Forest*

Management. <http://www.nafaforestry.org/pdf/2019/FN%20Governance.pdf>

National Aboriginal Forestry Association. (2009, Winter). B.C and Haida Achieve Historic

Reconciliation Protocol. NAFA Newsletter. 7. Retrieved from

<http://www.nafaforestry.org/pdf/2009/NEWS4%20-%20NAFA.pdf>

Natural Resources Canada. (2018). *The State of Canada's Forests Annual Report: 2018*. Minister of Natural Resources. <https://cfs.nrcan.gc.ca/pubwarehouse/pdfs/39336.pdf>

Office of the Premier. (2010, June 17). *B.C., Haida Nation Restore Name 'Haida Gwaii' to Islands*. [Press Release].

https://archive.news.gov.bc.ca/releases/news_releases_2009-2013/2010prem0125-000719.htm

Saami Council. (2019). *The Sámi Arctic Strategy*.

<https://www.saamicouncil.net/documentarchive/the-smi-arctic-strategy-samisk-strategi-for-arktiske-saker-smi-rktala-igumuat>

Sámiráddi. (n.d.). About the Saami Council. *Sámiráddi*.

<https://www.saamicouncil.net/en/the-saami-council>

Sanders, E. (March 2015). Saami vs. Metsähallitus: The Case for Corporate Recognition of Indigenous Rights. *Cultural Survival*.

<https://www.culturalsurvival.org/publications/cultural-survival-quarterly/saami-vs-metsahallitus-case-corporate-recognition>

Steinlien, O. (1989). The Sami law: A change of Norwegian government policy toward the Sami minority. *Canadian Journal of Native Studies*, 9(1), 1-14.

Taillon, J. (2002). Haida Nation bids to take back its land. *Windspeaker*, 19(12), 7.

Takeda, L. (2015). *Islands' Spirit Rising: Reclaiming the Forests of Haida Gwaii*. UBC Press.

von der Porten, S. (2014). Lyell Island (Athlii Gwaii) Case Study: Social Innovation by the Haida Nation. *American Indian Culture and Research Journal*, 38(3), 85-106.

Veracini, L. (2010). *Settler colonialism: A Theoretical Overview*. Palgrave Macmillan.

Vladimirova, V. K. (2011). "We are Reindeer People, We Come from Reindeer." Reindeer Herding in Representations of the Sami in Russia. *Acta Borealia*, 28(1), 89-113.

Wolfe, P. (2006). Settler colonialism and the elimination of the native. *Journal of Genocide Research*. 8(4), 387-409. <https://doi.org/10.1080/14623520601056240>