

An Injunction Against the Unist'ot'en Camp: An Embodiment of Healing Faces Eviction

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IN SO-CALLED NORTHERN BRITISH COLUMBIA, the Unist'ot'en House Group of the Wet'suwet'en Nation is facing an injunction application to allow construction of the Coastal Gaslink pipeline through their traditional territory. Coastal Gaslink, under the umbrella of TransCanada, has also launched a civil lawsuit against Freda Huson and Smogelgem (Warner Naziel), in an attempt to pressure the caretakers of Unist'ot'en territory to allow access for the construction of the fracked gas pipeline.

The injunction hearing is scheduled for December 13, 2018. If approved and enforced, the injunction would force the pipeline through the territory without the consent of the Dinī ze' and Ts'akē ze' (Hereditary chiefs), who have **unanimously rejected** Coastal Gaslink's proposal. The injunction application shows blatant disregard for Anuk Nu'a'ten (Wet'suwet'en law) which pre-dates Canadian and provincial law, for the feast system of governance that upholds Anuk Nu'a'ten, and for Aboriginal title. Its enforcement would be illegal under both Canadian law and Anuk Nu'a'ten. The dispute over the pipeline is, at heart, a struggle over the meaning of Aboriginal title and the rights of Indigenous peoples to determine the use of their unceded, unsurrendered ancestral territories.

The fate of Wedzin Kwa, the site of the Unist'ot'en Healing Centre and the caretakers' home, will be the litmus test for Aboriginal title in British Columbia and Canada as a whole.

Wedzin Kwa, translated, describes the area by the river that was re-occupied as a permanent residence of Unist'ot'en spokesperson and caretaker Freda Huson in 2010. Previously the land had been either occupied and or actively utilized by the Unist'ot'en to sustain their house group members for generations. The current Chief Knedebeas recalls being on the territory with his dad and uncles trapping since adolescence, like his ancestors before him. At that time, they had a cabin at nearby Talbeets Kwa, "where the water flows through the rocks," that was constructed in 1942. The Unist'ot'en Healing Centre was constructed to fulfill their vision of a culturally-safe healing program, centred on the healing properties of the land.

It is the embodiment of self-determined wellness and decolonization, with potential to build up culture-based resiliency of Indigenous people who need support, through re-establishing relationships with land, ancestors and the underlying universal teachings that connect distinct

Indigenous communities across the world.

Like most of so-called British Columbia, Unist'ot'en yintah (territory) has never been sold, ceded, or surrendered through treaty. The Unist'ot'en people have a collective right to determine the use of their territory. The feast system that governs Wet'suwet'en people has been in place since time immemorial. Under this system, hereditary chiefs uphold the collective will of the people and are entrusted with responsibility for Clan and House Group territories. On Unist'ot'en territory, this system has protected the land, water, and animals from environmentally precarious projects like Enbridge. The water in the Wedzin Kwa river is still safe to drink. The Unist'ot'en, with the support of allies, have re-occupied a space of healing and regeneration.

The Unist'ot'en House Group has made a specific effort to protect their land and use it to support future generations. The construction of the Coastal Gaslink pipeline would both interrupt that work and threaten the health and vitality of the land in the future.

The Unist'ot'en have hosted youth, family and other wellness camps that allow participants, Indigenous and settlers, to connect with the territory. Freda Huson [spoke of the responsibility](#) to have a reciprocal relationship with the territory as caretakers: "We decided to build this healing centre to bring our own people out here and bring healing to them, spiritually, mentally, physically and use this space to make our people strong. Like the residential schools were used to take the Indian out of the child we want to use this facility to put the Indian back in our children, meaning our culture. If our people have our culture they'll be strong, and they'll be able to stand on their own two feet. And we'll have a strong Nation to learn to take care of ourselves and take care of our resources and take care of the land. And if we take care of the land then the land will take care of us."

Traditional medicines and food are commonly gathered for use by camp participants and residents. As the Director of Programming, Dr. Tait supports Indigenous cultural processes that promote healing, privileging Indigenous teachings before western conceptions of wellness; drawing on the evidence-base and theoretical perspectives from western psychology only to the degree that it compliments and aligns with the ancestral knowing implicit in Indigenous lifeways. In doing so Indigenous healing is decolonized. Respectful, responsible hunting has been an opportunity for youth to experience healthy intergenerational relationships, cultural teachings, as well as grow personal esteem and mastery.

These offer corrective experiences to begin repairing developmental processes that were gravely disrupted by the legacy of residential schools and the associated harms inflicted on Indigenous family and community systems.

Indigenous peoples carry the pain of genocide, of intergenerational and current traumatic experiences, coupled with inequities in the social determinants of health. The over-representation of Indigenous people with mental health conditions, addictions, incarceration and suicidality indicate that many cannot cope with the heavy burdens of colonization. Land-based programming has also demonstrated value among Wet'suwet'en members working to overcome substance addictions. Their gains are reminiscent of a consensual social experiment that mimics the experimental design of Alexander, Coombs, and Hadaway's (1978) Rat Park studies.¹

Those with chemical addictions can leave the impoverished (socially, emotionally, spiritually and mentally), painful environments that contribute to addictive behaviors, to join the community at the Unist'ot'en Healing centre and feed their basic human needs in critical ways.

None have ever attempted to bring in substances during their time at the camp. Smogelgem has remarked that he has seen “spirit in their eyes come to life as they begin to recognize themselves as Wet’suwet’en people again” (Personal communication, July 2018).

This year marks the 21-year anniversary of the landmark Delgamuukw v. British Columbia decision. As plaintiffs in the Delgamuukw-Gisday’wa Supreme Court of Canada case, the Hereditary Chiefs of the Wet’suwet’en Nation maintained a strong position — the decision recognized the existence of Aboriginal title as the “right to the land itself.” The Delgamuukw-Gisday’wa decision describes Aboriginal title as the right to occupation and exclusive use of the land. This title was not extinguished by attempts at asserting provincial or federal jurisdiction. It was not extinguished by settlement, or the creation of settler governments. It was not extinguished by the Indian Act and band-elected governance structures that are a product of colonization, created to govern the socio-economic activities within the confines of reservations.

Band-elected chief and council are routinely pursued as avenues for consultation by industry and government. Financial duress of meeting the needs of communities with significant health disparities and limited financial resources, put these governments in a precarious position and pressure them to support projects that are beyond their jurisdiction. Although the Delgamuukw-Gisday’wa case considered “limits” to the assertion of Aboriginal title that include infrastructure and settlement projects, the ability of the federal or provincial government to infringe on Aboriginal title is subject to the “ultimate limit that those uses cannot destroy the ability of the land to sustain future generations of aboriginal peoples.”

The impending confrontation, in the event the injunction be approved, is a test case for respecting Aboriginal title and Indigenous governance.

Coastal Gaslink has already tried a number of tactics in their attempts to delegitimize Wet’suwet’en law. They have signed agreements with elected band councils, despite the territories in question lying outside the jurisdiction of those governments. They have named Freda Huson and Warner Naziel as individuals in their civil lawsuit, ignoring the authority of the Hereditary chiefs as bearers of the collective will of the Nation. They have repeatedly tried to access the territory via helicopter, without the consent of the Unist’ot’en House Group.

The Unist’ot’en House Group’s right to determine the use of their territory, their right to Aboriginal title, includes the right to say “no” to projects that threaten the health and sustainability of their land and people. There is no access to Unist’ot’en territories without consent of the Hereditary Chiefs who hold stewardship over the lands. No pipelines without consent. The terms of meaningful consultation are not met when companies like Trans Canada and Coastal Gaslink ignore Indigenous governance and law.

These companies are skirting the legitimate and recognized decision makers of the Wet’suwet’en Nation in order to access the territory without consent, and they are likely to leverage the RCMP to enforce their trespass. This must not be tolerated. What part of NO do they not understand?

The fate of Unist’ot’en’s Healing Centre at Wedzin Kwa is important for all Indigenous nations in so-called BC who have an interest in maintaining their traditional governance structures and using them to protect their lands for future generations. For those concerned about climate change, legally silencing Indigenous environmental strongholds like the Unist’ot’en removes another safeguard against oil and gas industrial expansion that our ecosystem and our greater society cannot afford.

We will see, by tomorrow, whether the province of British Columbia, the government of Canada, and the RCMP can abide by their own laws and leave the Unist'ot'en House Group to do their healing work on their unceded territories.

Reconciliation is not possible when the Canadian Government and its legitimized centres of power circumvent Indigenous efforts at self-determination and healing from generations of their colonial oppression and genocide.

How will the dissonance between practice and ideology exemplified by this case impact the relationships between settler Canadians and Indigenous people? Pay attention to this case—the health of Indigenous territories and the true meaning of Aboriginal title depend on it.

ENDNOTES

¹Alexander, B.K., Coombs, R.B., and Hadaway, P.F. (1978). "The effect of housing and gender on morphine self-administration in rats," *Psychopharmacology*, Vol 58, 175–179.