

Manipulating Musical Chairs: History, Power and Agenda Setting in Canada's Multi-
Stakeholder Environmental Negotiations

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Introduction

Canada is warming twice as fast as the global average and has an Arctic warming even faster.¹ Global climate change is often expressed through an average; for example, the planet is approximately 1.46 degrees Celsius hotter now than before industrialization.² This heating, however, is unevenly distributed. As a result of increasing water vapor in the atmosphere and decreasing ice in the ocean, among other factors, the Arctic is warming particularly fast.³ Canada contains some of the world's largest Arctic sea-ice ecosystems – an ecology particularly vulnerable to the dangers of climate change.⁴ For example, a warming Arctic will disrupt migratory patterns of marine and terrestrial species across continents, ultimately impacting global biodiversity.⁵ In this way, Canada's environmental trajectory will reverberate far beyond its borders.

Among its many devastating ecological effects, climate change has and will continue to have a direct impact on human societies. For example, rising temperatures increase the frequency and intensity of deadly extreme weather events, including heat events. As heat events become more common and widespread, heat-related deaths also rise. For example, 2021 marked the deadliest year in British Columbia's recorded history with 619 heat-related deaths.⁶ Similarly, the risk of extreme fire events rises in proportion to increasing temperatures; heat waves, which dry out vegetation, and extreme weather events, which cause lightning strikes, increase the

¹ Canadian Climate Institute, *Climate Change and Heat Waves*, June 2025, 1.

² Emily Beament, "Met Office shares stark global temperatures warning as warming 'surge' continues," *The Independent*, December 17, 2025.

³ Jonathan Bamber, "Arctic is warming nearly four times faster than the rest of the world: new research," *Arctic Focus*.

⁴ National Snow and Ice Data Center, "Arctic Ice Thinner Near Canada; Thicker Elsewhere," July 3, 2024.

⁵ National Aeronautics and Space Administration, "Arctic Animals' Movement Patterns Are Shifting in Different Ways as the Climate Changes," February 4, 2024.

⁶ Canadian Climate Institute, *Climate Change and Heat Waves*, 2.

likelihood of wildfire outbreaks.⁷ During B.C.'s 2021 heat wave, active wildfires spiked from six to 175, covering 79,000 hectares of land.⁸ These wildfires were part of a broader North American phenomenon marked by record-breaking fire-conducive weather and widespread synchronous burning across the continent. In 2021, a heat dome over western North America drove wildfires that burned 3.2 million hectares across Canada and the United States. Data shows that this event was 59% longer, 34% larger and had a 6% higher maximum amplitude than had the same event occurred without a warming climate.⁹

Further, in addition to environmental costs, there are significant financial costs of climate change. It is projected that by the mid-twenty-first century, the costs of heat-related deaths could range from \$3 billion to \$3.9 billion every year in Canada. The 2021 B.C. heat wave alone cost \$12 million in additional healthcare costs.¹⁰ This will adversely influence industry; Canada's manufacturing sector could see annual losses of \$1-2 billion by 2050 due to heat effects on workforce productivity.¹¹ Canada's climate change costs more broadly could be between \$21 billion and \$43 billion per year by the 2050s because of climate change's influence on coastal land flooding, storms, and labor productivity, among other factors.¹²

How is Canada dealing with these environmental threats? Canada has participated in multilateral environmental negotiations since the early stages of international cooperation on climate in the 1980s. In 1988, a United Nations General Assembly Resolution recognized the need for climate protection and established agreements under "international climate law." The

⁷ Earthjustice, "How Climate Change Is Fueling Extreme Weather," July 28, 2025.

⁸ Ibid, 1.

⁹ Piyush Jain et al., "Record-Breaking Fire Weather in North America in 2021 Was Initiated by the Pacific Northwest Heat Dome," *Communications Earth & Environment* 5, no. 134 (2024), <https://doi.org/10.1038/s43247-024-01346-2>, 1.

¹⁰ Ibid, 2.

¹¹ Ibid.

¹² National Round Table on the Environment and the Economy, *Paying the Price: The Economic Impacts of Climate Change for Canada*, Ottawa: National Round Table on the Environment and the Economy, 2011, 15.

United Nations formulated three multilateral treaties: the 1992 United Nations Framework Convention on Climate Change (UNFCCC), the 1997 Kyoto Protocol, and the 2015 Paris Agreement. Canada (initially) signed and ratified each of these treaties.¹³

Although Canada attempts to portray itself as a global climate leader, its support for international climate agreements has fluctuated. Canada initially supported international treaties on climate change by committing to ambitious greenhouse gas (GHG) emissions reduction targets.¹⁴ Yet, when Conservative Prime Minister Stephen Harper took office in 2006, Canada's climate policy changed in many ways, including its withdrawal from the Kyoto Protocol in 2012.¹⁵ Once again in 2015, Canada signed the Paris Agreement, an international accord adopted by nearly 200 countries to address climate change.¹⁶ Yet, even in doing so, Canada was careful not to overcommit. For example, a key part of the agreement is that countries set their own emissions reduction commitments. Known as their "nationally determined contribution (NDC)," these commitments are intended to represent a country's "highest possible ambition" for emissions reductions.¹⁷ For example, the UK committed to an 81% emissions reduction by 2035 relative to 1990 levels; the EU is considering a 90% reduction below 1990 levels by 2040; and New Zealand strives for 65 to 75% below 2005 levels by 2035.¹⁸ Canada opted for a less ambitious target: 40 to 45% below 2005 levels by 2030.¹⁹

¹³ Silvia Maciunas and Géraud de Lassus Saint-Geniès, *The Evolution of Canada's International and Domestic Climate Policy: From Divergence to Consistency?* Paper No. 21, Centre for International Governance Innovation, April 2018, 1.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Shelia Hu and Melissa Denchak, "Paris Climate Agreement: Everything You Need To Know," January 23, 2025, para. 5.

¹⁷ Anna Kanduth and Arthur Zhang, "Canada's New 2035 Emissions Target: How Does It Stack up Internationally," *Canadian Climate Institute*, December 23, 2024, para. 3.

¹⁸ Ibid, para. 9.

¹⁹ Ibid. Para. 8.

While Canada's political leadership – Conservative and Liberal alike – attempt to maintain a reputation as environmental leaders, their actions often tell a different story. Canadian leadership has succumbed to short-term interests in a petro state with large lobbies – one that becomes increasingly untenable with pressing environmental crises. In this way, the extraction of Canada's fossil fuel reserves is at odds with adherence to climate commitments. Canada is one of the five largest oil producers in the world and contains the fourth largest proven oil reserves.²⁰ Liberal Prime Minister Trudeau publicly proclaimed Canada's climate focus while also greenlighting exploitation of the country's extensive bitumen oil reserves. For example, Trudeau's cabinet supported the contentious Trans Mountain pipeline expansion, which significantly increased Canada's oil export capacity.²¹

Leadership has ultimately depicted extraction as vital to the economic growth of Canada. Like many nations today, Canada endorses neoliberal economic policies that can conflict with environmental protection. Political leadership seeks to promote corporate business, industry, and technology advancements – all of which are seen as central to success in a global economy. These prominent markers of economic success often downplay, elide or undermine countervailing ideas of community, justice, equality/equity and sustainability.²² This paper will investigate who is allowed to negotiate such tradeoffs and who has historically – and continues to – reap the rewards or bear the brunt of these decisions.

Prime Minister Mark Carney addressed these tradeoffs with unprecedented transparency during his speech at the World Economic Forum's (WEF) annual meeting in Davos, Switzerland

²⁰ U.S. Energy Information Administration, "What countries are the top producers and consumers of oil?" April 11, 2024.

²¹ Naima Kraushaar-Friesen and Henner Busch, *Of pipe dreams and fossil fools: Advancing Canadian fossil fuel hegemony through the Trans Mountain pipeline*, Energy Research & Social Science, Volume 69, 2020, 1.

²² Ibid, 2.

in January 2026. He acknowledged the systemic inequalities, injustices and hierarchies that undergird global economic and financial systems:

We knew the story of the international rules-based order was partially false. That the strongest would exempt themselves when convenient. That trade rules were enforced asymmetrically. And that international law applied with varying rigour depending on the identity of the accused or the victim...Call the system what it is: a period where the most powerful pursue their interests using economic integration as a weapon of coercion.²³

While Carney's speech focuses primarily on international relations, these ideas have resonance at home. Those with power – particularly with lobbying power, resources and wealth – tend to trump the interests of those without. Carney, however, described an alternate vision for the future, stating that “Canadians remain committed to sustainability,” and that we must “build our strength at home, and to act together. That is Canada's path.” Although political rhetoric is often performative and rarely translates into substantive action, Carney's direct language and willingness to condemn the wrongs of the past offer a refreshing perspective: “Let me be direct: we are in the midst of a rupture, not a transition.”²⁴ In a world of rapid change and pressing threats, a rupture with systems, norms and hierarchies of the past may be needed more than ever before. Carney explains that this is not merely theoretical or a “naïve” attempt at change; it's about leveraging communal power and “building the coalitions that work, issue by issue, with partners who share enough common ground to act together.” Ultimately, as Carney confronts international bullies like those in the Trump Administration, he makes a broader point about power and resistance: “Middle powers must act together because if you are not at the table, you are on the menu.”²⁵

²³ Transcript: Prime minister Mark Carney of Canada rebukes U.S. primacy at davos - The New York Times.

²⁴ Ibid.

²⁵ Ibid.

What are environmental negotiations? On global and domestic scales this concept has different meanings. The global scope of environmental negotiations, as noted by Carney, entail multilateral processes in which diverse actors, including international organizations, governments, non-governmental organizations, scientists, activists and industry representatives unite to discuss and agree on frameworks to regulate environmental issues.²⁶ Domestic negotiations, however, remain largely internal to a country and generally do not require transnational agreement (although outside interests often play a large role in shaping decision-making). Domestic negotiations are dynamic, as often “the toughest bargaining is not between nations but within them.”²⁷ This thesis will focus on environmental negotiations within Canada, including policies over natural resources, land, water, and the organisms that inhabit this region. Environmental negotiations are often considered limited to official political bodies and processes within electoral politics; this thesis, however, will also consider “negotiations” that occur outside of electoral politics to show how communities historically marginalized – communities who are undeniably stakeholders in environmental outcomes, even if not recognized as such – continue to use their voice and influence decision-making.

What are stakeholders? Stakeholders are individuals, groups, or organizations that have an interest in or are affected by a decision. While we often think of stakeholders in narrow terms, such as those given formal positions in negotiations, the stakeholders of environmental negotiations are far reaching. Given the global impacts of environmental factors, such as atmospheric greenhouse gas levels, resource depletion or ecosystem change, we are all stakeholders in environmental negotiations. This thesis will focus on who is recognized as a

²⁶ Sustainability Directory, “International Environmental Negotiations,” para. 1.

²⁷ Frederick Mayer, “Managing domestic differences in international negotiations: the strategic use of internal side-payments,” Cambridge University Press, 1992, para. 1.

stakeholder and given a seat at the table to negotiate environmental outcomes – and who are excluded.

In Canada, there are several groups at different levels that oversee governance. Federal departments and agencies, including Natural Resources Canada, Environment and Climate Change Canada, and Fisheries and Oceans Canada, operate at the national level.²⁸ Provincial and territorial governments, who shape environmental decisions in their regions under shared jurisdiction with the federal government, are another level of key governmental stakeholders.²⁹ Non-governmental agencies also play an important role in Canadian environmental negotiations, as do experts in the business sector, academia and other fields. Private sector parties tend to play a significant role in shaping policy through hiring practices and production decisions.³⁰ Lobbying is another central means by which industry exerts influence over decision-makers in Canada. According to a recent study, fossil fuel companies and their industry associations lobbied the federal government an average of five times per working day in 2023 and that the most lobbied departments were Energy and Natural Resources Canada (NRCAN), Environment and Climate Change Canada (ECCC) and Finance Canada.³¹

Indigenous peoples are also key stakeholders, and despite facing systemic exclusion continue to participate in negotiation processes through national Indigenous organizations, modern treaty partners, Indigenous industry associations, electoral politics, and grassroots organizing.³² Canada is a signatory of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a UN General Assembly resolution adopted in 2007. The

²⁸ Maciunas and Lassus Saint-Geniès, *The Evolution of Canada's International and Domestic Climate Policy*, 11.

²⁹ Penny Becklumb, *Federal and Provincial Jurisdiction to Regulate Environmental Issues*, Publication No. 2013-86-E, Parliamentary Information and Research Service, Library of Parliament, 1.

³⁰ Global Affairs Canada, "Private Sector Engagement for Sustainable Development," Government of Canada.

³¹ John Woodside, "Big Oil Lobbying Feds in 2023," *National Observer*, August 12, 2024.

³² Crown-Indigenous Relations and Northern Affairs Canada, "Negotiations in Progress," Government of Canada.

declaration states: “Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.”³³ This thesis will investigate the extent to which this declaration is respected and realized in Canada’s environmental decision-making.

Using a political ecology and socio-environmental methodology, this thesis considers how human dynamics, hierarchies and exclusions impact the environment. This methodology will be applied in both historical and contemporary contexts, illuminating two important outcomes: 1) historical processes and exclusions inform present-day exclusions in environmental decision-making;³⁴ and 2) social exclusion and exploitation are indelibly tied to environmental degradation.³⁵ This thesis argues that Canada must reevaluate its *social* norms, institutions and processes of civic engagement to address pressing *environmental* threats.

Chapter 1 investigates the history of multi-stakeholder environmental negotiations in Canada with an understanding that historical treatment and agreements shape modern-day

³³ United Nations, *United Nations Declaration on the Rights of Indigenous Peoples*, 2007, 8.

³⁴ Scholars have increasingly focused on how the past continues to shape the present. For example, sociologist Julian Go argues that current power relations are inextricably tied to past, colonial hierarchies: “Colonialism is over, but the colonial past has left lasting legacies that impact societies today.” Scholars describe this phenomenon in a number of ways, including as “vestiges” of empire, “ruins” of empire, “colonial afterlives,” and the “reverberations” of empire. Despite widespread acknowledgement that “history matters,” only a small body of literature tracks the specific mechanisms by which historical practices affect the present (Go, 2023). This thesis seeks to address this omission and contribute to literature on how the past remains an agent in the present.

³⁵ Political ecology and joint social-environmental studies have gained momentum in the past decades as environmental crises threaten the health and well-being of our planet. These studies center on an understanding that social and environmental crises are intertwined, systemic and deeply rooted across geographies, temporalities, practices, and institutions. Scholars Eve Tuck, K. Wayne, Kyle Powys Whyte, and Dina Gilio-Whitaker, among others, identify historic and ongoing colonial systems as primary drivers of these social and environmental challenges. Without a full understanding and acknowledgement of histories of exploitation, extraction, and hierarchy, scholars worry that today’s ecological “solutions” may further exacerbate inequalities and prove short-sighted. For these reasons, environmental movements in North America are expanding their focus beyond conservation to encompass wider goals of social, political and economic change (Layden et. al, 2025).

participation in environmental negotiations. This chapter highlights racialized and cultural foundations for enduring systems of exclusion. Chapter 2 analyses three contemporary environmental negotiation case studies across three industries: mining, energy, and logging. This chapter demonstrates how stakeholder exclusion continues to this day, while also highlighting how marginalized communities continue to find creative strategies to assert their voices in policymaking processes. Chapter 3 considers solutions for creating increasingly transparent, accessible and democratic negotiation processes. Based on strengths and shortcomings identified in the case study analysis, this chapter highlights frameworks and models to bring diverse communities into policymaking processes. Ultimately, an effective environmental negotiation is just that – a *negotiation* – amongst stakeholders from diverse backgrounds, worldviews, and experiences. Only through genuine multistakeholder negotiations can Canada hope to serve its diverse population, cultures, and ecologies.

Chapter 1: Canada's History of Negotiations (and Exclusions)

This chapter considers the role of historical political exclusion in shaping participation in Canada's environmental negotiations today. In particular, this chapter investigates how colonial policies have created enduring patterns of exclusion that impact modern-day opportunity and access to power. The history of negotiations over land and natural resources in Canada reveal that access has been structured to benefit certain groups while excluding others. In this way, social and environmental exploitation often proved two sides of the same coin; Canadian society was structured around increasingly exploitative, extractive and environmentally detrimental industries that economically benefitted some at the expense of others, as well as the environment at large. Ultimately, the blatant exclusion of alternative worldviews, governance structures and knowledge bases has culminated in many of the environmental challenges we see today.

From its inception, the colonization of the Americas was primarily established for the extraction of wealth. In the 15th century, the Spanish monarchy and Catholic Church sponsored exploration of the "New World" in an effort to accrue resources and labor.³⁶ Britain and France, among other European nations, launched expeditions to the Americas and competed for land, natural resources and supremacy. Indigenous peoples, communities, networks, cultures, worldviews, and social structures were gradually, yet systematically, uprooted.³⁷

The history of the Americas is not one of uncontested European dominance, however. As historian Pekka Hämäläinen reminds us, the Americas remained "overwhelmingly Indigenous" well into the nineteenth century.³⁸ Hämäläinen tracks European-Indigenous relations throughout

³⁶ Tamara Layden et. al, "Confronting Colonial History: Toward Healing, Just, and Equitable Indigenous Conservation Futures," *Ecology and Society* 30, no. 1, 2025, para. 9.

³⁷ Brendan Wolfe, "The Age of Exploration," Encyclopedia Virginia.

³⁸ Pekka Hämäläinen, *Indigenous Continent: The Epic Contest for North America*, Liveright Publishing Company, 2022, ix.

the Americas, concluding that the European presence long relied on Indigenous peoples. In stark contrast to the limited knowledge of settlers, Indigenous peoples held a deep knowledge of the land, participated in extensive ally networks, and developed flexible worldviews and political systems that enabled communities to adapt to change.³⁹ Hämäläinen, therefore, advocates against characterizations like “colonial America,” instead describing an America that was “slowly and unevenly becoming colonial.”⁴⁰ Ultimately, competition for land, resources, and power unfolded differently across different geographies – from grasslands to river valleys to woodlands – and over centuries.⁴¹

The leverage of Indigenous nations and settlers gradually changed as an increasing number of Europeans immigrated to the Americas. The settler population created militias that sought to occupy Indigenous lands and uproot and eliminate Indigenous communities.⁴² As a result, inter-Indigenous relations also changed. For example, Indigenous peoples increasingly fought one another for territory when forced off their homelands by Europeans.⁴³ Further, efforts to come together and present a united front against settlers became increasingly difficult as people of European descent established legalistic processes to divide communities and legitimize their own rights to the land.

Treaties became a primary mechanism by which the Canadian government did so. Beginning in 1701, the British Crown established treaties with Indigenous groups in British North America.⁴⁴ Over 200 years, the Crown signed a series of treaties that outlined Indigenous

³⁹ Barrett, “The War of 1812,” 46.

⁴⁰ Hämäläinen, *Indigenous Continent*, ix.

⁴¹ *Ibid*, xii.

⁴² Ryan Barrett, “The War of 1812: The End of an Uncommon Alliance,” Master's thesis, State University of New York College at Buffalo, 2013, 17.

⁴³ Hämäläinen, *Indigenous Continent*, 7.

⁴⁴ Government of Canada, Crown-Indigenous Relations and Northern Affairs Canada, *About Treaties*, para. 8.

and settler rights.⁴⁵ There are three main categories of treaties in Canada. The first entails old agreements between Indigenous Nations and Crown officials that were valid only until 1760 (these agreements occurred prior to Canadian Confederation in 1867). Next, were the Numbered Treaties ratified between 1871 and 1921. Finally, there are modern treaties signed after the 1973 ruling that recognized the concept of “ancestral rights.”⁴⁶ The Numbered Treaties were particularly formative in Canada’s development. They were seen as central to extinguishing Indigenous claims to the land and establishing colonial expansion through legalistic tradition.⁴⁷

Scholar Joyce Green offers a compelling analysis of these treaties, characterizing this treaty process as “Project Canada.”⁴⁸ While treaties are often depicted in mainstream Canada as agreements in which Indigenous peoples surrendered their land consensually and in exchange for a series of rights and entitlements, the nuances of who negotiated on behalf of whom, how promises have been broken, and the degree to which these “agreements” were coercive often goes unnoticed. As outlined by the Department of Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), “At their base, the treaties were land surrenders on a huge scale.”⁴⁹ Treaties thus served to extinguish Indigenous peoples’ outstanding claims against Canadian sovereignty.⁵⁰

Green also argues that the treaty process indicates settlers were unable to entirely ignore Indigenous sovereignty. Indeed, treaties can be interpreted as proof of the European acknowledgement of Indigenous political orders – political orders they sought to undermine.⁵¹

⁴⁵ Ibid, para. 9.

⁴⁶ Christophe Premat, “First Nations: 150 Years After Its Signing, What Legacy Does Treaty 4 Hold?” Centre for Canadian Studies, Stockholm University, October 9, 2024, para. 5.

⁴⁷ Gina Starblanket, *The Numbered Treaties and the Politics of Incoherency*, Department of Political Science, University of Calgary, 2019, 444.

⁴⁸ Ibid.

⁴⁹ Ibid, 445.

⁵⁰ Ibid.

⁵¹ Ibid, 446.

Under this framework, the Canadian state did not simply violate treaties (as public discourse has increasingly acknowledged), but instead designed treaties in such a way to undermine Indigenous sovereignty and claims to land: “[Treaties] have not just been broken or dishonoured, but that have been selectively invoked and employed over time to sustain Indigenous dispossession and marginalization.”⁵²

In pursuit of this goal, treaties relied on the racialization of Indigenous peoples to distract from their political organization and rights. Rita Dhamoon argues that settler colonial states developed a “racialized and Indigenous cultural identity that previously organized on the basis of nationhood.”⁵³ Indigenous communities were redefined in ethnographic ways that systematically overlooked their political orders, nationhood and claims to land. Patrick Wolfe in his seminal work *Settler Colonialism and the Elimination of the Native* outlines the tenets of this “logic of elimination.” The logic of elimination entails the systematic removal of Indigenous populations to gain, retain and legitimize access to land.⁵⁴

The following historic anecdotes encourage us to ask: *Who has been afforded full citizenship and participation in Canadian society? How have past relations shaped land possession, opportunity and wealth today? And, finally, who gets a seat at the table to negotiate political, social and environmental outcomes in the present and for the future?*

The following section explores three case studies on the Fur Trade, War of 1812, and Black Loyalist settlement in Nova Scotia, that highlight the specific mechanisms by which marginalized communities have been systematically excluded from policy over land and natural resources.

⁵² Ibid, 445.

⁵³ Ibid, 449.

⁵⁴ Patrick Wolfe, *Settler colonialism and the elimination of the native*, Journal of Genocide Research, 2006, 390.

Canada was built on the fur trade. The industry lasted approximately 250 years from the 16th to 19th centuries and supplied European demand for animal pelts to make hats and clothing.⁵⁵ The Hudson's Bay Company (HBC) was founded in 1670 with the chief purpose of trading in beaver fur. Working with Indigenous trappers, the company would send over 100,000 beaver pelts to Europe each year during the peak of the trade.⁵⁶

The rise of an established fur trading industry began when the historic ship *Nonsuch* set sail from England to Hudson Bay in 1668. Sponsored by a small group of individuals with ties to King Charles II's court, the voyage sought to test the viability of trading furs directly through Hudson Bay. When the ship returned to England in 1669 with a valuable cargo of furs, a Royal Charter was granted to the HBC. The terms of the charter established a group of eighteen individuals, including the King's cousin, Prince Rupert, as the founders of the Company and "Lords and Proprietors" over a vast area of northern North America.⁵⁷ There were three main goals of the new company: to discover new passage to the south-seas; establish trade for furs, minerals and other commodities; and colonize the territories of "Rupert's Land" in what is today Quebec, Ontario, Manitoba, Saskatchewan, Alberta and the Northwest Territories.⁵⁸

The HBC set up a line of trade posts along the Hudson Bay with posts strategically located at points where rivers drained into the Bay. At those locations, HBC traders waited for Indigenous middlemen to bring furs down to the Bay. Furs were then collected, bundled and shipped to European markets.⁵⁹ Indigenous trappers were indispensable to the trade, acting as expert hunters, guides, and suppliers of pelts. In particular, European companies employed

⁵⁵ Indigenous Peoples Atlas of Canada, "Fur Trade," Indigenous Peoples Atlas of Canada, June 3, 2018, para. 1.

⁵⁶ Animal Justice, "Escaping the Wild: A History of Canada's Fur Trade," June 24, 2014, para. 2.

⁵⁷ Young et. al, "The Hudson's Bay Company Trading System," 2.

⁵⁸ Ibid.

⁵⁹ Young et. al, "The Hudson's Bay Company Trading System," 3.

people of mixed European and Indigenous ancestry, known as the Métis people, as intermediaries because of their intercultural fluency and trading expertise. Bridging European and Indigenous communities, the Métis were employed in virtually every facet of the fur trade from roles as trappers to agents to negotiators.⁶⁰ As a result, the Métis became known as “children of the fur trade.”⁶¹

The other large company operating in the trade was the North West Company (NWC). The NWC was formed in 1779 by Highland Scots who migrated to Montréal after 1760 and by individuals who fled the United States as Loyalists after the American Revolution.⁶² Spread over a large geography, the NWC depended on the skills of Indigenous peoples and collaboration between merchant partners, agents, and voyageurs (typically French Canadian men hired to transport furs).⁶³

Interlopers in a preexisting trade, the NWC and HBC often clashed with Indigenous practices and governance. One central area of conflict was that Indigenous and Métis societies often abided by more consensual and democratic leadership structures than the oligarchic body that formed the HBC.⁶⁴ Furthermore, the HBC took a top-down approach in which they would “single out” one individual with whom to carry out negotiations. This narrow negotiation approach often overlooked more democratic and relationship-based Indigenous practices, misplacing power in the hands of certain individuals above their communities.⁶⁵

⁶⁰ Ibid, 1.

⁶¹ Harold Innis and Arthur Ray, *The Fur Trade in Canada*, Toronto: University of Toronto Press, March 20, 1999, 33.

⁶² Jennifer Brown, “North West Company,” *The Canadian Encyclopedia*, June 6, 2007, para. 1.

⁶³ Parks Canada, “The voyageurs - The Fur Trade at Lachine National Historic Site.”

⁶⁴ Brown, “North West Company,” 2.

⁶⁵ Ibid, 4.

While the HBC and NWC had long relied on First Nations and Métis communities for the smooth operating of the trade, things took a dramatic turn when the HBC and NWC merged in 1821.⁶⁶ The HBC and NWC merged to reduce competition and create a monopoly to dominate the trade. This, in turn, undermined the independence of Métis trappers, who lost their ability to leverage competition between the HBC and NWC to get the best price for furs.⁶⁷ As Métis and other small trappers lost their bargaining power, they saw reduced prices for furs, post closures and workforce reductions. Ultimately, the merger stripped Métis and other small trappers across the Northeast of economic autonomy.⁶⁸

This monopolization reflected broader changes in enterprise in North America. As industrial economies expanded, they enabled capital accumulation for some and a neglect of independent or smaller businesses – often at a grave cost to the environment as well. In these transformations, the incompatibility of European and Indigenous philosophies often became readily apparent; European ideals of profit and endless economic gain did not align with more communal and relational ways of being.⁶⁹ Additionally, European versus Indigenous conceptions of extraction were often different. Whereas many Indigenous communities had practiced sustainable hunting, enabling communities to survive the Canadian winter for generations, the HBC caused the near extinction of beavers by the late 19th century.⁷⁰ As the HBC prioritized profit above ecological balance, its relentless pursuit of revenue drove the over-trapping of beavers. In fact, the extinction of the beaver was effectively only prevented because of a change

⁶⁶ Ibid, 9.

⁶⁷ Indigenous Peoples Atlas of Canada, “Fur Trade,” para. 1.

⁶⁸ Ibid.

⁶⁹ Young et. al, “The Hudson’s Bay Company Trading System,” 6.

⁷⁰ Animal Justice, “Escaping the Wild,” para. 2.

in European fashion preference to silk, and the advocacy of the beaver conservation movement in the early 20th Century.⁷¹

By the 1850s, capitalist expansion on Métis lands, the decline in the fur trade, and the threat of American and Canadian expansion caused mass displacement of the Great Lakes Métis.⁷² Ultimately, the rise of industry and territorial expansion restructured wild animal populations and human communities in lasting ways.

These mechanisms of exclusion have not only shaped access to natural resources, but also to the land itself. The following case study explores how land borders were negotiated to the exclusion of Indigenous peoples.

The Canada we see today owes its existence in no small part to the efforts of Indigenous warriors who protected the region from American invasion in the War of 1812. Without Indigenous fighters, Upper Canada (what is now Southern Ontario), and eventually Lower Canada (the southern Quebec region) would have been seized by the United States.⁷³

Two Shawnee brothers were instrumental in repelling American forces: Tecumseh and Tenskwatawa. Tecumseh was a chief and powerful warrior, known for uniting Indigenous tribes into a confederation to repel the encroachment of European settlers. His brother, Tenskwatawa, was a religious and political leader known as “the Prophet,” who encouraged Indigenous peoples to reject European influences and preserve traditional ways. The advocacy and action of the brothers was motivated by their own childhood experiences of land dispossession. Tecumseh and Tenskwatawa faced a tumultuous upbringing, forced continuously to relocate to avoid military activity, as the Shawnee were pushed out of Kentucky and into Ohio by militia raids.⁷⁴

⁷¹ Ibid, para. 3.

⁷² Young et. al, “The Hudson’s Bay Company Trading System,” 34.

⁷³ Barrett, “The War of 1812,” 77.

⁷⁴ Ibid, 17.

Tecumseh gained notoriety as a fierce military leader through a series of conflicts between the Shawnee and settlers in the 1780s and 1790s. William Henry Harrison, who would become the 9th President of the United States, wrote in 1838: “We are going on to that country which has been frequented by Tecumseh...”⁷⁵ Tecumseh tried negotiating face-to-face with Harrison, who was the federal governor of the Indiana Territory at the time. After interacting with Tecumseh, Harrison characterized him as “one of those uncommon geniuses who spring up occasionally to produce revolutions and overturn the established order of things.”⁷⁶ For this reason, Harrison, like many of his contemporaries, feared Tecumseh and his warriors. Harrison therefore closely monitored Tecumseh’s movements and military strength:

All the Prophet’s followers have left him (with the exception of two camps of his own tribe). Tecumseh has just joined him, with eight men only. No danger can be apprehended from them at present. Our eyes will be constantly kept on them, and should they attempt to gather strength again, we will do all in our power to prevent it...⁷⁷

The War of 1812 involved dynamic alliances and numerous stakeholders. In particular, after Britain and the United States had a naval confrontation in 1807, known as The Chesapeake Affair, Britain sought out Indigenous allies.⁷⁸ To achieve this goal, British officials began sending Indigenous leaders presents and invitations to visit British posts. During talks at their posts, Britain suggested to Indigenous leaders the possibility of warfare with American militias. Sir James Craig, the governor general of British North America, instructed British Indian agents to avoid any explicit declarations of warfare, but to hint at its possibility. For example, Sir James

⁷⁵ William Henry Harrison, *A Discourse on the Aborigines of the Ohio Valley, in Which the Opinions of Its Conquest in the Seventeenth Century, by the Iroquois or Six Nations, Supported by Cadwallader Colden, Gov. Thomas Pownall, Dr. Benjamin Franklin, Hon. De Witt Clinton, and Judge John Haywood, Are Examined and Contested; To Which Are Prefixed Some Remarks on the Study of History*. Prepared at the Request of the Historical Society of Ohio. With Notes and an Appendix by William Henry Harrison, Fergus Print. Co., 66.

⁷⁶ American Experience, “Pair Macedonian-Tecumseh.” American Experience: Historical Eras – Expansion & Reform (1801–1861), Smithsonian Institution.

⁷⁷ Barrett, “The War of 1812,” 77.

⁷⁸ Jason Ridler, “Chesapeake Affair, 1807,” The Canadian Encyclopedia, Historical Canada, May 9, 2011.

Craig instructed agents to communicate their desires for unification with Indigenous fighters should any conflict arise: “that as a matter of course we shall look for the assistance of our brothers.”⁷⁹ Persuasion efforts followed, including the issuing of arms and ammunition to Indigenous groups.⁸⁰

As American militias became increasingly aggressive, Indigenous communities sought ways to fight back. One key strategy pursued by Tecumseh was the formation of broad Indigenous alliances. Tecumseh believed that a pan-Indian federation was key to stopping or at least slowing the pace of American westward expansion. He encouraged warriors to put aside old tribal rivalries so that tribes of the Great Lakes and Mississippi Valley could move as a unified force.⁸¹ Tecumseh brought together a confederacy of several tribes, including the Shawnee, Delaware, Miami, Potawatomi and Wyandot.⁸² Tecumseh’s skill as a charismatic orator and brave leader attracted warriors.⁸³ He also garnered a reputation for honesty, as he distributed booty among his companions rather than keeping it for himself.⁸⁴ Tecumseh’s ability to bring different Indigenous groups together was integral to his successes.

Indigenous warriors proved formidable opponents. The tenacity and style of Indigenous fighters often surprised and scared opponents of European descent. Although many Indigenous warriors were not accustomed to muskets, they implemented guerilla tactics that took their opponents by surprise. Indigenous peoples fought in most of the battles during the War of 1812,

⁷⁹ Ibid, 28.

⁸⁰ Ibid, 27.

⁸¹ American Experience, “The War of 1812: Pair Macedonian and Tecumseh,” Smithsonian Institution.

⁸² Barrett, “The War of 1812,” 33.

⁸³ National Park Service, “Tecumseh,” November 12, 2023, para. 1.

⁸⁴ Ibid, 23.

including battles at Frenchtown, Beaver Dams, and Prairie du Chien.⁸⁵ Given that Britain had a small and largely unproven force in Canada, British forces came to rely on Indigenous allies.⁸⁶

This was not the first time the British had relied on Indigenous communities for survival. Indigenous communities held a wealth of wisdom and experience accumulated over millennia in the Americas. From direct observations to information transmitted over generations, Indigenous peoples offered environmental knowledge that enabled settlers to grow food, survive the winters, and navigate the landscape and waterways.⁸⁷ Contrary to racist notions that Indigenous peoples existed passively in the environment (in contrast to purported European productivity), Indigenous peoples had long shaped their environments. For example, Indigenous peoples used prescribed burning,⁸⁸ erosion prevention techniques, and soil enhancement strategies to support their communities.⁸⁹ Henry Kelsey, who is credited as the first European to see both the Saskatchewan River and the massive buffalo herds on the northern plains, had relied on Indigenous peoples to survive his travels. In particular, Kelsey was indebted to Indigenous women, who pitched camp, repaired clothing, netted snowshoes, collected berries, and dried meat during his travels.⁹⁰

Similarly, during the War of 1812, Indigenous soldiers leveraged their understanding of the environment to defeat American militias. At the Battle of Beaver Dams, for example, Indigenous warriors used the thick woods to conceal themselves before launching a successful

⁸⁵ Ibid, 34.

⁸⁶ Ibid, 31.

⁸⁷ Fulvio Mazzocchi, "Western Science and Traditional Knowledge: Despite Their Variations, Different Forms of Knowledge Can Learn from Each Other," *EMBO Reports* 7, no. 5, 2006, 463.

⁸⁸ Catherine Rawlings, "From Colonialism to Collaboration: A History of U.S. Environmentalism with Indigenous Communities," Master's thesis, University of Washington Tacoma, May, 2024, 4.

⁸⁹ Layden et. al, "Confronting Colonial History," para. 6.

⁹⁰ Patrick Young, Todd Paquin, and Darren Préfontaine, "The Hudson's Bay Company Trading System," *The Métis Fur Trade*, Saskatoon, SK: Gabriel Dumont Institute, 7.

offensive.⁹¹ The Americans had sent a force from Fort George to destroy a British advanced post at Beaver Dams. An Indigenous scout and Laura Secord warned the Iroquois force from Caughnawaga and the Grand River about the planned attack. Therefore, on June 24th, 1813, the Caughnawaga, Kanesatake, Akwesasne and Six Nations Mohawks ambushed the Americans. This was a critical defeat that gave the British control of the Niagara region.⁹²

Indigenous warriors proved a powerful military force in the War of 1812 not only because of their knowledge and abilities, but also because racialized propaganda depicted Indigenous warriors as haunting and vicious opponents. Americans often lumped all Indigenous peoples together under derogatory characterizations as brutal savages and menacing warriors. This propaganda inspired fear among American militias: “An American soldier’s greatest fear lurked in his own vivid imagination.”⁹³ Newspapers and history books recited stories of frontier families murdered, scalped and/or held in captivity by Indigenous people; fear compounded among settlers.⁹⁴ In several battles, the mere presence of Indigenous warriors motivated American generals to surrender. For example, in a critical battle in Detroit, Tecumseh leveraged the visibility of his warriors to strike fear in his adversaries. As a result, William Hull surrendered Detroit before a shot was fired. This victory was central to the protection of Upper Canada.⁹⁵

At the conclusion of the war, however, Indigenous warriors, who had been so integral to Britain’s ability to navigate the natural environment and maintain control in the region, were cast aside and excluded from negotiations that would set the stage for Canada’s future.

⁹¹ Government of Canada, “Exhibit: Indigenous Contributions to the War of 1812,” Crown-Indigenous Relations and Northern Affairs Canada, February 16, 2016.

⁹² Parks Canada, “Laura Secord National Historic Site of Canada,” Directory of Federal Heritage Designations, para. 3.

⁹³ Barrett, “The War of 1812,” 52.

⁹⁴ Ibid, 34.

⁹⁵ Ibid, 41.

British and American officials negotiated a peace through the Treaty of Ghent in 1814. There were five “peace” commissioners representing American interests at the negotiation: John Quincy Adams, Henry Clay, Albert Gallatin, James A. Bayard, and Jonathan Russell. Representing the British delegation were Henry Goulburn, Admiral James Gambier, and Dr. William Adams. There were no Indigenous representatives.⁹⁶

The treaty process lasted several months, and Britain’s demands changed significantly throughout the process. The British delegation began by pushing for a preservation of Indigenous land. This was not necessarily done out of respect for their allies, but because they saw Indigenous peoples as an important barrier between Canada and America.⁹⁷ British statesman and Under-Secretary of State for War and the Colonies in the War of 1812, Henry Goulburn, insisted on the need to protect Indigenous lands as a barrier state. If Indigenous peoples were kicked off their land by the US, Goulburn believed they would attack Canada.⁹⁸

John Quincy Adams, who would become the sixth president of the United States, insisted that the British delegation modify their demands on the “Indian question.”⁹⁹ Adams was not willing to leave lands to Indigenous communities, who he saw as obstacles to American expansion, growth and greatness. Indicative of his stance on Indigenous land, Adams delivered the most remembered speech of his career on July 4, 1821 – less than a decade after the War of 1812. In the speech, he vehemently affirmed settler rights to the land: “The first settlers of the Plymouth colony, at the eve of landing from their ship, therefore, bound themselves together by a written covenant; and, immediately after landing, purchased from the Indian natives the right of

⁹⁶ American Battlefield Trust, “The Treaty of Ghent: Ending the War of 1812,” April 8, 2024, para. 4.

⁹⁷ Barrett, “The War of 1812,” 71.

⁹⁸ Ibid, 76.

⁹⁹ Ibid, 71.

settlement upon the soil.”¹⁰⁰ In negotiations for the treaty of Ghent, Adams and the other American delegates asserted that they would treat the Indigenous peoples within their borders fairly, but that maintaining the freedom for settlers to expand was essential: Americans must be free to claim land “in proportion as their growing population may require, to reclaim from a state of nature, and to bring into cultivation.”¹⁰¹ British officials were aware that the moment they signed the treaty, Indigenous peoples in American territory would have to fend for themselves. The treaty was signed on Christmas Eve and ratified by the British government on December 27th, 1814.¹⁰²

Once again, Indigenous peoples were not consulted during negotiations. Those who had put Britain in the position to negotiate in the first place, were not given a seat at the table.¹⁰³ Further, Tecumseh’s death on October 5, 1813 in the Battle of the Thames was a devastating hit to the Indigenous confederacy he had built.¹⁰⁴

Britain, no longer needing their Indigenous allies, pushed Indigenous communities onto reservations. French political scientist, historian, and politician Alexis de Tocqueville noted this dynamic, as colonists shifted from relations of reliance to exclusion: “Whatever the white man wanted and asked of the Indian, the latter willingly gave. At that time the Indian was the lord, and the white man the suppliant. But now the scene has changed.”¹⁰⁵ Like the United States, British forces would continue expansion with little regard for the Indigenous communities in their path.¹⁰⁶ Indigenous groups in Upper Canada faced extreme pressure to cede their lands with the settler population in Upper Canada doubling from 75,000 in 1815 to 150,000 by 1824. By the

¹⁰⁰ John Quincy Adams, “JQA’s ‘Monsters to Destroy’ Speech, Full Text.” The John Quincy Adams Society.

¹⁰¹ Barrett, “The War of 1812,” 88.

¹⁰² American Battlefield Trust, “The Treaty of Ghent: Ending the War of 1812,” April 8, 2024, para. 7.

¹⁰³ Barrett, “The War of 1812,” 94.

¹⁰⁴ Ibid, 98.

¹⁰⁵ Alexis de Tocqueville, *Democracy in America*, New York: G. Dearborn & Co., 1838, 545.

¹⁰⁶ Barrett, “The War of 1812,” 6.

mid-1820s, most Indigenous peoples in Canada were confined to reservations similar to those found in the United States.¹⁰⁷

The story of Tecumseh and the War of 1812 offer pointed examples of how Indigenous communities were sidelined in negotiations over land and the future of the continent. Despite their longstanding stewardship of the land and key role in supporting the survival of early settlers, Indigenous peoples were ultimately excluded from social, political, economic and environmental decision-making.

Other racialized groups in Canada faced similarly exclusionary processes. Black Loyalists, for example, suffered similar treatment upon their arrival in Canada. Just as Indigenous peoples were confined to reservations, Black Loyalists who had fought for the British during the American War of Independence found themselves on harsh, marginal land in Nova Scotia.

Black Nova Scotians descend from several African-rooted peoples, including Black Loyalists – formerly enslaved individuals who achieved freedom by fighting for the British during the American War of Independence in 1783.¹⁰⁸ During the war, the British offered freedom to enslaved peoples who ran away from their enslavers and fought for the British. For example, the Dunmore and Clinton Proclamations promised freedom “to all Negroes who desert their Rebel masters.”¹⁰⁹ The appeal of this offer cannot be understated. Confronted with the brutal realities of slavery, enslaved individuals were willing to risk their lives to escape plantations. Those who successfully fled enslavement served as soldiers in the British army, Royal Artillery or the Wagon Master General’s Department. Some formerly enslaved people

¹⁰⁷ Ibid, 99.

¹⁰⁸ Carmelita Robertson, *Black Loyalists of Nova Scotia: Tracing the History of Tracadie Loyalists, 1776-1787*, 16.

¹⁰⁹ Ibid, 24.

even served as commanders for Black regiments. For example, Colonel Tye was an ex-slave, who commanded a group in the war and later migrated to Birchtown, Nova Scotia.¹¹⁰

At the conclusion of the war, a mix of free people, enslaved individuals, and indentured servants traveled North and became known as Black Loyalists. The decision to move North was not a matter of choice for Black Loyalists. If they remained in the United States, they risked enslavement once again. To obtain entry to Canada, the Black Loyalists had to produce a Certificate of Freedom as proof of their participation in the British war effort.¹¹¹ Some enslaved people were also granted access to Canada alongside their British Loyalist enslavers (slavery was not abolished in Nova Scotia and most British colonies until 1834).¹¹²

Much of what we know about this migration comes from the “Book of Negroes,” an inventory of people of African descent who were legally permitted to leave New York aboard British vessels. When Britain recognized U.S. independence and evacuated its troops, Sir Carleton, an important British Army officer and colonial administrator, refused the American request for the return of enslaved peoples.¹¹³ As per the terms of the Treaty of Paris, Britain was commanded to return all property seized during the War, which would include enslaved peoples.¹¹⁴ Yet, committed to honoring his promises to the Black Loyalists, Sir Carleton advocated for the creation of *The Book of Negroes* to track this loss of “property,” so as to compensate the American government at a later point, but to allow the Black Loyalists freedom.¹¹⁵ There were approximately 3,500 people of African descent accounted for in the

¹¹⁰ Ibid.

¹¹¹ Ibid, 17.

¹¹² Ibid.

¹¹³ Library and Archives Canada, “Carleton Papers,” para. 4.

¹¹⁴ Damani Davis, “Record of the Week: The Book of Negroes,” Rediscovering Black History (blog), National Archives, February 5, 2015, para. 3.

¹¹⁵ Ibid, para 5.

book, and they fled the United States to various locations, including England, Belgium, Germany, and Canada.¹¹⁶

Nova Scotia was the destination for many Black Loyalists. They obtained transport by working on fishing and whaling vessels. For example, Thomas Brownspiggs, a man of European descent, sailed into Chedabucto Bay, Nova Scotia, from St. Augustine, Florida with several servants of African descent. One of his servants, Henry Thomas, appears to have taken the name Brownspriggs upon his arrival. He then became a leader of the initiative to obtain a 3000-acre grant of land in Tracadie for himself and seventy-three other Black Loyalists.¹¹⁷

Unlike American post-Civil War unfulfilled “forty acres and a mule” promises, many Black Loyalists did in fact obtain land in Nova Scotia.¹¹⁸ There was a catch, however. Black loyalists were given smaller pieces of land than white Loyalists, as well as rocky, less arable land. This barren land was particularly challenging in the Canadian winter. Some Black Loyalists had only ever lived on plantations in the American South and never before experienced winter. Adjusting to the new climate on unsheltered land proved devastating for Black Loyalist communities. Further, these communities were often the last to receive supplies to survive the winter. In times of scarcity, when tools and wood were running low, Black communities often received nothing apart from what they could harvest themselves.¹¹⁹ As a result, Black Loyalists were forced to dig pithouse settlements – in other words, digging holes into the ground to survive. Although these pithouses were not meant to be permanent dwellings, Black Loyalists struggled to get deeds to other lands and find more sheltered regions.¹²⁰

¹¹⁶ Ibid.

¹¹⁷ Robertson, *Black Loyalists of Nova Scotia*, 18.

¹¹⁸ Ibid, 20.

¹¹⁹ “Arrival: Shelters,” Black Loyalist: Our History, Our People, Canada’s Digital Collections, para. 3.

¹²⁰ CBC News, “Black loyalist pithouse discovered at Kings Landing,” CBC News, February 18, 2018, para. 6.

Adding insult to injury, the government regranted large areas of land initially given to the Black Loyalists to white settlers. Today, few descendants of the original Tracadie Land Grant still hold property on that land.¹²¹ Black Nova Scotians are now more likely to live next to a waste facility than their white counterparts. For example, the African Nova Scotian community, Lincolnville, is situated one kilometer away from a landfill that accepts hazardous waste from across the province like transformers and refuse from offshore oil spills. Cancer rates are unusually high in the community.¹²² The experiences of Black Loyalists and current Afro-Canadian populations offer shocking similarities; life outcomes, health, opportunity, and wealth are indeed grounded in historical treatment and subjugation. As Black Nova Scotian scholar Ingrid Waldron observes:

Nova Scotian Black communities are very different from other Black communities in Canada. They're the oldest Black community in Canada; they've been here for about 400 years. They are descendants of Jamaican Maroons, Black Loyalists from the United States, and others. When they arrived in Nova Scotia, they were given poor quality land, which made it difficult for them to engage in agriculture. And that's the land where landfills and dumps and other environmentally dangerous projects tend to be located. So we have to understand the history of African Nova Scotians in order to understand why they live where they live and why environmentally dangerous projects have tended to be placed in their communities.¹²³

The final historical case study considers the treatment of Chinese immigrant railway laborers in the 19th Century. Like other marginalized groups in Canada's history, Chinese laborers were racialized, exploited and ultimately excluded from decision-making processes.

¹²¹ Robertson, *Black Loyalists of Nova Scotia*, 16.

¹²² Ingrid Waldron, "Environmental Racism and Climate Change: Determinants of Health in Mi'kmaw and African Nova Scotian Communities," Ecology Action Centre, Climate Institute, July 21, 2021, Para. 45.

¹²³ "Environmental Racism and the Climate Emergency: An Interview with Ingrid Waldron," NiCHE Canada: Network in Canadian History & Environment, September 23, 2021, para. 20.

In the late 19th century, Chinese laborers were central to building transcontinental railroads in the United States and Canada.¹²⁴ Between 1881 and 1884, over 15,000 Chinese workers migrated to British Columbia to perform dangerous railway labor.¹²⁵ Many of the Chinese workers came from a coastal region of Guangdong Province in Canton.¹²⁶ Others migrated from California, where they had previously built rail lines.¹²⁷

Canadian officials had initially struggled to find sufficient labor on the West Coast to complete the railway project. While the construction of the British Columbia section of the Canadian Pacific Railway (CPR) was one of the main terms under which the B.C. region entered into confederation in 1871, it took Canadian officials more than a decade to begin construction because of labor shortages and political conflicts.¹²⁸ Determined to begin the project, railway contractor Andrew Onderdonk sought Chinese laborers as a cheap and abundant workforce. Onderdonk mandated in his contract with the government that Chinese laborers would make up a majority of his workforce. Prime Minister John A. Macdonald accepted these terms, granting Onderdonk permission to hire workers from China.¹²⁹

The importation of Chinese labor was met with vehement local resistance. As racist agitators in B.C. advocated for Chinese exclusion, Prime Minister Macdonald presented a tradeoff: “It is simply a question of alternatives: either you must have this labor or you can’t have the railway.”¹³⁰ In the late nineteenth century, B.C.’s population was around 35,000 and

¹²⁴ Zhongping Chen, “Chinese Labor Contractors and Laborers of the Canadian Pacific Railway, 1880-1885,” *The Pacific Northwest Quarterly* 110, no. 1, 2018, 18.

¹²⁵ Jincheng Zhi, “Chinese Immigration and the Canadian Pacific Railway: 1880-1885,” Master’s thesis, Department of Economics, Queen’s University, 2011, 7.

¹²⁶ *Ibid.*, 8.

¹²⁷ Edouard Deville, “Chinese Railway Workers - British Columbia - An Untold History,” British Columbia Knowledge Network, October 19, 2025, para. 3.

¹²⁸ Chen, “Chinese Labor Contractors and Laborers of the Canadian Pacific Railway,” 20.

¹²⁹ *Ibid.*

¹³⁰ Zhi, “Chinese Immigration and the Canadian Pacific Railway,” 7.

most men worked in natural resource extraction, including fishing and forestry. The heightened hazards of railway work, therefore, held little appeal for local workers.¹³¹ After a decade of political conflict and “anti-oriental” protests, CPR ownership went ahead with hiring; they employed over 15,000 Chinese laborers between 1880 and 1885.¹³²

Maintaining Chinese labor as an abundant and cheap force relied on the devaluing of Chinese laborers. Chinese people were depicted as backward, diseased and alien. Discourse around Chinese inferiority culminated in dehumanizing portrayals of Chinese people as creatures. These racialized conceptions served to prevent Chinese laborers from becoming fully-fledged members of Canadian society, and from obtaining equal wages.¹³³ Chinese workers were paid significantly lower wages than other Canadians. For example, the minimum wage for non-Chinese unskilled workers was typically \$2 to \$2.50 per day. By contrast, Chinese workers were paid \$0.75 to \$1.25 per day.¹³⁴ Additionally, Chinese laborers were forced to purchase their own food and gear, whereas white laborers received these essentials free of charge.¹³⁵ It is estimated that Chinese workers saved Onderdonk three to five million dollars – labor that prevented him from going bankrupt.¹³⁶ Many Chinese workers also came to Canada under the “Credit Ticket” system, which entailed working under company supervision and only gaining freedom in Canada by fulfilling the terms of their contracts.¹³⁷

In addition to exploitative contracts, Chinese laborers were given the most dangerous parts of the railway construction. Chinese laborers built a total of 338 miles of the CPR across

¹³¹ Deville, “Chinese Railway Workers,” para. 1.

¹³² *Ibid.*, 12.

¹³³ Elizabeth Gorsalitz, “‘You must have this labour, or you can’t have the railway’: Chinese labourers and the construction of the Canadian Pacific Railway,” *Niche Canada*, May 30, 2023, para. 3.

¹³⁴ Zhi, “Chinese Immigration and the Canadian Pacific Railway,” 13.

¹³⁵ Deville, “Chinese Railway Workers,” para. 3.

¹³⁶ *Ibid.*, para. 1.

¹³⁷ Zhi, “Chinese Immigration and the Canadian Pacific Railway,” 9.

British Columbia,¹³⁸ including a large section of the dangerous Fraser Canyon and Rockies regions.¹³⁹ They also handled dangerous materials, like explosives, and were given tight budgets that undermined their ability to purchase safety materials and take the time for safety precautions.¹⁴⁰ Onderdonk himself estimated that 600 Chinese workers had died from accidents, cold temperatures, illness, and malnutrition (over four deaths per mile of railway). Onderdonk's estimates were conservative. The death toll could have been as high as 2,200. The family members of those who died were often not informed and did not receive compensation.¹⁴¹

Legal injustices also came to define the experience of Chinese immigrants. During years of railway construction, Chinese prisoners received sentences twice as long as other prisoners. The criminal justice system mirrored the anti-Chinese sentiment in the community.¹⁴² Following completion of the railway, anti-Chinese sentiment continued to rise and culminated in the head tax, a fixed fee imposed upon Chinese people seeking entry into Canada. This sought to limit immigration following the end of construction on the railway.¹⁴³

While thousands of Chinese workers were central to the construction and success of the railway, their personal stories have been almost entirely neglected from the historical record.¹⁴⁴ Chinese laborers were treated as indispensable, and their needs for rest, shelter, safety, medical treatment, and adequate nutrition disregarded: "Thus, the value of Chinese labour was treated as energy rather than humanity."¹⁴⁵ Further, the railway had other social and environmental

¹³⁸ Chen, "Chinese Labor Contractors and Laborers of the Canadian Pacific Railway," 18.

¹³⁹ Zhi, "Chinese Immigration and the Canadian Pacific Railway," 9.

¹⁴⁰ Chen, "Chinese Labor Contractors and Laborers of the Canadian Pacific Railway," 18.

¹⁴¹ Deville, "Chinese Railway Workers," para. 3.

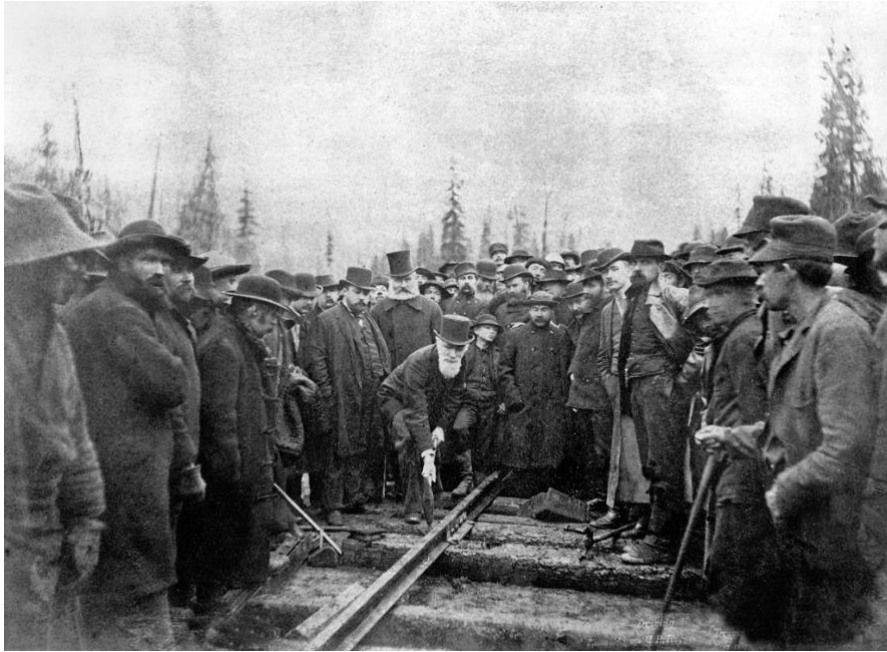
¹⁴² Ian Keay et. al., "Bias in Criminal Sentencing: Historical Evidence from Chinese Railroad Workers in British Columbia," December 15, 2023, 1.

¹⁴³ Gorsalitz, "'You must have this labour, or you can't have the railway'," para. 6.

¹⁴⁴ Don K. Nakayama, "Chinese Railroad Workers, the Transcontinental Railroad, and the Indispensability of Immigration to America." *The American Surgeon*, July 24, 2023, 323.

¹⁴⁵ Gorsalitz, "'You must have this labour, or you can't have the railway'," para. 2.

implications. The railway enabled mass settlement of the prairies for European settlers, and enabled excessive killing of bison populations by increasing hunting access, splitting herds, and facilitating wasteful, mass slaughter for hide trading.¹⁴⁶



In the historic 1885 “last spike” photo in Craigellachie, B.C. (pictured above), CPR officials and railway workers posed for a photograph. None of the workers in the photo are Chinese.¹⁴⁷

The stories of Tecumseh, Métis fur trappers, Black Loyalists and Chinese railway laborers are not exceptional nor unique. They reflect broad trends of racialized exclusion over land and natural resource access.

What about class or gendered exclusions? Canada’s history, like many other nations, has been one of class and gendered conflicts and exclusions. For example, poor railway laborers of European descent were also exploited by railway owners; similarly, women in British Columbia

¹⁴⁶ Bill Waiser, “Whither the Bison: ‘What Happened to the Prairies’ Once-Mighty Herds?” CBC News, September 4, 2021.

¹⁴⁷ Deville, “Chinese Railway Workers,” para. 5.

faced occupational segregation and lower pay, justified by men earning the “family wage.”¹⁴⁸

While both class and gendered analyses are applicable here and important facets of exclusion in Canada, this paper focuses on sweeping structural exclusion that coalesced around race, culture and ethnicity. Racialized systems of exclusion have often subjugated entire groups of people regardless of other social factors, including class and gender. Hannah Arendt explains a similar phenomenon in reference to African enslavement: “Slavery’s fundamental offense against human rights was not that it took liberty away... but that it excluded a certain category of people even from the possibility of fighting for freedom...”¹⁴⁹ In Canada’s case, environmental policy and decision-making was heavily restricted and made the exclusive domain of European settlers. This failure to negotiate environmental decisions among diverse groups with diverse perspectives, experiences and worldviews has culminated in many of the myopic, environmentally destructive policies we see today.

¹⁴⁸ Raelene Frances et al. “Women and Wage Labour in Australia and Canada, 1880–1980.” *Labour/Le Travail* 38 (Fall 1996), 53.

¹⁴⁹ Hannah Arendt, *The Origins of Totalitarianism*, New York: Harcourt, Brace, 1951, 297.

Chapter 2: Environmental Negotiations in Canada Today

This chapter will explore contemporary environmental negotiations in Canada. As we have seen in the previous chapter, marginalized groups have long been excluded from negotiations over land and natural resources; in this chapter, I aim to show that this exclusion continues to this day. This chapter explores stakeholder negotiations and exclusions across three industries in British Columbia: mining, energy (pipelines), and logging. The first case study analyzes the contentious KSM mine project; the second explores the development of and resistance to the Coastal Gaslink pipeline; and the third discusses the Fairy Creek Logging blockade. This chapter reveals how actors historically excluded from official negotiations continue to shape decision-making through legal challenges and grassroots organizing.

Gold, Copper and Crime (Case Study 1)

Located 65 kilometers northwest of Stewart, B.C. and 30 km northeast of the Alaska border, the Kerr-Sulphurets-Mitchell (KSM) mine project in northwestern British Columbia is one of the world's largest undeveloped gold and copper projects.¹⁵⁰ The site is designed to extract large quantities of gold, copper, silver, and molybdenum used for industrial purposes.¹⁵¹ The KSM project is divided into two parts that are joined by twin 23 km tunnels and hosts numerous facilities, including extraction zones with open pits, underground mines, and tailings storage.¹⁵²

¹⁵⁰ Seabridge Gold, "KSM (Kerr Sulphurets Mitchell) Project Media Background Fact Sheet," Mining.com, July 2014, 5.

¹⁵¹ Seabridge Gold. "KSM Project." Seabridge Gold, para. 5.

¹⁵² "British Columbia Province and Others Lawsuit Re: KSM Mine, Canada," Business & Human Rights Resource Centre, para. 1.

The project was proposed by Seabridge Gold, a company that acquires, explores and develops mineral properties and sells them to mining companies for the extraction process.¹⁵³ In an effort to gather public support, Seabridge Gold emphasizes that their projects have potential for economic benefits, including local investment and job creation, and that their projects are completed in consultation with local communities.¹⁵⁴ Additionally, in anticipation of resistance from environmental advocacy organizations and Indigenous Nations, Seabridge highlights that the projects go through comprehensive environmental assessments.

The KSM project was granted an environmental permit in 2014 from the provincial government; to obtain this permit, Seabridge completed a joint harmonized environmental assessment review to stay in compliance with the British Columbia Environmental Assessment Act, the Canadian Environmental Assessment Act and the Nisga'a Final Agreement with the Nisga'a First Nation (although there are other active land claims from other nations, as discussed below).¹⁵⁵ After obtaining the permit, the KSM project experienced a series of delays. In an effort to avoid having to go through the approval process again, Seabridge sought to prove they had achieved a "substantial start" on the KSM project. A substantial start designation means that a developer no longer faces the risk of having to undergo a new, updated environmental assessment if the project has not been fully built or opened by the original deadline. To achieve this designation, the KSM project simply had to prove significant permanent physical development at the site.¹⁵⁶ In July 2024, the British Columbia Environmental Assessment Office

¹⁵³ "Seabridge Gold," Seabridge Gold.

¹⁵⁴ "Social Responsibility," KSM Project, para. 1.

¹⁵⁵ "Project Overview," KSM Project, para. 1.

¹⁵⁶ Environmental Assessment Office, "Substantially Started Determination Policy," Government of British Columbia, June 15, 2021, 6.

(EAO) declared that this criterion was met, and that the project could now proceed without a new environmental assessment.¹⁵⁷

The region of the KSM project is under an active land claim by the Tsetsaut Skii km Lax Ha (TSKLH) Nation. While the province consulted certain larger First Nations groups, such as the Nisga'a and Tahltan Nations, it did not consult and reach agreements with the TSKLH nation.¹⁵⁸ The TSKLH Nation's lawyer, Ryan Beaton stated: "There is no basis in law for the Province and Seabridge to consult and accommodate only larger First Nations...The Nation whose territory is going to be filled with toxic waste must have a voice. The province granted Substantial Start Determination (SSD) without even sitting down to discuss the Nation's concerns about it."¹⁵⁹ Further, as TSKLH Chief Darlene Simpson noted: "When Seabridge is done with the mine, they get to go home. The Tahltan and Nisga'a get to go home. We're the ones who have to live with the impacts of KSM's poisonous dump for generations to come."¹⁶⁰ Similarly, Indigenous communities in Alaska, who are less than 50 km from the site, protest the mining project, but are excluded from decisions because of the broader. The Southeast Alaska Indigenous Transboundary Commission (SEITC) note that mining projects will indelibly have downstream impacts, including on fish populations in the Taku, Stikine, and Unuk rivers¹⁶¹ – a reminder that we are all stakeholders in environmental negotiations, yet rarely recognized as such.

Seabridge refuted claims of inadequate consultation with the TSKLH, arguing that they provided the Nation with a copy of their application for SSD. Yet, the Nation highlighted that no

¹⁵⁷ "British Columbia Province and Others Lawsuit Re," para. 1.

¹⁵⁸ Ibid, para. 3.

¹⁵⁹ Ibid, 6.

¹⁶⁰ Ahluwalia, "Canada First Nation Challenges British Columbia Government," para. 5.

¹⁶¹ Nathan Strout, "Alaska Tribes Deliver 30,000 Letters Opposing Canadian Mining Near Salmon-Bearing Rivers," November 18, 2025, para. 5.

subsequent efforts for real consultation or dialogue were initiated.¹⁶² Seabridge's chair and CEO

Rudi Fronk responded:

Seabridge's application for a substantially started determination was widely supported by the communities of northwest British Columbia, including Indigenous communities. TSKLH were provided the relevant information early and participated in the province's review process...¹⁶³

Yet, when asked directly about the details of this purported consultation and review process, Fronk replied: "At this point, Seabridge does not have access to the record of consultation between the province and the TSKLH Nation and is therefore unable to offer a fully informed view on the merits of TSKLH's claims."¹⁶⁴

Where and why did consultation fail? This inadequate consultation processes raises two important questions: 1) *Who was consulted and who was not?* While Seabridge and the British Columbia government consulted the Nisga'a and Tahltan, they did not consult the TSKLH. This begs the question: Are today's consultation processes merely performative, generalizing "Indigenous" support and overlooking differences among Nations? What are the guardrails needed to prevent generalizations and "tokenism"? And 2) *What were the procedures and timelines for consultation?* The province granted the project the status of "substantially started" without first giving the TSKLH an opportunity to voice their concerns. What judicial and regulatory processes are needed to mediate these interactions and to establish adequate timelines for concerns and disagreements to be negotiated and addressed?

Beyond the political implications of the inadequate consultation process, the TSKLH have highlighted the potential disastrous impacts of mining projects on local ecosystems. In particular,

¹⁶² Marilyn Scales, "Indigenous Nation Says No One Consulted Them on the Seabridge KSM Project," Canadian Mining Journal, November 25, 2024, para. 6.

¹⁶³ Ibid, para. 8.

¹⁶⁴ Ibid, para. 6.

the Nation is worried about the mine's proximity to the Nass and Unuk rivers, and the storing of toxic waste.¹⁶⁵ The TSKLH argue that while regulatory standards might be met on paper, the real-world effects of mining projects are often more damaging than initially anticipated or publicly announced.¹⁶⁶

The KSM's toxic byproducts will be collected in a massive manmade pond next to natural waterways the local community has long depended on for food and way of life. These toxic byproducts are stored in tailings facilities or dammed ponds until they are able to organically break down.¹⁶⁷ Other environmental hazards include "Mine tailings," which are materials left over from the mining process, including acidic rock waste, chemicals, undesirable metals, and discharge from processing the minerals.¹⁶⁸ Decommissioned mine tailing facilities in the United States are often highlighted as Superfund sites – areas the U.S. Environmental Protection Agency (EPA) identifies as being contaminated with hazardous substances that require long-term cleanup because of the risk to the environment or human health.¹⁶⁹ Similarly, in Canada, there has been a long history of environmental devastation caused by mining activity. For example, the Keno Hill Site in the Yukon Territory is the site of 34 abandoned silver mines. Between 1914 and 1989, several corporations under the supervision of the Yukon Government mined 6.8 million kg of silver from the site. This resulted in heavy-metal contamination of nearby creeks; water testing in the region shows that heavy-metal contamination in the region continues to this day.¹⁷⁰ The mine

¹⁶⁵ "British Columbia Province and Others Lawsuit Re," para. 1.

¹⁶⁶ Harjaap Ahluwalia, "Canada First Nation Challenges British Columbia Government over Mine Project Consultation," JURIST, November 26, 2024, para. 4.

¹⁶⁷ "Tsetsaut Skii km Lax Ha Nation Files for Judicial Review of B.C.'s Substantial Start Determination for Seabridge Gold's KSM Mine," Tsetsaut Skii km Lax Ha Nation, November 25, 2024, para. 4.

¹⁶⁸ Jack Darrell, "World's Largest Undeveloped Gold Mine Faces Legal Challenges from Canada and Alaska Tribal Nations," KRBD, January 28, 2025, para. 6.

¹⁶⁹ Ibid, 6.

¹⁷⁰ "Abandoned Mines: the Case Studies – Keno Hill Silver Mines," NiCHE – Network in Canadian History & Environment, para. 1.

at Port Radium in the Northwest territories shows a similar pattern. Located on the east shore of Great Bear Lake, the mine at Port Radium operated from 1932 to 1982. During World War II, the mine produced uranium for American atomic bombs. In 1944, the Canadian government covertly took control of the mine for nuclear weapon construction. Today, the nearby Sahtu Dene community of Déline have experienced elevated levels of cancer, raising alarm about radioactive contamination of the local environment. By 1999 alone, fourteen of the thirty Dene workers who were employed to transport uranium from the facility had died of cancer.¹⁷¹ The TSKLH do not want these histories to repeat themselves.¹⁷²

In light of the project's environmental risks and inadequate consultation procedure, the Nation has taken legal steps to fight the project. The TSKLH filed a legal challenge on the grounds of inadequate consultation prior to approval, arguing that the province failed to meet its constitutional duty to consult Indigenous communities impacted by the decision, as mandated by Canadian law and the UN Declaration on the Rights of Indigenous Peoples.¹⁷³ For example, Article 32 of UNDRIP reads:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.¹⁷⁴

Further, Canada's legal precedent for consultation was also set in the landmark case, *Haida Nation v. British Columbia (Minister of Forests)*, where the Supreme Court of Canada ruled that

¹⁷¹ Ibid, para. 5.

¹⁷² "Tsetsaut Skii km Lax Ha Nation Files for Judicial," para. 4.

¹⁷³ British Columbia Province and Others Lawsuit Re," para. 1.

¹⁷⁴ United Nations, *United Nations Declaration on the Rights of Indigenous Peoples*, 2007, 12.

Section 35 of the Constitution Act, 1982 affirms that the duty to consult is a constitutional obligation in Canada.¹⁷⁵

The legal challenge submitted by the TSKLH Nation to the BC Supreme Court in 2024 is a request for the judicial review of the approval of the KSM mine project; the Nation hopes the province will reverse the approval.¹⁷⁶ The decision is still pending.¹⁷⁷ As a broader commentary on consultation processes in Canada, including the tension between Indigenous sovereignty, economic development and environmental health, the outcome of this legal challenge carries immense weight.¹⁷⁸ The B.C. court has an important decision – one that will shape the future of resource development in Canada, and dictate the role of accountability, inclusion and dialogue in Canadian policy.

People vs. Pipelines (Case Study 2)

This case study considers the Wet'suwet'en First Nation's protests against the Coastal GasLink (CGL) pipeline. The following two case studies will explore how in the face of federal neglect and exclusion, marginalized stakeholders have leveraged grassroots mobilizations and international authorities, like the United Nations and Amnesty International, to push for change.

The CGL Pipeline delivers natural gas from Dawson Creek to Kitimat, British Columbia via a 670 km pipeline.¹⁷⁹ The Wet'suwet'en are a First Nations people native to British Columbia with a traditional territory that encompasses over 8,000 square miles near the Bulkley River, including some of the territory of the pipeline.¹⁸⁰ Wet'suwet'en Hereditary Chiefs, who are the

¹⁷⁵ Ahluwalia, "Canada First Nation Challenges British Columbia Government," para. 2.

¹⁷⁶ Ibid, para. 1.

¹⁷⁷ Darrell, "World's Largest Undeveloped Gold Mine," para. 49.

¹⁷⁸ Ahluwalia, "Canada First Nation Challenges British Columbia Government," para. 7.

¹⁷⁹ Canada Public Safety, "Parliamentary Committee Notes: Coastal Gaslink Pipeline Protests," www.publicsafety.gc.ca. May 11, 2023, para. 1.

¹⁸⁰ "Wet'suwet'en | EBSCO," EBSCO Information Services, Inc., 2023, para. 1.

traditional authorities of the Nation, have never consented to the CGL pipeline because of its potential for environmental destruction. In particular, Wet'suwet'en Hereditary Chiefs are concerned about the dangers it poses to the Wedzin Kwa (Morice River) – one of the few remaining sources of clean drinking water in the territory and a river with large salmon populations.¹⁸¹

CGL leadership obtained 20 benefit agreements with Indigenous groups along the pipeline route, including with four of the five Wet'suwet'en *Indian Act* bands. While several elected First Nations governments signed benefit agreements with the company, many in the traditional leadership of the Nation are resistant to the project. This resistance by traditional authorities is portrayed by the Canadian government as at odds with development and economic success. For example, the Parliamentary Committee Notes on the Coastal Gaslink Pipeline Protests read: “Although all the Wet'suwet'en band councils are in agreement with the project, as it would bring financial benefits to their communities, the Hereditary Chiefs, represented by the Office of the Wet'suwet'en (OW), are in opposition...”¹⁸² Those in support of the pipeline often share this perspective. For example, former premier of Alberta, Jason Kenney, declared: “This is not about Indigenous people. It's not about carbon emissions. It's about a hard-left ideology that is, frankly, opposed to the entire modern industrial economy.”¹⁸³

The Wet'suwet'en people initially looked to fight the pipeline through legal avenues; yet, these efforts were often met with uncompromising rulings. For example, justice Marguerite Church stated: “While Wet'suwet'en customary laws clearly exist on their own independent

¹⁸¹ Canada Public Safety, “Parliamentary Committee Notes,” para. 3.

¹⁸² *Ibid.*, para. 1.

¹⁸³ Amber Bracken, “Canada: protests go mainstream as support for Wet'suwet'en pipeline fight widens,” *The Guardian*, February 14, 2020, para. 19.

footing, they are not recognized as being an effectual part of Canadian law.”¹⁸⁴ Moreover, efforts to establish title to the land through the courts would take decades to adjudicate and cost millions of dollars.¹⁸⁵ As legalistic avenues proved roadblocks to action, the Wet’suwet’en looked to grassroots movements.

Protestors and land defenders began to establish blockades to prevent pipeline activity.¹⁸⁶ In response, CGL leadership sought and obtained an interlocutory injunction from the B.C. Supreme Court to address blockades impeding pipeline construction in 2019.¹⁸⁷ The injunction contained an enforcement clause that authorized the Royal Canadian Mounted Police to arrest any person that they believe is contravening the injunction.¹⁸⁸ This national police response included bringing in helicopters, heavily armed officers, and dogs to enforce the injunction.¹⁸⁹ The RCMP arrested 19 people, charging them with criminal contempt for defying the court’s injunction.¹⁹⁰ Land defenders describe being harassed, forcibly removed, intimidated, and criminalized by the RCMP and CGL’s private security guards, inciting violent clashes between the police and protestors.¹⁹¹ Spokesperson for the Wet’suwet’en Nation Molly Wickham explained: “Indigenous people see what’s happening to us and see what’s happening to our territory and our pristine waters – and to our people on the ground, having semiautomatic weapons aimed at us...People are responding to that in appropriate ways.”¹⁹²

¹⁸⁴ “The Invisible Thread? The Coastal GasLink Decision and Why We Must Do More to Recognize the Application of Indigenous Law,” *West Coast Environmental Law*, January 15, 2020, para. 14.

¹⁸⁵ Bracken, “Canada: protests go mainstream,” para. 30.

¹⁸⁶ Cory Ruf, “Canada: Construction of Pipeline on Indigenous Territory Endangers Land Defenders,” *Amnesty International Canada*, October 3, 2022, Para. 6.

¹⁸⁷ *The Canadian Press*, “Timeline of Wet’suwet’en Solidarity Protests and the Dispute That Sparked Them,” *Global News*, February 17, 2020, para. 3.

¹⁸⁸ Canada Public Safety, “Parliamentary Committee Notes,” para. 2.

¹⁸⁹ Bracken, “Canada: protests go mainstream,” para. 7.

¹⁹⁰ Canada Public Safety, “Parliamentary Committee Notes,” para. 4.

¹⁹¹ *Ibid*, para. 5.

¹⁹² Bracken, “Canada: protests go mainstream,” para. 22.

In spite of legal orders to relinquish their traditional territories, protestors continued to resist, arguing that the CGL had no right to order their removal. Instead, on January 1st 2020, the Wet'suwet'en served Coastal GasLink with an eviction notice.¹⁹³ Resistance efforts continued to grow and in 2020 protests culminated in anti-pipeline protests and railway blockades across Canada. This caused cancelled freight and passenger trains, including railway blockades on the Tyendinaga Mohawk Territory in Ontario, which stopped railway activity between Montreal and Toronto.¹⁹⁴ In September 2021, protestors occupied a drill pad site where the CGL was preparing to drill under the Morice River.¹⁹⁵

Recognizing the rights violations involved in the pipeline project, the United Nations issued a two-page decision statement. In the decision, the UN encouraged Canada to take immediate action to stop the forced eviction of Wet'suwet'en Peoples, and they encouraged the federal government to withdraw the RCMP and associated security and policing services from Wet'suwet'en lands. The UN committee said that it condemned the: "forced removal, disproportionate use of force, harassment and intimidation by law enforcement officials against Indigenous Peoples who peacefully oppose large-scale development projects."¹⁹⁶ Further, the UN statement expressed its disappointment with Canada's clear misunderstanding of the right to free, prior and informed consent.¹⁹⁷

For this reason, longstanding president of the Union of BC Indian Chiefs (UBCIC) Grand Chief Stewart Phillip communicated the need to hold the government accountable for adhering to UNDRIP:

¹⁹³ The Canadian Press, "Timeline of Wet'suwet'en Solidarity," para. 4.

¹⁹⁴ Canada Public Safety, "Parliamentary Committee Notes," para. 3.

¹⁹⁵ Ibid, para. 5.

¹⁹⁶ Sarah Cox, "UN Committee Rebukes Canada for Failing to Get Indigenous Peoples' Consent for Industrial Projects" The Narwhal, January 15, 2021, para. 7.

¹⁹⁷ Ibid, para. 20.

There has to be immediate action. ... the government has catered to the corporate world at the expense of our international, constitutional and legal rights in regard to access to lands and resources and the ability to establish [an] economic base that will allow us to properly caretake our people.¹⁹⁸

Other organizations also condemned the federal government for its failure to consult and honor agreements with the Wet'suwet'en Hereditary Chiefs. For example, Secretary General of Amnesty International Canada Ketty Nivyabandi stated:

The decision to allow the construction of the Coastal Gaslink pipeline on Wet'suwet'en lands without the free, prior, and informed consent of the Wet'suwet'en Hereditary Chiefs is a brazen violation of the community's right to self-determination and a lamentable step backwards in Canada's journey toward reconciliation with Indigenous peoples. Moreover, expansion of fossil fuels extraction and infrastructure is against Canada's obligation to protect human rights from the worst impacts of the climate crisis.¹⁹⁹

Amnesty International Canada therefore explicitly called: "on the governments of Canada and B.C. to halt pipeline construction in the traditional, unceded territories of the Wet'suwet'en."²⁰⁰

Despite the fervent resistance, the CGL pipeline was ultimately built. Even though the resistance movement spanned the country and showed clear and widespread citizen discontent, the government moved forward with the pipeline. This offers an important opportunity to reflect on the state of our democracy: *What impact does it have on democracy when citizen voices and widespread public discontent are ignored? How might this erode trust in the very institutions that are meant to protect the people? Ultimately, whose interests are represented in decision-making today?*

¹⁹⁸ Ibid, 36.

¹⁹⁹ Amnesty International, "Construction of Pipeline on Indigenous Territory in Canada Endangers Land Defenders," Amnesty International, October 3, 2022, para. 2.

²⁰⁰ Ibid.

The pipeline achieved mechanical completion in November 2023 and is currently in operation.²⁰¹ Throughout the pipeline’s construction, Coastal GasLink violated numerous environmental laws, receiving almost \$1.4 million in financial penalties. Among its many violations, the pipeline project allowed sediment to infiltrate sensitive ecosystems, including rivers, wetlands and creeks.²⁰² Indigenous leaders and environmental activists point to this pipeline not only to show blatant processes of social exclusion, but also to show how the exclusion of marginalized and local communities from environmental negotiations culminates in environmentally destructive practices with long-lasting harms.

Battle of the Woods (Case Study 3)

The largest act of civil disobedience in Canadian history, the 2020-21 Fairy Creek protests against old-growth logging were considered a battle “between those who seek to protect our forests, and those who seek to profit from them.”²⁰³

The Fairy Creek watershed in southern Vancouver Island holds an abundance of old-growth forests and some of the last untouched forests on Vancouver Island.²⁰⁴ According to British Columbia government data, approximately 74% of the province’s original old-growth forests have been logged.²⁰⁵ Old-growth forests play a key role as carbon sinks; B.C.’s old-growth forests can store as much as 1,000 tonnes of carbon per hectare – one of the highest carbon sequestration rates on the planet.²⁰⁶ Alternatively, clearcutting these old-growth forests

²⁰¹ Coastal GasLink, “Coastal GasLink Achieves Mechanical Completion, ahead of 2023 Year-End Target,” www.coastalgaslink.com, November 8, 2023, para. 1.

²⁰² Karan Saxena, “Coastal GasLink Pipeline,” *The Narwhal*, 2024, para. 5.

²⁰³ Mammoth Climate, “What Are the Fairy Creek Protests All About?” 2020, para. 5.

²⁰⁴ *Ibid*, para. 11.

²⁰⁵ *Ibid*, para. 12.

²⁰⁶ Jens Wieting, “Preserve Old-Growth Forests to Keep Carbon Where It Belongs | the Tyee.” *The Tyee*, September 12, 2017, para. 6.

releases this stored carbon. Given that old-growth forests are estimated to be more than a thousand years old, replanted forests would take decades, if not centuries, to reach a similar level of carbon absorption.²⁰⁷ Old-growth forests are also resilient to the effects of climate change, as they can withstand floods, wildfires and droughts.²⁰⁸ In sum, the Fairy Creek watershed is a critical ecosystem, as well as one that holds cultural and spiritual importance to the local Pacheedaht and Ditidaht First Nations.²⁰⁹

Protests at Fairy Creek began in August 2020, when activists set up a barricade to stop logging operations in the watershed.²¹⁰ This was a response to broken promises by the British Columbia N.D.P government to slow old-growth logging. Culminating in the largest act of civil disobedience in Canadian history, the protests at Fairy Creek lasted for over a calendar year.²¹¹ Like other clashes between industry and activists, the logging company Teal-Jones Group issued for an injunction against the blockaders.²¹² The injunction accused protestors of infringing on Teal-Jones' legal right to harvest Crown timber and prohibited logging blockades within several hundred square kilometers of Southern Vancouver Island.²¹³ The following year, in 2022, the BC Court of Appeal extended the injunction to further protect Teal-Jones operations.²¹⁴

Enforcing the injunction, the RCMP conducted the arrests of more than 1,100 people.²¹⁵ Activists tell harrowing stories of police violence, including vicious beatings and the use of

²⁰⁷ Democracy Now! "Fairy Creek: Indigenous-Led Blockade of Old-Growth Logging Is Now Canada's Largest Civil Disobedience," September 14, 2021, para. 3.

²⁰⁸ "What Are the Fairy Creek Protests All About?" para. 22.

²⁰⁹ Ibid, para. 14.

²¹⁰ Ibid, para. 7.

²¹¹ Democracy Now! "Fairy Creek: Indigenous-Led Blockade of Old-Growth Logging," para. 1.

²¹² Capital Daily, "Capital Daily's Fairy Creek Coverage, so Far," June 23, 2022, para. 2.

²¹³ Kieran Oudshoorn, "2 Years after Fairy Creek, Old-Growth Logging Protesters Ask: Was It Worth It?" CBC, June 21, 2023, para. 31.

²¹⁴ Capital Daily, "Capital Daily's Fairy Creek Coverage, so Far," para. 5.

²¹⁵ The Narwhal, "Fairy Creek Blockades," para. 2.

harmful substances to deter protestors.²¹⁶ Angela Davidson, a graduate of the First Nations Stewardship Technicians Training Program at the Vancouver Island University, was one of many victims of such violence. She was dragged by the police, causing her knee to dislocate.²¹⁷ Documents show that the RCMP spent approximately \$19 million on the shutdown of the Fairy Creek protests.²¹⁸ Lawyers representing protestors submitted evidence of unnecessary use of force, sexual harassment, and intimidation by the RCMP.²¹⁹

The Fairy Creek protests yielded mixed results. While the government has granted Teal-Jones injunctions to prevent blockades, the government has also been forced to acknowledge and cede to the demands of the protestors. For example, in June 2021, the provincial government granted the request from three First Nations, the Pacheedaht, Ditidaht and Huu-ay-aht, to stop old-growth logging in the Fairy Creek watershed and Central Walbran regions for two years.²²⁰ The B.C. provincial government enacted several logging deferrals of endangered old-growth forests and publicly announced a 42 percent decrease in old-growth logging in the two years following the protests.²²¹ Altogether, the B.C. government has deferred logging 2.1 million hectares of old-growth forests.²²² Even the director of Indigenous partnerships and strategic relations for the Teal-Jones Group acknowledged the tangible impact of the protests on the company's operations: "It's funny how large-scale protests will discourage certain contractors from coming to work for a company." ²²³

²¹⁶ Democracy Now! "Fairy Creek: Indigenous-Led Blockade of Old-Growth Logging," para. 5.

²¹⁷ Oudshoorn, "2 Years after Fairy Creek, Old-Growth Logging Protesters Ask," para. 18.

²¹⁸ Ibid, 50.

²¹⁹ Capital Daily, "Capital Daily's Fairy Creek Coverage, so Far," para. 4.

²²⁰ The Narwhal, "Fairy Creek Blockades," para. 5.

²²¹ Oudshoorn, "2 Years after Fairy Creek, Old-Growth Logging Protesters Ask," para. 7.

²²² Ibid, 33.

²²³ Ibid, 30.

In sum, this chapter has analyzed a variety of legal challenges, protests, and resistance efforts, all of which have had different outcomes. These divergent outcomes raise important questions about why some strategies or avenues prove “successful,” while others do not. Let us consider three important factors in resistance efforts: 1) scale and visibility; 2) legal precedence and leverage; and 3) jurisdiction and internal division.

Primarily, scale and visibility are central to the outcome of resistance efforts. Using Fairy Creek as an example, the blockade proved distinctly effective because the protesters were able to establish a small, visible blockage on the logging road.²²⁴ The Wet’suwet’en land defenders protesting the Coastal GasLink pipeline, by contrast, were up against hundreds of kilometers of pipeline, rendering physical obstructions nearly impossible.²²⁵ Additionally, visibility and narratives are important. The Fairy Creek protesters leveraged clear and vivid imagery that positioned the situation as a “war in the woods” – trees vs. chainsaws – attracting media attention.²²⁶ In this way, protests that are geographically contained and easy to communicate often have an easier pathway to change. This does not mean people should shy away from protesting pipeline projects and fossil fuels; rather it is important to keep these barriers in mind and strategize creative ways to overcome them.

Another consideration is legal precedence and leverage. In the Fairy Creek case, the B.C. government was already under pressure over old-growth logging after the dire findings of the Old Growth Strategic Review Process in 2019; protesters simply jumped on this momentum and demanded immediate action.²²⁷ By contrast, in the Coastal GasLink case, historical precedence

²²⁴ Serena Renner and Zoë Yunker, “The Fairy Creek blockaders: inside the complicated fight for B.C.’s last ancient forests,” *The Narwhal*, March 26, 2021, para. 1.

²²⁵ TC Energy, “Coastal GasLink.”

²²⁶ Jesse Winter, “‘War in the woods’: activists blockade Vancouver Island in bid to save ancient trees,” *The Guardian*, April 9, 2021, para. 3.

²²⁷ “A New Future for Old Forests: A Strategic Review of How British Columbia Manages for Old Forests Within Its Ancient Ecosystems,” Government of British Columbia, 2020.

was against the protestors; courts have long supported fossil fuel companies over communities, issuing injunctions and enforcing their injunctions with the RCMP.²²⁸ Given this historical precedence, protestors must consider alternative vulnerabilities or avenues to apply pressure (i.e. appealing to or pressuring an election-sensitive premier, who cannot afford to deal with extensive protests, unrest or disruptions).

Finally, matters of jurisdiction and internal division are important. One of the primary obstacles for the TSKLH Nation against the KSM mining project was that other Nations agreed to terms set by Seabridge.²²⁹ Although often easier said than done, forming cross-Nation coalitions could be helpful here. Moreover, division is not always between nations but can also occur within nations. For example, in the GasLink pipeline case, the Wet'suwet'en were split between the elected band councils, who signed project agreements, and hereditary leaders, who opposed the pipeline.²³⁰ When authority is divided, the state will often exploit these fractures. Understanding the divisive strategies of the status quo and building solidarity or coalitions can help overcome these challenges.

Yet, as we reflect on the challenges of resisting the status quo, it is also important to ask: *what qualifies as a "success"?* Although a protest may not achieve its ultimate goals, this does not render the protest futile. Every protest and act of resistance shapes historical precedence, political norms and public sentiment. Take the Fairy Creek protests as an example; while the protests did not stop logging entirely, they still pushed the government towards a steep reduction in the logging of old-growth forests. Similarly, the KSM and Coastal GasLink projects contributed to broader anti-pipeline and anti-mega-mine movements, sending an important

²²⁸ Canada Public Safety, "Parliamentary Committee Notes," para. 2.

²²⁹ "Project Overview," KSM Project, para. 1.

²³⁰ Canada Public Safety, "Parliamentary Committee Notes," para. 1.

message to the government and corporations: Canadians will not accept unfettered natural resource extraction and the polluting of our ecosystems and communities.

Chapter 3: Frameworks and Solutions

This chapter examines models and frameworks to expand diverse stakeholder participation in environmental policymaking. In previous chapters, we have examined the exclusionary nature of policy processes in Canada. To address these exclusions, this chapter proposes democratic mechanisms for diverse stakeholder engagement on environmental policy – in ways that are tangible, transparent and accessible. While this chapter does not attempt to present an exhaustive set of solutions or “quick fixes” to historical and continuing wrongs, it sets out to highlight process-oriented approaches to shift access to power and distribute that power amongst greater numbers of people. With an understanding that a failure to negotiate environmental decisions among diverse communities tends to culminate in short-sighted, environmentally destructive policies, this chapter outlines processes to broaden platforms for engagement – both within and outside of electoral politics.

Let us begin with strategies within electoral politics. Participatory democracy is a political theory that prioritizes expanded citizen involvement in governance. Fundamentally, it advocates for increased opportunity for public engagement with the policies that define our societies – processes that go beyond simply voting for political representatives.²³¹ This form of collective decision-making ensures that citizens have the power to decide on policy proposals, which are then implemented by elected politicians. This model also allows for transparency and accountability; the electorate evaluates the politicians’ performance by comparing citizens’ proposals with the policies implemented. As a result, the discretion of politicians and those with power is largely constrained, ensuring that the general public has a direct say in the trajectory of

²³¹ Nick Jain, “What Is Participatory Government?” IdeaScale, March 22, 2024, para. 1.

the state.²³² In other words, it is not just the loudest voices or those with the most resources and power that are heard.

Offering forums for diverse stakeholder engagement is key to Canada representing and including the many stakeholders implicated in environmental outcomes. We might focus on three main groups of stakeholders: 1) government at all levels (municipal, provincial, federal, and Indigenous Nations and governments); 2) experts (scientists, community engagement experts, scholars etc.); and 3) general stakeholders (industry representatives, environmental organizations, and local communities). Each group of stakeholders is key to creating policy that reflects the interests of a majority of Canadians. Thus, creating mechanisms for the active participation of these diverse stakeholders is critical to Canada's ability to develop and implement holistic, farsighted policy. This chapter will consider frameworks and strategies for increased stakeholder engagement on policy.

As a federal parliamentary democracy, Canada has a division of powers between a nationally elected federal government and locally elected provinces and Northern Territories.²³³ The federal government tends to hold jurisdiction over international and cross-provincial resources and projects, such as fisheries and large-scale energy projects. Provincial and territorial governments have jurisdiction over property and civil rights within their region, including over land resources, mines, minerals, forestry and most power generation in the region. At the city or town level, municipalities can establish local by-laws to protect the environment, such as through the management of stormwater, noise and odor – under the condition that these by-laws do not conflict with federal or provincial legislation.²³⁴ Finally, engagement with Indigenous authorities

²³² Ibid, para. 2.

²³³ International Comparative Legal Guides, "Environment & Climate Change Laws and Regulations: Canada," ICLG.com, March 27, 2026, para. 1.

²³⁴ Ibid, para. 2.

is needed and required by law, as many modern land claims agreements with Indigenous communities include negotiated levels of self-governance, including over environmental and resource management. To honor these agreements, serious and consistent engagement with Indigenous authorities is required.²³⁵ Understanding and working at all four government scales is key to ensuring that environmental policy reflects national, provincial/territorial, and local interests. For example, while the federal government may have jurisdiction over a multi-province pipeline project, the government should give the local communities most affected by the project and Indigenous authorities involved in the co-management of the region a voice in the approval or denial process.

These foundations of participatory democracy advocated for in this chapter are not new. For example, in Scandinavian political culture, the concept of *folkhemmet*, “The People’s Home,” has long embodied the tenants of participatory democracy. *Folkhemmet* asserts that political authority should emerge from common people through representative institutions. Particularly used in contrast with aristocratic or noble dominance, *folkhemmet* prioritizes egalitarian ideals where authority derives from the common people.²³⁶

This concept is not purely theoretical, however. The Nordic region today, consisting of five sovereign states – Denmark, Finland, Iceland, Norway and Sweden (plus the three autonomous territories: the Faroe Islands, Greenland (Denmark), and Åland (Finland)), continues to honor many of the tenants of *folkhemmet*.²³⁷ Nordic countries offer robust welfare services, including child benefits, parental leave, and health services. Providing care for the sick, unemployed, and senior citizens, the public sector emphasizes core values of “compassion, tolerance and the

²³⁵ Ibid, para. 5.

²³⁶ Nils Edling, “The People’s Home 1900–2020: An Interpretation,” Swedish Research Council, 2020, para. 5.

²³⁷ “The Nordic Lead in Sustainability - a Global Platform for Learning the Nordic Way,” LEEG-Net.

conviction that all humans are of equal worth.”²³⁸ Indeed, few countries in the world offer as comprehensive and well-designed of a financial safety net as Nordic countries do. This financial safety net has been central to reducing economic inequality and ensuring a high-quality of life across the region.²³⁹ Further, in the face of rapid environmental change and threats to democracy, social unity and support are critical tools for managing through change.²⁴⁰

Therefore, it is no surprise that the Nordic region also ranks as the world’s most sustainable region.²⁴¹ Make no mistake, this does not mean all Nordic countries follow a uniformly beneficial environmental framework. For example, Norway has a contradictory environmental footprint based on both a renewables-based electricity grid²⁴² and continued heavy extraction of fossil fuels.²⁴³ This is to say, no one country is perfect – each model should be evaluated for its beneficial and potentially applicable aspects, rather than as a holistic, all-encompassing solution. For example, we might focus on and learn from how Finland and Sweden dominate rankings for sustainability research, government engagement on environmental issues, and environmental policy inclusivity.²⁴⁴ This point about policy inclusivity is key; Nordic nations often integrate public participation and community input into policy development to ensure policy decisions reflect public interest. Through structured advisory groups and participatory platforms, Nordic countries often employ human rights-based

²³⁸ Nordic Council, “Social Policy and Welfare,” para. 4.

²³⁹ Ibid, para. 1.

²⁴⁰ “The Nordic Lead in Sustainability,” LEEG-Net, para. 1.

²⁴¹ Ibid.

²⁴² “Share of Renewable Energy in Final Energy Consumption | Norway,” European Environment Agency, September 27, 2025.

²⁴³ Arief Rahman et al., “The Contested Political Economy of Norway’s Oil and Gas Industry.” Science Direct, 2025, para. 1.

²⁴⁴ “Nordic Nations Sweep Top Spots in Country Sustainability Ranking,” *Robeco*, June 2024, para. 1.

approaches to the environment, stressing the interconnectedness of social and environmental wellness.²⁴⁵

This Nordic framework for stakeholder participation on social, political, economic and environmental policy is formally known as the “Nordic Model.” The Nordic Model refers to processes for maintaining economic opportunity, while prioritizing equality and communal wellbeing. The Nordic model offers an alternative to the “winner-take-all” brand of capitalism that drives poverty, prioritizes extraction and environmental exploitation, undermines the social safety net, and engenders conflict.²⁴⁶ This model communicates that economic prosperity and social welfare are not mutually exclusive, but rather can co-exist in a healthier, more inclusive and united society. In this way, the Nordic model outlines possibilities for proactive sustainable development, a high degree of social trust, cohesion, and support, and mechanisms for transparency in governance.²⁴⁷

Nordic countries are not simply idyllic paradises, however. While Nordic countries are known for topping charts in social welfare, they have also “topped the charts for something far more insidious as well: racism.”²⁴⁸ According to a 2018 study, 63 percent of people of African descent in Finland have experienced racially motivated harassment (far above the group average of 30 percent for 12 European Union states). In Denmark and Sweden, the percentage was 41 percent.²⁴⁹ In 2015, 65 percent of the Finnish population strongly disagreed with the statement that the “white European race must be prevented from mixing into darker races because otherwise the European autochthonous population will go extinct.” However, in 2020, the

²⁴⁵ “The Nordic Lead in Sustainability,” LEEG-Net, para. 2.

²⁴⁶ Ibid, para. 8.

²⁴⁷ Ibid, para. 15.

²⁴⁸ “The Happiest and the Most Racist: Institutional Racism in Nordic Countries,” Harvard Political Review, July 25, 2020, para. 1.

²⁴⁹ Ibid, para. 2.

number had decreased to 56.²⁵⁰ Other Nordic countries have seen similar trends. For example, in Denmark, the government compiled a list of “ghetto” neighborhoods – an action the United Nations High Commissioner for Human Rights identified as “hugely troubling and risks heightening racial discrimination...”²⁵¹

Immigration has become a key issue of debate with right-wing movements and xenophobic sentiment spanning the globe. Studies have shown that Finland’s views on immigration have become less tolerant in the past five years.²⁵² Similarly, Denmark made tangible efforts to clamp down on immigration. As of January 1, 2026, Denmark raised immigration application fees, increased salary thresholds, and reduced the number of jobs available to foreign workers.²⁵³ (Given existing freedom-of-movement rules, EU and Nordic citizens are not subject to these changes, meaning only non-EU people will be affected.)²⁵⁴ Iceland also recently introduced a custom-designed car to provide border surveillance that is found to disproportionately target certain communities and has been criticized for racial profiling.²⁵⁵

In sum, the Nordic model for sustainability, policy inclusivity and social welfare offers an important model for social organization and governance yet is not without its faults. Canada, a country that prizes its multiculturalism, should draw inspiration from the Nordic model and strive to go even further...*What would it mean to achieve social and environmental wellness in a truly diverse society?*

The next part of this chapter examines three other notable models for civic engagement in Europe: France, Ireland and the United Kingdom.

²⁵⁰ Ibid, para. 4.

²⁵¹ Ibid, para. 5.

²⁵² Ibid, para. 4.

²⁵³ “Denmark Tightens Immigration Rules in 2026.” ETIAS.com. January 9, 2026, para. 3.

²⁵⁴ Ibid, para. 6.

²⁵⁵ “Conservation through Reconciliation Partnership,” Conservation through Reconciliation Partnership, October 23, 2025, para. 5.

I. France's Citizens' Convention

In response to France's 2018 nationwide protest movement over rising fuel prices (partially caused by a carbon tax) called the "gilets jaunes" or "yellow vests," President Macron convened the Citizens' Convention in 2019.²⁵⁶ The convention was tasked with outlining measures on climate action to help France achieve a reduction in greenhouse gas (GHG) emissions by at least 40% by 2030 compared to 1990 levels.²⁵⁷ President Macron clearly stated the convention's importance and unfiltered nature; he declared that the convention's proposals would be submitted "without filter" to a referendum.²⁵⁸

Selected from 300,000 randomly generated phone numbers,²⁵⁹ one-hundred and four citizens were selected as committee members (they were compensated as if for jury service with €84/day).²⁶⁰ Committee members were randomly assigned to five thematic groups that covered critical sectors and aspects of environmental impact: housing (*Se loger*), labor and production (*Travailler et produire*), transport (*Se déplacer*), food (*Se nourrir*), and consumption (*Consommer*).²⁶¹ Each thematic group was given information from experts, including representatives of government, businesses, unions, think tanks, and experts in climate policy, science, and democracy. Committee members then deliberated and developed proposals, which were voted on in the final weekend.²⁶²

²⁵⁶ Jo Lauder, "France's president gave ordinary people the power to formulate national climate policies. He got more than he bargained for," ABC News, October 12, 2022, para. 11.

²⁵⁷ "French Citizens' Convention on the Climate," Knowledge Network on Climate Assemblies (KNOCA), April 8, 2020, para. 3.

²⁵⁸ Ibid, para. 4.

²⁵⁹ Ibid, para. 5.

²⁶⁰ Ibid, para. 8.

²⁶¹ Ibid, para. 10.

²⁶² Ibid.

By the conclusion of the convention, 149 draft laws and three referendums were agreed upon. President Macron thereafter committed to supporting 146 of the 149 proposed measures.²⁶³ It is important to note that Macron broke his promise of supporting the policies entirely “without filter.” He vetoed three policies: 1) taxing big corporations to fund the proposed measures; 2) reducing speed limits; and 3) introducing a crime of ecocide that renders the head of a company criminally responsible for acts of environmental destruction (i.e. an oil spill). France could have been the first country ever to make ecocide a crime – Macaron chose to defend big firms instead.²⁶⁴

Nonetheless, the convention and subsequent legislative processes operated with great transparency. In subsequent processes of reviewing and codifying the proposals, members of the convention were invited to government workshops to discuss implementation of their proposed measures. Further, in the spirit of transparency, Macaron met again with committee members in December 2020 to update them on progress made with their proposed laws.²⁶⁵ Similarly, France’s Ecological Transition Ministry (Ministère de la Transition Écologique) regularly updates a website that tracks the implementation of the proposals.²⁶⁶

Overall, the convention presents the possibilities for civic participation and processes of transparency in environmental decision-making. Further, the French government released its total budget for the initiative: €5.4 million.²⁶⁷ This effort demonstrates that similar initiatives can be implemented with modest resources while producing meaningful and material outcomes.

²⁶³ Ibid, para. 14.

²⁶⁴ Lauder, “France’s president gave ordinary people the power to formulate national climate policies,” para. 56.

²⁶⁵ “French Citizens’ Convention on the Climate,” para. 17.

²⁶⁶ Ibid.

²⁶⁷ Ibid, para. 21.

II. Ireland's Citizens' Assembly

Ireland's Citizens' Assembly followed a similar framework to that of France. The Citizens' Assembly employed a deliberative democracy approach – a school of thought in political theory that claims that policy should be the result of debate and discussion among citizens. Deliberative democracy practices are gaining traction globally as a means to respond to the challenges and obstacles facing democracies.²⁶⁸ Ireland had already passed two constitutional amendments that originated as proposals from deliberative democracy projects, making Ireland a world leader in the use of this model of civic engagement.²⁶⁹

Following the 2016 general election in Ireland, the government committed to establishing a Citizens' Assembly that would give the general public a voice on a number of key issues without participation by politicians.²⁷⁰ The assembly began operations in October 2016, hosting 12 weekend meetings until April 2018. Ninety-nine citizen members were chosen at random for the Assembly, and they represented a diverse group with regards to gender, age, social class and regional spread.²⁷¹ A central feature of the assembly initiative was ensuring transparency. All public meetings were live streamed and archived online. Additionally, all papers presented to the members were also made available online.²⁷²

Members of the assembly were given expert, factual advice to deliberate on five topics: how the state can better prepare Ireland for tackling climate change, the challenges and opportunities of Ireland's ageing population, fixed-term parliaments, how referenda are held, and abortion policy.²⁷³ For each of these five topics, the assembly was tasked with making recommendations

²⁶⁸ "Deliberative Democracy," *Encyclopædia Britannica*, para. 1.

²⁶⁹ "The Irish Citizens' Assembly," *Observatory of Public Sector Innovation*, February 4, 2019, para. 12.

²⁷⁰ *Ibid.*, para. 5.

²⁷¹ *Ibid.*, para. 6.

²⁷² *Ibid.*, para. 9.

²⁷³ *Ibid.*, para. 7.

and a report to the Houses of the Oireachtas, the Irish Houses of Parliament.²⁷⁴ These recommendations were valued by politicians because they offered insights into which policies would likely have public support if passed.²⁷⁵ The assembly was so effective that the Irish Prime Minister, Enda Kenny, publicly stated the Government's intentions to establish a future assembly to consider other societal issues.²⁷⁶

Ireland's Citizens' Assembly demonstrates the applicability of deliberative democracy processes to policy. This assembly shows that both experts and citizens can play an important and direct role in policy. Experts offer critical information about their respective fields, while citizens place this information into their broader experiences as members of the public. This process of informed deliberation captures the essence of negotiations – people from different backgrounds, knowledge bases, and experiences being in conversation and finding ways to move forward together.

III. UK Climate Assembly

Not to belabor the point, the UK's Climate Assembly also emphasizes citizen deliberation on climate change. The UK government has publicly stated its commitment to reaching net zero greenhouse gas emissions by 2050; to deliberate on how to meet this target, Climate Assembly UK brought together over one hundred UK citizens from diverse backgrounds and political affiliations in the spring of 2020.²⁷⁷ Committee members heard balanced evidence on the various avenues for emissions reductions, and made recommendations about important facets of UK life,

²⁷⁴ Ibid.

²⁷⁵ Ibid, para, 11.

²⁷⁶ Ibid, para, 13.

²⁷⁷ "Climate Assembly UK," Climate Assembly UK, para. 1.

including travel, food, land use, and energy.²⁷⁸ The committee concluded with the report, *The Path to Net Zero*, with over 50 recommendations.²⁷⁹

The Climate Assembly’s consideration of several important sectors of UK life enabled the public to find holistic, yet pragmatic solutions. Further, having come from citizens themselves, these policies are more likely to reflect the interests of the public and thereby gain greater public buy-in. In sum, each of the models above offers real, tangible and proven effective means for citizen input. And most importantly, they show what policies the public values and will support.

While the aforementioned studies provide valuable models for public engagement, they are all based in Europe, where settler-colonial histories do not shape domestic relations as profoundly. Thus, to explore a model more relevant to settler-colonial dynamics and the longstanding marginalization of Indigenous peoples, the following section will outline a framework used in New Zealand. Challenging systems of exclusion, Māori communities in New Zealand have pushed for alternative means of environmental management and governance, such as those codified in the Te Urewera Act of 2014.²⁸⁰

IV. The Te Urewera Act

The Te Urewera Act was based on the understanding that colonization has resulted in the exclusion of Indigenous people from managing their own ancestral lands and resources.²⁸¹ This phenomenon is seen globally, as settler ideas of “conservation” meant keeping land separate

²⁷⁸ “Recommendations,” Climate Assembly UK, para. 2.

²⁷⁹ “Report,” Climate Assembly UK, para. 1.

²⁸⁰ Shana R. Herman, “Conservation Co-Governance as a Cure: Investigating Aotearoa new Zealand’s Conservation Co-Governance Model as a Blueprint for Restoring Navajo Sovereignty in Managing Canyon de Chelly,” Villanova University, May 29, 2024, 206.

²⁸¹ Ibid.

from human communities – including those who have long engaged in respectful relations to, with and through the land.²⁸²

Like New Zealand, Canada has recognized this exclusion and, in the name of reconciliation, has signaled its commitment to reassess Indigenous involvement in environmental management. In particular, Parks Canada has publicly endorsed efforts to achieve more diverse participation in the stewardship of natural environments through *co-management* schemes. Parks Canada identifies national parks, national park reserves, and national marine conservation areas (NMCAs) as ideal spots for these co-management efforts.²⁸³ Co-management initiatives have gained great momentum in Canada, the United States and New Zealand, as a means to allow partnerships and collaboration between Indigenous nations and the federal government without demanding deep, structural change.²⁸⁴

In this way, notwithstanding their potential for diversifying environmental leadership, co-management strategies also receive a lot of skepticism. Many ask: “can reconciliation be through co-management arrangements involving the state?”²⁸⁵ *In other words, given the long history of dishonest dealings, broken promises and exclusionary politics, can the government interact meaningfully and in full partnership with Indigenous communities?* Many Indigenous leaders and scholars have critiqued state led reconciliation efforts as empty and performative gestures that fail to address underlying conditions, laws and systems that perpetuate the harms of colonialism.²⁸⁶ Indeed, co-management frameworks have increasingly been critiqued for their unwillingness to address foundational imbalances of power, the treaty-foundations of settler-

²⁸² Ibid, 208.

²⁸³ Kai Bruce and Monica E. Mulrennan, “A Typology of National Park Co-management Agreements in the Era of Reconciliation in Canada,” July 4, 2024, 564.

²⁸⁴ Ibid.

²⁸⁵ Ibid, 565.

²⁸⁶ Ibid, 564.

Indigenous relations, and the uneven respect of knowledge systems.²⁸⁷ For example, findings show that while Parks Canada's co-management efforts show a willingness to support Indigenous-led conservation efforts, they refuse to amend foundational legislation that would enable a true sharing of power and authority over national parks.²⁸⁸

Beyond the treaty context, co-management schemes are also steeped in a Western worldview. Indigenous leaders and scholars argue that diversifying environmental governance and conservation requires a fundamental restructuring or “(re)-Indigenization” of the mainstream conservation paradigm.²⁸⁹ The Western perspective on the environment tends to view resources such as land, water, and air as inanimate and commodifiable. As a result, under this framework, humans believe they have a right to exercise domination over, own and exploit nature to their benefit. This sense of division in a master-servant relationship between humans and the environment is at odds with more relational, interconnected Indigenous perspectives of the world.²⁹⁰ The Māori from New Zealand, for example, believe that “the resources of the earth [do] not belong to man but rather, man belong[s] to the earth.”²⁹¹ Māori interactions with one another and nature are governed by the concept of *kaitiakitanga* – that humans have a responsibility to protect other living organisms and natural landscapes on the basis of kinship.²⁹² Similarly, in Canada, the Anishinaabe term “*nindaanikoobijiganag*” describes the interconnected nature of life and relationships across generations, encompassing “connection to the land through

²⁸⁷ Ibid, 565.

²⁸⁸ Ibid, 564.

²⁸⁹ Ibid, 584.

²⁹⁰ Herman, “Conservation Co-Governance as a Cure,” 219.

²⁹¹ Ibid.

²⁹² Ibid.

thousands of years of history”²⁹³ – a stark contrast with much of today’s myopic economic and industrial decision-making.

In response to these identified limitations of co-management and other conservation schemes, community members in Aotearoa, New Zealand sought alternative schemes for ecological management.²⁹⁴

One of the primary solutions identified was to give the land legal personhood. This entailed regarding the land as a self-governing legal entity entitled to its own rights, thereby rejecting the Western perspective of land as mere property.²⁹⁵ This framework is not entirely without precedence or legal grounding; corporations already get this treatment under Canadian law. Despite being a non-human entity, corporations are assigned legal personhood, which means that they have rights separate and apart from the human persons involved in the corporation.²⁹⁶ In the Te Urewera Act 2014, the law grants Te Urewera, a former national park, legal personhood and establishes a joint governmental and tribal Board to oversee the land.²⁹⁷ The Act recognizes Te Urewera as a self-governing “legal entity” with “all the rights, powers, duties, and liabilities of a legal person,” extinguishing its label as “Crown land.”²⁹⁸

Further the Te Urewera Act offers a framework to shift governance towards Indigenous control. For example, in the first three years, the Aotearoa Management Board will have equal membership of Crown and Indigenous members, featuring four Crown-appointed and four iwi-appointed representatives. The Board will then add new representatives to culminate in two-

²⁹³ Kekek Jason Stark, “Anishinaabe Inaakonigewin: Principles for the Intergenerational Preservation of Mino-Bimaadiziwin,” *Montana Law Review*, 82, no. 1 (2021): 281–338, 295.

²⁹⁴ *Ibid*, 205.

²⁹⁵ *Ibid*, 235.

²⁹⁶ “Decision Making: Corporate Rights,” *Rights of Nature Canada*, para 3.

²⁹⁷ Herman, “Conservation Co-Governance as a Cure,” 206.

²⁹⁸ *Ibid*, 224.

thirds iwi management (six iwi-appointed and three Crown-appointed representatives).²⁹⁹ This shifting of power is key to ensuring a move away from exclusionary state-based institutions, and recentering Indigenous knowledge and expertise.³⁰⁰

In addition to the models discussed above, such as the Nordic model and the Aotearoa New Zealand approach, the following sections explore ideas and strategies, both within and outside of electoral politics, to drive diverse participation in policy processes.

Primarily, coalition-building is key – especially when challenging the status quo. As Frederick Douglass famously said, “Power does not concede without demand.”³⁰¹ American activists, George and Doris Blair second this, noting, “The important rules of our social, economic, and political games are written by those who have power.”³⁰² They explain how those with power monopolize our systems, dictating who has access to what benefits and the power to negotiate tradeoffs. Given this uphill battle for marginalized communities, they identify three key “ingredients” to fight exclusion: “information, numbers of people, and widespread coordinated activity.”³⁰³ When pushing for change, especially in systems steeped in historical exclusion, we cannot go it alone. Coalitions create new possibilities, enabling various groups to come together and fight for a common goal with increased strength and bargaining power. While different communities, organizations and agencies may have different experiences, worldviews, and values, when these groups identify aligned interests and work together, they have a greater chance of provoking meaningful and lasting change.

²⁹⁹ Ibid.

³⁰⁰ Ibid, 237.

³⁰¹ Frederick Douglass, “If There Is No Struggle, There Is No Progress” (speech, Canandaigua, NY, August 3, 1857), para. 1.

³⁰² Terry R. Black, “Coalition Building—Some Suggestions,” *Child Welfare* 62, no. 3 (1983): 263–68, May 1983, 263.

³⁰³ Ibid.

Coalitions can take several forms. They can be organized at the community-level, city-level, provincial-level, or national-level depending on the target of influence. Coalitions can also exist between organizations, political parties or industry. As a unified group, the coalition must strategize its approach, including how to access changemakers and push or lobby for change.³⁰⁴

There are several organizations in Canada that use coalition and grassroots lobbying techniques to drive change. In particular, environmental groups in Canada, like the Ontario Clean Air Alliance, the Green Budget Coalition, and the Conservation through Reconciliation Partnership (CRP) bring together diverse stakeholders with diverse expertise. These coalitions often employ a dual approach involving both electoral lobbying and community engagement to build greater support and momentum for legislative wins.

Established in 1997, the Ontario Clean Air Alliance (OCAA) coalition was the primary public interest group that pressured politicians and industry to make the shift to cleaner energy in the province. The OCAA consists of about 90 organizations, including health and environmental organizations, municipalities, faith communities, utilities, unions, and corporations, and represents over six million Ontarians.³⁰⁵ Among its many successes, the OCAA led a successful campaign to phase-out Ontario's five coal-fired power plants. The coalition is now focused on moving Ontario to a zero-carbon electricity grid by 2035, and reducing electricity bills for the province's residents.³⁰⁶

The Green Budget Coalition (GBC) operates at the federal level and comprises of twenty of Canada's largest environmental and conservation organizations that collectively have over one

³⁰⁴ Ibid, 264.

³⁰⁵ "Ontario Goes Coal-Free in a Decade," POWER Magazine, April 30, 2013, para. 5

³⁰⁶ "About the OCAA," Ontario Clean Air Alliance, para. 1.

million members and supporters.³⁰⁷ Among its many activities and initiatives, the GBC released an important set of recommendations for Canada's 2025 federal budget.³⁰⁸ The five main features of the recommendations were: 1) preserving federal environmental capacity; 2) developing East-West electricity grids based on renewables; 3) providing climate resilient housing; 4) honoring Canada's commitments on nature and climate; and 4) permanently funding the Chemicals Management Plan to protect Canadians from harmful chemicals.³⁰⁹ As Green Budget Coalition Chair Robb Barnes stated, "Investing in our environment means investing in our health and our economy."³¹⁰ The organization stresses that securing "clean air, safe water, stable climate, and thriving communities" is critical to Canadian wellbeing and does not need to be done in ways that hamper economic wellbeing.³¹¹

Another type of coalition is seen in the Conservation through Reconciliation Partnership (CRP) network. The CRP was an Indigenous-led network active from 2019 to 2025.³¹² The CRP united over 30 Indigenous communities, environmental NGOs, academic institutions, researchers, and communities under the mission of Indigenous-led conservation. The CRP helped facilitate and strengthen relationships in support of the Indigenous-led conservation movement in Canada, showing the country the broad support behind Indigenous-led conservation.³¹³

Negotiation best practices are key to forming effective coalitions. While we often think of negotiations as confined to large or multinational processes, negotiations happen at every level of

³⁰⁷ "Green Budget Coalition Proposes Federal Budget Focus on Green Progress and Protecting What Canada Values," Nature Canada, News, Press Releases, October 23, 2025, para. 7.

³⁰⁸ Ibid, para. 2.

³⁰⁹ Ibid, para. 3.

³¹⁰ Ibid.

³¹¹ Ibid.

³¹² "Conservation through Reconciliation Partnership." Conservation through Reconciliation Partnership, October 23, 2025, para. 1.

³¹³ Ibid, para. 2.

governance and policy implementation. This chapter particularly focuses on the application of the interest-based negotiation methodology to smaller, more local negotiations.

In their book “Getting to Yes: Negotiating Agreement Without Giving In,” Roger Fisher, William Ury, and Bruce Patton – Harvard Law School-affiliated experts – outline the tenets of the interest-based negotiation methodology. An interest-based negotiation is one in which parties share their underlying interests rather than publicly stated positions or stances.³¹⁴ Starting with interests enables parties to identify possible alignment across issues and interests, rather than sticking to polarizing stances.³¹⁵ The “Getting to Yes” method has four main principles: 1) focus on solving the problem rather than defeating an opponent; 2) identify underlying interests rather than fighting over positions; 3) brainstorm courses of action that benefit both parties; and 4) use objective standards to reach fair outcomes.³¹⁶ To identify the underlying interests of another party, you can ask: *Why is this important to you? What problem are you trying to solve? What difficulties are you facing?*³¹⁷

Other important aspects of the interest-based negotiation methodology include active listening. You must listen carefully and actively to understand someone else’s interests, and to find where your two interests may align. Further, when people feel truly heard, they are more inclined to be collaborative and work towards solutions.³¹⁸ Another important aspect of participating in difficult negotiations is acknowledging that strong emotions come up. Rather than lashing out or being aggressive, you should share your feelings openly yet calmly.³¹⁹ Sometimes, however, another party in the negotiation may be unwilling to find a win-win

³¹⁴ Program on Negotiation, “Interest-Based Negotiation,” Program on Negotiation, Harvard Law School, para. 4.

³¹⁵ Ibid, para. 1.

³¹⁶ Ibid, para. 4.

³¹⁷ Ibid.

³¹⁸ Ibid, para. 5.

³¹⁹ Ibid.

solution and move forward collaboratively. In these cases, we must understand our leverage and possible fighting alternatives (things you can do to satisfy your own interests unilaterally and to harm the other person's interests if you are unable to come to an agreement).³²⁰

Harvard professor, Bob Mnookin discusses these alternatives in his book, “Bargaining with the Devil: When to Negotiate, When to Fight.” Although it can be challenging, Mnookin encourages us to make critical decisions, while still striving for win-win outcomes.³²¹ Mnookin has been a trailblazer in the study and practice of negotiation; he has written and edited ten books and numerous scholarly articles, as well as facilitated key negotiations on international conflicts.³²² With over an over three-decades of teaching experience at Harvard Law School, Mnookin has committed his scholarship to advancing human understanding and conflict resolution through negotiation best practices, like interest-based frameworks.³²³ In his work, Mnookin leverages an interdisciplinary focus to understand diverse perspectives and interests. As Drew Tulumello notes in the Harvard Law Bulletin:

Bob's genius as a scholar was his interdisciplinary approach to the field of negotiation. No academic did more to integrate the insights from multiple disciplines — including behavioral economics, social psychology, cognitive psychology, game theory, industrial organization, institutional economics, and family law (to name a few) — into the study of conflict resolution.³²⁴

Mnookin shows us the potential for both teaching and putting into action negotiation best practices to address conflicts and participate in meaningful problem-solving.

The final section of this chapter will consider strategies to provoke change outside of electoral politics. Given the deep historical roots of policy exclusion in Canada, solutions may

³²⁰ John Shulman, *sticks and carrots – key learnings*, Alignor Games LLC.

³²¹ Christine Perkins, “Mnookin to Receive ABA Outstanding Scholarly Work Award,” Harvard Law Today, March 17, 2016, para. 3.

³²² Ibid.

³²³ Drew Tulumello, “How to Live Life as a Win-Win,” Harvard Law Today, May 8, 2024, para. 4.

³²⁴ Ibid, para. 3.

not be as simple as participating in a coalition or engaging in a participatory forum. In the face of a rigid status-quo or hierarchy, it is often important to apply pressure from outside via grassroots organizing or “internationalizing the problem.” As highlighted in chapter 3, grassroots organizing in Canada has brought the attention of international human rights organizations, like Amnesty International and the United Nations – a strategy that has applied immense pressure on Canadian politicians.

Alongside its value in applying pressure and challenging exclusion, grassroots organizing is an important means of bringing local concerns and perspectives to national attention. This role is increasingly urgent in the face of escalating environmental crises; communities may find themselves choked by wildfire smoke, confronting encroaching floodwaters, or exposed to dangerous levels of pollution. In these conditions, grassroots organizing becomes essential for pressuring governments to respond to community needs and take climate action seriously. A report co-published by the Canadian Centre for Policy Alternatives (CCPA) and the University of British Columbia’s Department of Geography titled “*Don’t Wait for the State*,” discusses how grassroots climate organizing and citizen-led efforts are a critical part of driving people-focused climate action.³²⁵ Although many of us may think of international or federal level politics as the realm of meaningful policy implementation, a majority of climate-related policies are controlled at the local level. In fact, municipal governments control up to 70% of climate-related policies in Canada.³²⁶

As noted, another important strategy outside of electoral politics is “Internationalizing the problem.” *What does this mean?* Canada is very sensitive to its international reputation. As

³²⁵ “Why Canada Needs Grassroots Climate Organizing,” Canadian Centre for Policy Alternatives, News & Research, para. 8.

³²⁶ “Regional Chapters,” Protect Our Winters Canada, para. 3.

discussed in chapter 1, Canada has long attempted to garner a reputation as an environmentally-conscious, humanitarian and overall *good* nation. The patterns of exclusion discussed in this thesis pose a serious threat to this reputation. Thus, efforts to provoke change should leverage this desired international reputation to motivate Canadian politicians to make needed changes.

The UN Human Rights Committee has published several rebukes in response to Canada's blatant violations of UNDRIP, including for repeatedly failing to obtain the free, prior, and informed consent of Indigenous peoples on projects like the Coastal GasLink pipeline.³²⁷ The UN regularly reviews whether states are following their pledges to binding UN agreements and publishes recommendations for change; in its analysis of Canada, the UN has recommended more than a dozen recommendations for fundamental changes to Canadian law.³²⁸ Moreover, the UN has an "Expert Mechanism on the Rights of Indigenous Peoples," which offers technical assistance and impartial advice to help states meet UNDRIP compliance.³²⁹ For example, the mechanism includes an extensive database with information on how other countries have resolved similar Indigenous rights issues, as well as offers access to global experts in Indigenous rights implementation.³³⁰ These services are severely underutilized and should be demanded by the public.

Let us not forget that Mark Carney in his 2026 Davos Speech deemed this time in history a moment of "rupture."³³¹ Rupture from the global order, from exploitative international-agreements, and from Canada's historical path. This is indeed a time of needed change. As Canada embarks on this change, it must consider its past, its present and its desired future. *Will*

³²⁷ Union of British Columbia Indian Chiefs et al., "UN Human Rights Report Shows That Canada Is Failing Indigenous Peoples," UBCIC, July 22, 2015, para. 3.

³²⁸ Ibid, 3.

³²⁹ Expert Mechanism on the Rights of Indigenous Peoples, OHCHR, para. 1.

³³⁰ Sarah Cox, "UN Committee Rebukes Canada over Trans Mountain, Coastal GasLink," *The Narwhal*, January 15, 2021, para. 35.

³³¹ Transcript: Prime minister Mark Carney of Canada rebukes U.S. primacy at Davos, The New York Times.

Canada continue to build pipelines? Or will it turn to renewable energy? But most of all: who will get to negotiate these tradeoffs?

On November 27, 2025, Prime Minister Mark Carney and the Alberta Premier Danielle Smith signed a Memorandum of Understanding (MOU), a declaration of shared goals or plans between two parties for a future collaboration or project. The MOU establishes a framework for energy development, including plans for a new oil pipeline from Alberta to the northern coast of British Columbia – a breakthrough moment for Alberta after a long period of tension between Ottawa and Alberta over oil pipeline approvals, climate policy, and environmental regulation.³³²

In the official government press release, the federal government outlines its contradictory commitment to climate goals and Indigenous rights through its continued fossil fuel extraction:

- Canada and Alberta remain committed to achieving net zero greenhouse gas emissions by 2050;
- Alberta and Canada will work together to achieve the shared objective of establishing Canada as a global energy superpower, unlocking the growth potential of Western Canada’s oil and gas (including liquified natural gas (LNG)), renewable energy, critical minerals, and other resources that the world needs;
- Alberta and Canada recognize their obligations to consult with, and where appropriate accommodate, Indigenous Peoples; and
- Canada and Alberta are committed to respecting Aboriginal and Treaty rights, engaging in early, consistent, and meaningful consultation with Indigenous Peoples, in a manner that promotes reconciliation, and respects the rights and cultures of Indigenous Peoples while advancing economic opportunities through Indigenous ownership and partnerships.³³³

³³² Alan Ross, Peter A Bryan, and Bailey Collins, “Understanding the Regulatory Impacts of the Alberta–Ottawa MOU on Energy Development,” BLG, November 28, 2025, para. 1.

³³³ Government of Canada, “Canada-Alberta Memorandum of Understanding,” Office of the Prime Minister of Canada, November 27, 2025.

While the government attempts to affirm its commitment to emissions reductions and accommodating Indigenous voices, it pledges to do so only “where appropriate.” A central proponent of this MOU, the Alberta government plans to leverage the momentum of the MOU and the *Building Canada Act* to designate pipeline projects as “in the national interest.” If the Major Projects Office endorses this effort by Alberta, the province’s pipelines will benefit from a streamlined federal review process.³³⁴ Mark Carney assures skeptics, however, that pipeline deals “can only move forward with First Nations.”³³⁵

The Assembly of First Nations (AFN) chiefs have not been vague or ambiguous in their response to the memorandum; they explicitly condemn new pipeline deals between the federal government and Alberta.³³⁶ The AFN represents over 630 chiefs across Canada, who meet bi-yearly to set policy priorities on the economy, health, the environment, clean water, education, languages, social development, infrastructure, and treaty implementation.³³⁷ In response to the MOU, AFN National Chief Cindy Woodhouse Nepinak describes the shameful way in which “First Nations rights can be wiped away with one federal-provincial MOU.” She says that, “Canada can create all the MOUs, project offices, advisory groups that they want: the chiefs are united” against the deal.³³⁸ Similarly, Stephen Buffalo, president and CEO of the Indian Resource Council, disapproves of the MOU’s inadequate consultation with Indigenous communities: “They slammed it through fast. First resolution to the table. Boom, it was done.”³³⁹

President of the Coastal First Nations-Great Bear Initiative and elected Chief of the Heiltsuk Nation, Marilyn Slett issued the following statement in response to the MOU:

³³⁴ Ross et. al, “Understanding the Regulatory Impacts of the Alberta–Ottawa MOU,” para. 3.

³³⁵ Brett Forester, “Assembly of First Nations Calls for Withdrawal of Canada-Alberta Pipeline Deal,” CBC, December 2, 2025, para. 10.

³³⁶ Ibid, para. 7.

³³⁷ “About Us,” Assembly of First Nations.

³³⁸ Forester, “Assembly of First Nations Calls for Withdrawal,” para. 6.

³³⁹ Ibid, para. 7.

As the Rights and Title Holders of the Central and North Coast and Haida Gwaii, we are here to remind the Alberta government, the federal government, and any potential private proponent that we will never allow oil tankers on our coast, and that this pipeline project will never happen. While the details of this MOU remain to be seen, under no circumstances can it override our inherent and constitutional Rights and Title, or deter our deep interconnection of mutual respect for the ocean. Throughout this process we have been met with a wall of silence from the federal government. Such conduct is not honourable and is fundamentally at odds with Canada's constitutional, legislative, and international obligations to coastal First Nations. We have made repeated calls to the federal government to uphold Bill C-48, the *Oil Tanker Moratorium Act*, as it is foundational to the successful conservation economy we have built on the North Coast. Coastal First Nations, along with the province of BC, have made it clear through our joint declaration that the tanker ban is not up for negotiation, and no MOU will change that. Our Nations understand the economic challenges Canada is facing. This is why we much prefer to work with the federal government on truly nation-building, forward-looking projects and initiatives that are built in partnership with Indigenous peoples. We should be working together to protect our environment, diversify our economy, and create jobs that support our communities, instead of squandering everyone's time on politically-motivated MOU's that are only dividing our country further...³⁴⁰

The MOU implicates a series of other policies as well; the federal government has declared that it will not implement the Oil and Gas Emissions Cap, is willing to suspend the clean electricity regulations in Alberta while Canada and Alberta negotiate a new industrial carbon-pricing agreement, and if needed will establish an exemption to the federal tanker ban.³⁴¹ Further, the MOU also sets the stage for the construction of several thousand megawatts of AI computing capacity and new transmission interties between Alberta, British Columbia and Saskatchewan.³⁴² The MOU is at a critical juncture, as the policy is only in the political-agreement stage. Yet, as these agreements translate into tangible projects, they are poised to lay the foundation for Canada's energy infrastructure for many years to come. This MOU was signed before Carney's speech at Davos and the explicit souring of the US-Canada relationship. So now the question remains... *Will Canada change course?*

³⁴⁰ Coastal First Nations, "Coastal First Nations Dismiss Pipeline MOU: North Coast Pipeline Will Never Be Built," Coastal First Nations, November 26, 2025, para. 1.

³⁴¹ Ross et. al, "Understanding the Regulatory Impacts of the Alberta–Ottawa MOU," para. 2.

³⁴² Ibid, 2.

Conclusion

This thesis has explored historical and contemporary stakeholder exclusions in Canada's environmental negotiations and policy processes. Through this analysis, the thesis has concluded two key premises: 1) historical processes and exclusions inform present-day exclusions in environmental decision-making; and 2) social exclusion and exploitation are indelibly tied to environmental degradation. Simply put, Canada must reevaluate its *social* norms, institutions and processes of civic engagement to address pressing *environmental* threats.

In Chapter 1, we investigated histories of exclusion in social, political, economic and environmental governance through prisms of race, ethnicity and culture in a settler-colonial context. Chapter 2 examined the staying power of these systems of exclusion, demonstrating how they continue to shape environmental governance today. Finally, Chapter 3 considered alternatives to Canada's current system, including models and mechanisms for greater public engagement on environmental policy, coalition-building, negotiation strategy, and grassroots organizing.

Over the course of this thesis, we have explored the central theme of exclusion, underscoring its devastating effects on human and ecological systems. We have seen that Canada is warming twice as fast as the global average, and that ceding to extractive practices and short-term economic interests often perpetuates this pattern. Further, since its inception, Canada has reinforced racialized and cultural prisms of exclusion that have denied entire communities the ability to negotiate environmental decisions. As these prisms of exclusion continue to shape access to power today, we must implement mechanisms to ensure that diverse communities, with diverse worldviews, knowledge bases and perspectives, can negotiate and shape policy.

Mark Carney's speech at Davos presents a wake-up call. In a world of rapid change – the decline of empire, new wars over fossil fuels, rampant environmental crises, and threats to democracies worldwide – social cohesion and environmental wellness mean that much more. Yet, to move forward with more socially and environmentally cohesive societies, we must look back. Back the roots of longstanding divisions, hierarchies, and exploitation. *We must look to – and truly understand – the past to imagine and realize a different future.*

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