

2017

# Environmental Justice and Extractive Industries: The Lummi Nation and Amazonian Indigenous

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Environmental Justice and Extractive Industries: The Lummi Nation and Amazonian  
Indigenous

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Author's Note

Presented to The Graduate Program in the College of Theology, Arts & Sciences in partial fulfillment of M.A. in International Development and Service at Concordia University Portland, 2017. Special thanks to my advisor, Nick Caleb, for his support and advice, as well as to the faculty and researchers at Universidad San Francisco de Quito for their aid in the research process. Any questions regarding this research should be directed to Gabe Moe-Lobeda. [gdmolob@gmail.com](mailto:gdmolob@gmail.com)

### **Abstract**

The negative impacts created by the operations of extractive industries are disproportionately felt by indigenous peoples around the world. Frequently, environmental justice organizations led by non-indigenous individuals or groups make efforts to support the work of these indigenous communities who are fighting to protect their peoples, cultures, and environments from mining, drilling, or other extractive operations. However, oftentimes environmental justice actors, no matter how well-intentioned, do not act in ways that are beneficial to indigenous efforts or respectful of indigenous peoples. This research study looks to examine how indigenous peoples who are fighting against extractive industries on their lands view the support of non-indigenous environmental justice actors who are wanting to support their causes. Semi-structured interviews were conducted with indigenous individuals in the Ecuadorian Amazon and indigenous members of the Lummi Nation, both of whom have had their cultures impacted by extractive industries. Grounded theory was used to analyze the data gathered and draw conclusions. In a second level of the exploratory study, ethnographic techniques were utilized to produce findings aimed at demonstrating how better methodology and research practices could have led to more statistically significant results in the initial research phase.

*Keywords:* Indigenous, extractive industry, Lummi, Ecuador, environmental justice

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Environmental Justice and Extractive Industries: The Lummi Nation and  
Amazonian Indigenous

**Chapter 1: Introduction**

Around the world are an estimated 370 million indigenous individuals living in some 90 countries (United Nations Department of Economic and Social Affairs, 2015). Indigenous peoples make up one-third of the world's poorest population and suffer disproportionately in terms of health, education, employment, and human rights indicators. Indigenous peoples experience greater risks to their health, human rights, and culture from environmental factors than do non-indigenous populations (United Nations Department of Economic and Social Affairs, 2009). Some of these dangers come from the effects of climate change that are causing traditional lands to disappear under the sea or are altering the agricultural landscape in areas where indigenous peoples have farmed for centuries. Urbanization and the noise, light, and environmental pollution that accompanies mass migration to metropolitan areas is another consequence of climate change felt in some indigenous communities. Other indigenous groups lack the appropriate infrastructure needed in the event of a natural disaster. While all of these issues need to be studied and addressed, this paper will focus on the environmental risk experienced in many indigenous communities from the presence of extractive industries and how those same communities view the work of outside, non-indigenous actors who want to ally with them.

## **Background and Statement of the Problem**

Environmental dangers manifest themselves in a multitude of ways for indigenous peoples. One prominent form of such danger is the work of extractive industries on land claimed by indigenous populations or in areas where the traditional ways of life of indigenous people are impacted. The incursion of these invasive operations into indigenous lands can be harmful to the health of indigenous populations, detrimental to their established way life, and can violate rights they have been guaranteed by law. There are countless examples of such scenarios, beginning with the first forms of privatization of raw materials, and continuing up to the time of this writing when the largest Native American protest seen in the United States in decades is occurring over Indian water rights in North and South Dakota (Sammon, 2016a). Research in this paper will look specifically at the people of the Lummi Nation in North America who are fighting against the presence of coal industries on their land in Washington State, and at indigenous groups of the Ecuadorian Amazon who are working to clean up past oil spills on their lands and halt further oil drilling. An in-depth description of these two case studies is provided in the literature review of the following chapter.

Although this paper focuses on voices from the Lummi and Ecuadorian Amazon, numerous other indigenous populations from around the world have been affected by extractive industries. In Papua New Guinea the Wopkaimin and Yonggom indigenous groups have seen their rivers filled with chemical tailings left over from large-scale open-pit gold mining (Jell & Jell-Bahlsen, 2012). The Machiguenga people of Peru have been battling the mining of gas fields on their lands since the mid-1990s. In 2004, a pipeline carrying liquid gas ruptured, contaminating soil and streams used by the Machiguenga

(Earle, 2009). Natural gas mining in the Chaco region of Bolivia has caused conflict between members of the Weenhayek, where some see the potential economic benefit of hydrocarbon development and others see the threat posed to nature and culture (Bebbington, 2012). These examples represent some of the different threats posed by extractive industries to indigenous groups. However they do not begin to embody the total number of cases in which indigenous peoples have been harmed by such forces.

As environmental issues have increased in size and scope, transnational corporations have gained more and more power, and as our world has become ever more globalized, a large number of people and organizations are becoming more concerned with the rights, particularly environmental rights, of indigenous peoples. The recognition that the people who are most adversely affected by environmental harm are marginalized communities, minorities, and people of color has spawned a new form of environmentalism, often referred to as environmental justice. The growth of the environmental justice movement is important to look at in the context of environmentalism as a whole.

Modern environmental organizing that began in the late 19<sup>th</sup> century was geared largely toward the preservation of nature itself. Environmental associations at the time focused on conservation, game management and hunting, and the protection of natural resources for social and economic progress. In the period beginning after World War II and continuing into the 1970's, many mainstream environmental movements arose alongside groundbreaking national environmental policy in the United States and focused on the interdependence between human life and the natural environment (Longhofer &

Schofer, 2010). It was during this time period that the environmental justice movement formed.

The history of environmental justice is one that spans decades and is rooted in the actions of many different actors. In the 1960s, Latino farmworkers in the United States, led by Cesar Chavez, fought for their rights as workers, including protection from harmful pesticides that covered the fields in which they labored every day. In 1967 African-American students gathered to voice their opposition to a city garbage dump that had claimed the lives of two children in their community. And in 1968, residents of West Harlem fought against the construction of a sewage treatment plant near their homes. All of these individual actions fit under the definition of environmental justice, as it is understood today. However, the formation of environmental justice as an organized movement is most often traced to the events that took place in Warren County, North Carolina in 1982 where citizens received national attention for protesting the dumping of hazardous waste in a largely black community (Miller & Skelton, 2016).

The transition from environmental justice being a U.S.-centered movement to a global movement came almost a decade after the Warren Country protests. In 1991, the First National People of Color Environmental Leadership Summit was held in Washington, D.C., bringing together approximately 1,000 people to discuss environmental justice. Summit delegates adopted a set of seventeen Principles of Environmental Justice, and the movement became officially codified. Among other contributions, the summit shifted environmental justice from being a national movement in the U.S. to embracing global issues such as public health, cultural survival, the sovereignty of Native people, and trans-boundaries issues (United Church of Christ, n.d.).

Many efforts of global environmental justice revolve around combating the negative effects of extractive industries; especially how extractive industries are harmful to indigenous communities.

Today, environmental justice has evolved beyond the original parameters and focus it held at its conception. In the past, the environmental justice movement was based largely on ideas of inequity, whereby people of color—as well as poor, working class white populations—disproportionately suffered the worst consequences of environmental degradation. In this situation there was an uneven distribution of environmental “goods and bads” (Schlosberg & Carruthers, 2010). In the progression of the understanding of environmental justice, concepts of inequity are certainly still included, but so are a recognition of other factors, including the specific various cultures and races that have been at the receiving end of that inequity, authentic inclusion and political participation of a broad array of peoples and interest, and various capabilities necessary for individuals and communities to be free, equal, and functioning (Schlosberg & Carruthers, 2010). Many academics now contend that the most important part of environmental justice work is building community capacity and facilitating community empowerment (Cole & Foster, 2001; Peña, 2005; Rasmussen, 2004). Palmer (2005) argues that the main goal of environmental justice is for “communities marginalized by race, ethnicity and poverty to gain political power to effectively protect their health and defend and manage their territories and resources”. In this sense, environmental *in*justice takes away the ability of individuals and their communities to function fully as the result of poor health, destruction of economic and cultural livelihoods, general environmental threats, and political exclusion (Schlosberg & Carruthers, 2010).

Environmental justice actors work tirelessly on different campaigns and programs, often dealing with indigenous peoples and extractive industries on their lands. However, the positionality that is created with a relationship between any marginalized group and an outside entity means that there may be ways in which environmental justice actors function which are leading to non-desired outcomes as seen by indigenous peoples. Without a proper understanding of how to best work with indigenous groups, outside non-indigenous organizations cannot provide the most beneficial and most respectful assistance possible, which in this research is assumed to be a ‘good’ outcome. Conducting research with indigenous groups who are at the center of extractive industry conflicts and learning from them in what ways non-indigenous environmental justice organizations can act that are most valuable to indigenous efforts could be immensely beneficial. Conclusions that are gleaned from this research will be accessible to those individuals and organizations who want to ally with indigenous causes. These conclusions could make a difference in the efforts of these actors and in the lives of indigenous populations, and could increase the strength of the broader environmental movement.

### **Purpose**

The purpose of this qualitative study is to explore indigenous perceptions related to the best practices of non-native environmental justice actors wanting to aid in indigenous efforts, to add to the existing body of research, and through analysis, to create available knowledge that will aid non-indigenous environmental justice actors in their desire to ally with indigenous activism. The research conducted in this study will help to better understand what the Lummi People and the indigenous people of the Ecuadorian

Amazon, both fighting against extractive natural resource industries, identify as the most effective ways in which non-indigenous environmental justice actors can support their efforts to protect the resources on their land from being exploited. Although the viewpoints of these two groups in no way, shape, or form represent all indigenous peoples in similar situations, let alone a universal standpoint of their individual tribe or people, wisdom gleaned from the information that these two groups provide may be able to be disseminated to various actors to whom it would be relevant. The research will provide a source of information on how to appropriately support indigenous environmental efforts against extractive industries.

### **Significance**

The sharing of these results would aid the work undertaken by non-indigenous environmental justice organizations. This in turn would benefit indigenous peoples by gearing the work done by outsiders to be more centered on the views of indigenous populations and not those of cultural-foreigners. Reed (2008) maintains that relationships formed with marginalized communities during efforts to resolve an environmental problem will lead to more impactful, immediate, and long-term benefits if those relationships are based on genuine local participation and empowerment ideals. Even if outside environmental justice actors are employing tactics that are viewed as acceptable and beneficial by indigenous populations, those actors may be neglecting other tactics available to them that would increase the likelihood of positive outcomes. The results of this research could shed light not only on ways in which environmental justice organizations need to become more indigenous-centric, but also on ways in which they could add to their already existing efforts to be even more impactful. Although focusing

on positive work that outside environmental justice organizations do is the primary goal of this research, their negative practices will also come to light. Learning about these tendencies could also prove beneficial to the ways in which outside environmental justice actors operate. All of these results would allow environmental justice organizations to make changes that could benefit indigenous communities. However, as there is no singular formula for how people should work together, these results cannot be taken as a set-in-stone manual. Rather, they will be a basis from which one can begin to understand how to appropriately support indigenous peoples fighting extractive industries.

### **Rationale**

The harm that has been caused to indigenous peoples by the work of extractive industries is not confined to the past. Today, indigenous peoples still face very real threats from extractive industries. This danger, which continues to have very tangible effects at the time of this writing, can be seen in both case studies examined in the presented research. However, the topic being explored is even more relevant as the ongoing hazard posed by extractive industries is not restricted to the Lummi Nation or Ecuador. Many other indigenous groups around the world are facing similar situations at this very moment. The most well-known of these situations in the United States is perhaps the current struggle by the Standing Rock Sioux against the construction of an oil pipeline, the Dakota Access Pipeline, which threatens the tribe's central source of water. In an attempt to create a unified front among North American tribes against fossil fuels, the Lummi hauled a 22 foot, hand-carved totem pole on a 4,800 mile journey to a site near the Standing Rock Sioux reservation (Flaccus, 2016).

A central part of fighting the Dakota Access Pipeline has been the spread of information about the cause through traditional and social media. This large interest in the battle faced by the Standing Rock Sioux from non-indigenous actors is central to why this study is important. Today, with the growth of environmental organizing, particularly in the form of environmental justice movements, the ongoing issue of native peoples being taken advantage of by large corporations extracting raw materials has seen a new element added with the uncertainty of how such organizations and actors can aid indigenous peoples. There is a large amount of information available on the forms of environmental injustices faced by indigenous populations around the world, as well as substantial research on how the effects of those issues are felt by native peoples. Also available is extensive research examining the forms of resistance shown by indigenous peoples against extractive industries. However, there is very little research that examines, from the viewpoint of indigenous populations, how outside environmental justice organizations can best aid them in their resistance.

### **Objectives/Research Question**

This will be an inductive study that aims to explore the views held by indigenous communities fighting against extractive industries as to how non-indigenous environmental organizations can best serve as allies. There is no initial hypothesis that I hold, but rather there exists the goal of observation and understanding to complete a series of objectives. The objectives of the research include, 1) grasping how environmental justice actors have best supported indigenous peoples fighting against extractive industries in the past, 2) determining the ways in which indigenous actors involved in combating extractive industries desire environmental justice actors to work in

the future, and 3) comprehending in what ways environmental justice organizations carry out practices that are harmful to those indigenous efforts. These findings may help better equip environmental justice organizations to support certain efforts of indigenous communities in the future.

### **Definitions of Terms**

For the purpose of clarity, it is important to specifically define key terms used extensively throughout this paper. Definitions of *extractive industry*, *indigenous*, and *environmental justice*, as used in this paper are provided below.

*Extractive industry* is the least contested of the three terms. In this work, extractive industries are understood to be primary activities involved in the extraction of non-renewable resources. These resources fall into three main categories: energy minerals (oil, gas, coal and uranium), metallic minerals, and non-metallic minerals (industrial and construction minerals and precious stones). This definition comes from the *World Investment Report 2007* published by the United Nations Conference on Trade and Development (2007).

The meaning of the word *indigenous* has been debated in the global community over the last several decades, and there is still no universally agreed upon definition of the word. This ambivalence is in part due to the positions of observers from indigenous organizations in the Working Group on Indigenous Populations who rejected the idea of a definition of *indigenous* that could encompass all of the world's different indigenous peoples. It is widely accepted that being indigenous is a process of self-identification. However, for the purposes of this paper one of the most frequently cited definitions of

*indigenous*, put forth by José Martínez Cobo (1986/7), which stresses the idea of self-identification, will be used. Cobo says that:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system. This historical continuity may consist of the continuation, for an extended period reaching into the present of one or more of the following factors:

- a. Occupation of ancestral lands, or at least of part of them
- b. Common ancestry with the original occupants of these lands
- c. Culture in general, or in specific manifestations (such as religion, living under a tribal system, membership of an indigenous community, dress, means of livelihood, lifestyle, etc.)
- d. Language (whether used as the only language, as mother-tongue, as the habitual means of communication at home or in the family, or as the main, preferred, habitual, general or normal language)
- e. Residence in certain parts of the country, or in certain regions of the world
- f. Other relevant factors.

On an individual basis, an indigenous person is one who belongs to these indigenous populations through self-identification as indigenous (group consciousness) and is recognized and accepted by these populations as one of its members (acceptance by the group).

This preserves for these communities the sovereign right and power to decide who belongs to them, without external interference.

Just as the term *indigenous* is not defined in a universally recognized way, the understanding of *environmental justice* is also open to debate. Some practitioners and theorists place more value on the environmental aspect of *environmental justice*, while others emphasize the justice aspect. Furthermore, the concept as a whole is not comprehended by everyone in the same way. Just as a word like *globalization* brings up different ideas, values, and implications for different people, *environmental justice* can be

ambiguous in its meaning. For different individuals the understanding of environmental justice is based in place, time, and perspective. However, the Environmental Protection Agency (EPA) has put forth a definition of *environmental justice* that encompasses many of its most important values. The EPA (2017) defines *environmental justice* as:

The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. Meaningful involvement means that:

- People have an opportunity to participate in decisions about activities that may affect their environment and/or health
- The public's contribution can influence the regulatory agency's decision
- Community concerns will be considered in the decision making process
- Decision makers will seek out and facilitate the involvement of those potentially affected

This definition of environmental justice is important as it was put forth by a government body and has at least given the concept of *environmental justice* a legal framework. However, it lacks a strong enough emphasis on a vital element of *environmental justice*. The EPA's definition outlines what it means by 'meaningful involvement', but does not adequately stress the idea that environmental justice is served when people are able to realize their highest potential and when vulnerable communities have significant self-determining power in relationship to matters of the environment in their communities. For the purpose of this paper, the EPA's definition is used to understand *environmental justice* in conjunction with what Rasmussen (2004) states to be the very core of the environmental justice movement. Rasmussen argues that the root of collective socio-environmental injustice is found in unshared power and lack of access to self-determining power. Therefore, environmental justice "roots justice in transforming

praxis attentive to local circumstances in ways that place a premium on enhancing peoples' self-provisioning, self-organizing, and self-governing capacities." Together, these two conceptions of *environmental justice* form the definition of the term as understood in this paper.

### **Organization of the Remainder of the Study**

Chapter 2 of this thesis is a literature review presenting research related to the two central case studies, the damages caused by extractive industries, the growth of the international indigenous movement, limitations to indigenous voice, and key theories of relationship construction between marginalized communities and outside actors. Chapter 3 outlines the methodology used in the research process. Chapter 4 is an analysis of the field research and data gathered on the topics being studied. Chapter 5 contains a discussion looking at the significance of the study. Chapter 6 provides a conclusion with recommendations for further research.

## **Chapter 2: Literature Review**

### **Introduction**

This section outlines the literature and topics related to indigenous struggles against extractive industries, why relationships with non-indigenous actors are potentially important, and the role that non-indigenous environmental justice actors play in those scenarios. The first two sections give basic historical background information on the Lummi Nation's fights against coal and the indigenous peoples of the Ecuadorian Amazon's fight against oil. The third section looks at other examples of damages caused by extractive industries in order to emphasize that such situations are not limited to these two main case studies. Then, the literature review outlines the history of the indigenous movement as a whole to show how indigenous peoples have been able to advance their rights and undertake issues important to them largely through their own efforts. The fifth section displays ways in which the voices of indigenous peoples are systemically quieted in order to explain why the help of outside actors may be beneficial in indigenous causes. The final section explains the most important aspects in forming relationships with marginalized communities, as well as some of the improper behaviors that have historically been employed when interacting with marginalized communities.

### **Historical Background: Lummi Nation Fishing Rights**

The Lummi Nation is a small Native American tribe located in northern Washington State, United States of America. One of many Coastal Salish tribes who live along the Pacific Coast of Washington State and the coastlines of the Puget Sound and

Georgia Straight, the Lummi are the third largest Native American tribe in Washington State with a membership of just around 5,000 (Lummi Nation, 2011). For their entire existence the Lummi have been dependent on, and deeply connected to, salmon and seafood for their physical and cultural survival. The name Lummi, or Lhaq'temish, literally means 'People of the Sea' (National Museum of the American Indian, 2015). In recent years, the Lummi's way of life, which revolves around the sea, has been threatened by the proposal of a massive coal export terminal on their traditional fishing grounds at Cherry Point, Washington.

The issue of coal incursion on Lummi lands has only come to the forefront of the public debate in the last decade or so. However, the history that has set up current events to unfold as they have began some 150 years ago. The modern history of the Lummi, in the eyes of the United States, began in 1855 when they, like Native American groups across the U.S., were coerced to relocate from the land they had freely roamed for thousands of years to a small reservation through the signing of an unjust treaty with the U.S. government (Sweeney, 2001). The Lummi, along with many other Native American groups in northwestern Washington, were signatories to the Treaty of Point Elliott. The treaty was one of nine such agreements in the Columbia Basin and northwestern Washington between 1854 and 1855 that forced tribal groups to cede 64,000,000 acres of land in the region to the United States government (Mulier, 2007). The reservation land to which the Lummi were confined consisted of 20,000 acres of uplands and tidelands, a fraction of the area they had been able to use without legal restriction for generation upon generation beforehand (Beddow, 2011).

The requirements laid out in the Treaty of Point Elliott took advantage of Native American groups' lack of English ability and almost non-existent knowledge of Western culture and conceptualization; these requirements purposefully served to benefit white-Americans while giving almost no regard to indigenous culture or future (Galligan Jr. & Reynvaan, 1981). According to Charles. E Mix, the Commissioner of Indian Affairs at the time, the sole purpose of the treaty was to extinguish Indian title from large tracts of land in Washington State (Porter III, 1990). Commissioner Mix stated that the treaties “were needed for the extension of our [white Europeans] settlements, and to provide homes for the Indians in other more suitable locations, where they could be controlled and domesticated” (Commissioner of Indian Affairs, 1858, as cited by Porter II, 1990, p. 114). The governor of the newly formed Washington territory, Issac Stevens, saw the segregation of Indians as a central component of the treaties in order to make room, and create a desirable atmosphere, for incoming white settlers (Sweeney, 2001).

A key provision within the Treaty of Point Elliott is found within its fifth Article. The clause guaranteed for all Coastal Salish tribes who signed the treaty “the right of taking fish at usual and accustomed grounds” (Governor’s Office of Indian Affairs, 1859). This was a crucial article for the tribes as much of their new reservation land did not provide the access to seafood that their survival and culture had been dependent on for their entire existence. Article 5 allowed Native American tribes to leave the reservation lands to which they had been confined in order to fish on the non-reservation waters they always had fished. For the Lummi this was especially important as seafood, particularly salmon, lies at the core of their culture. Article 5 would also come to play a

vital role in the decision regarding the Gateway Pacific Terminal, which will be discussed later in this section.

For settlers, salmon served as a source of sustenance and profit, but for the Lummi, salmon has always had a much deeper value. Salmon was the primary source of food for the Lummi and other Coastal Salish tribes as well as a key economic resource. However, the fish served—and still continues to serve—a much more important role as well. There has always been a deep spiritual connection to salmon for Salish tribes of the Puget Sound (Shreve, 2009). Salmon have kept Lummi culture in balance since time immemorial as life revolved around the fish's arrival each season. Merle Jefferson, Sr., the Executive Director of the Lummi Natural Resources Department since 1985, puts it in the simplest terms possible: “the Lummi are salmon people; salmon is culture, and culture is salmon” (National Museum of the American Indian, n.d.). The profound link between the Lummi, as well as other tribes around the Salish Sea, and salmon means that salmon are not simply a way of life, they are life (Furlong, 2016). This essential tie between salmon and northwest native culture was even recognized by the U.S. Supreme Court in a legal case over Indian fishing rights in Washington State in 1905. In *United States v. Winan*, Justice Joseph McKenna acknowledged that fishing practices “were not much less necessary to the existence of the Indians than the atmosphere they breathed” (Blumm & Brunberg, 2006). However, over the last hundred years, the Lummi have had to fight continuous battles to defend the fishing rights they were promised in the Treaty of Point Elliott.

**The Boldt Decision.** Although the Lummi were guaranteed the right to keep fishing on their traditional grounds, there have been many conflicts relating to salmon

harvests since 1855. Many of these clashes occurred outside of the courtroom, but the decision that has most related to the coal conflict today came in 1974 in *U.S. v.*

*Washington*. Commonly referred to as the *Boldt Decision* for the name of its presiding judge, George Boldt, the 1974 legal case set the precedent for all future salmon fishing by native<sup>1</sup> signatories of treaties with Governor Isaac Stevens in 1854 and 1855. The general conclusion of the Boldt Decision upheld the treaty rights of Native tribes to continue to take fish at their legal and accustomed grounds; this was an immensely important decision for the Lummi (Brown, 1994). However, there were other significant verdicts that came from the decision as well.

The Boldt Decision was split into two main phases. The first of these related to the quantity of salmon that was guaranteed to Northwest tribes in their treaty rights. For this, Judge Boldt looked specifically at the second part of Article 5 of the Treaty of Point Elliott which guaranteed native tribes the right to fish at their legal and accustomed grounds (Boxberger, 1988). The continuation of this treaty phrase states that tribes are guaranteed the right to fish at their usual and accustomed grounds “in common with all citizens of the territory” (Governor’s Office of Indian Affairs, 1859). Judge Boldt took the phrase, *in common with all citizens of the territory*, as meaning *equal* to all citizens in the territory (Brown, 1994). Through this interpretation, Boldt guaranteed tribes the right of opportunity to catch half of the harvestable salmon returning to the traditional off-reservation fishing grounds every year. Western Washington treaty tribes were

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<sup>1</sup> Throughout this paper multiple words will be used interchangeably with ‘indigenous’. Most often such use will be based on the language employed by the original author of the work being cited. Examples include: native, Native American, aboriginal, Aboriginals, Indian, and First Nations Peoples.

guaranteed up to 50 percent of the allowable salmon harvest and non-treaty fishermen were guaranteed the other 50 percent (Boxberger, 1988; Brown, 1994).

An important consideration is found within the legal interpretation the court took in regards to salmon in the Northwest. Judge Boldt saw fishing rights as being *reserved* for the treaty tribes while such rights were a *privilege* for non-Indian fishermen. This interpretation recognized Native Americans as the original owners of the resource, and that through the treaty process they had lost a share of the fishery. It is frequently assumed that the Boldt Decision “gave” half of the fishery to treaty tribes, while it is not understood that Boldt’s legal interpretation signified almost the exact opposite; in a sense the decision took half of the treaty tribes’ fish from them. (Boxberger, 1988).

The second phase of the Boldt Decision focused on multiple issues. However, the main one looked at the legal requirements for habitat protection of salmon as an implied treaty right (Furlong, 2016). A conclusion from the court in Phase I of *U.S. v. Washington* determined that not only were fifty percent of fish reserved for treaty tribes within their usual and accustomed grounds, but treaty tribes were also guaranteed a right to fifty percent of the fish destined for those grounds, which were captured upstream or in marine waters (Furlong, 2016). As a result of this decision, if salmon habitat were to be destroyed upstream from traditional fishing grounds it would impact the harvests legally guaranteed to the Lummi and other tribes. Phase II was originally heard by Judge Orrick of the Federal District Court who echoed these sentiments when he said that if fish habitat destruction was to continue, “the right to take fish would eventually be reduced to the right to dip one’s net into the water...and bring it out empty” (Brown, 1994). The district court found that habitat protection was an implicit part of treaty rights as

environmental and habitat degradation would undermine the fundamental prerequisite of the right to take fish, which is the existence of fish itself (Furlong, 2016). However, Washington State appealed the decision, and in 1982 the Ninth District Court of Appeals overturned Judge Orrick's decision on an absolute right to environmental up-keeping (Brown, 1994). No legal environmental protection standards were created. Furlong (2016) points to multiple court decisions which have upheld the idea of an implicit requirement for environmental protection since the Ninth District Court's verdict in 1982 stating such a requirement was not an implied part of the Treaty of Point Elliott. Such rulings have caused confusion as to what the actual interpretation of the Treaty is from a judiciary sense, but have given legal precedent to claims that environmental protection exists for salmon habitats. The decisions made in both Phase I and Phase II of *U.S. v. Washington* proved to be key legal frameworks for the recent decisions regarding the construction of a coal export terminal on traditional Lummi fishing grounds.

**The Gateway Pacific Terminal.** Throughout their history, the Lummi have encountered countless setbacks in regards to realizing their treaty fishing rights. Over the course of the last many years, though, they have faced a different kind of threat from extractive industries. The building of a coal export terminal was proposed in 1992 at Cherry Point, Washington, a traditional fishing grounds for the Lummi which is home to shellfish and other marine invertebrates, three species of forage fish, five species of salmon, as well as marine mammals, and birds (Jablonski, Nakamura, Marhofer, O'Neil, & Van Deren, 2011; Lummi Indian Business Council, 2013). The terminal at Cherry Point, the Gateway Pacific Terminal (GPT), is no ordinary coal terminal. If constructed, the GPT would have encompassed 1,200 acres of coastal land and would have been the

largest coal export terminal in North America (Jablonski, Nakamura, Marhofer, O'Neil, & Van Deren, 2011). Some 48 million tons of coal would be brought to the terminal every year to be exported (City of Seattle, 2013). On May 9, 2016, after long consideration and testimony heard from different stakeholders, the U.S. Army Corps of Engineers determined that constructing the GPT would violate the Lummi's usual and accustomed fishing rights guaranteed to them in Article 5, and the government organization rejected the permit for the coal terminal at Cherry Point (U.S. Army Corps of Engineers, 2016). Although construction of the terminal is canceled for the immediate future, it is important to understand how the GPT would have affected the Lummi and their way of life.

The history of the Gateway Pacific Terminal began in 1992 when the original application for the project was submitted (U.S. Army Corps of Engineers, 2015). However, it was not until around 2011 that the project became a political and activism issue for the Lummi and other residents of the Pacific Northwest. The GPT was a complicated project which had many components, and would have brought with it many changes for the Lummi Nation.

An official federal environmental assessment, and subsequent environmental impact statement (EIS), of the Gateway Pacific Terminal was never finished by the U.S. Army Corps of Engineers. However, university researchers have completed multiple independent environmental assessments of the project. An environmental report and risk assessment was also published by the Washington State Department of Ecology, and the Lummi Indian Business Council laid out their own perceived impacts of the terminal in a letter to the U.S. Army Corps of Engineers (Burgesser, Casper, Frey, Grayson, & Haas,

2011; Jablonski, Nakamura, Marhofer, O'Neil, & Van Deren, 2011; Lummi Indian Business Council, 2013; Washington State Department of Ecology, 2014). Combined, these documents lay out the risks associated with the construction and operation of the GPT that would have impacted Lummi economy and culture.

Had the proposal for the terminal been granted, the first impacts would have been felt during the construction phase of the GPT. During the building of the 1,200 acre facility, ecosystems at Cherry Point would have been drastically affected. Burgesser, Casper, Frey, Grayson, & Haas (2011) report that 140.6 acres of biologically diverse and sensitive wetlands would be permanently degraded from the construction, as well as 50,850 square feet of streams and drainages. Jablonski, Nakamura, Marhofer, O'Neil, & Van Deren (2011) show that the permanent damage to these important ecosystems and natural drainage systems, as well as the massive amounts of work needed to reshape the land at Cherry Point, would increase levels of suspended sediments and turbidity in the waters at and around the construction site. Above normal levels of suspended sediment and turbidity endangers primary producers, such as algae and phytoplankton, upon which the rest of the local food chain is dependent. A degraded food chain could end up damaging the larger sea life which is so vital to Lummi life.

Beyond the ecological impacts of terminal construction would have been the disturbance and destruction of important Lummi cultural and archeological sites. The Lummi Indian Business Council (2013) states that among the disturbed locations would be archeological sites registered with the Washington State Department of Archaeology and Historic Preservation, Lummi burial sites, traditional medicine and other plant gathering sites, and harvests of willow from which materials for making reef nets are

gathered. Western Red Cedar that is important to the Lummi would also be felled in the building of the GPT (Burgesser, Casper, Frey, Grayson, & Haas, 2011).

Once the terminal became operational, the Lummi likely would have suffered a different series of consequences. Foremost among these would be changes to water quality at Cherry Point. Although the operators of the terminal claimed mitigation measures were to be taken, coal dust escaping from the transportation, storing, and loading of coal onto tankers would have raised the levels of mercury and other toxic metals in the waters surrounding the terminal, the same waters from which the Lummi have fished for their entire existence (Burgesser, Casper, Frey, Grayson, & Haas, 2011). Although pollution and changes to water quality would harm the many ecosystems and countless species that are present at Cherry Point, the Pacific Herring population would be the animal most detrimentally affected. In addition to coal dust pollution, sea floor dredging, seabed erosion from ship propellers, increased water temperatures, and noise and light pollution could all affect the feeding and spawning behavior of herring, leading to health and population changes in the fish (Jablonski, Nakamura, Marhofer, O'Neil, & Van Deren, 2011). A loss of herring would be incredibly harmful to the Lummi as Pacific Herring provides a necessary food source for hatchling salmon, the fish which the majority of Lummi fisherman harvest (Washington State Department of Ecology, 2014).

Another detrimental part of the GPT would have been the greatly increased vessel traffic that would have been seen and felt once the terminal was operational. The most recently proposed plans for the terminal, the publication of which coincided with public outcry over the project, stated that by the time the GPT was fully operational there would be 487 new vessels passing through the Salish Sea—and Lummi fishing grounds—every

year. These tankers would not simply be large; they would be the biggest ships on the planet. Many tankers used to transport coal from the GPT would be Capesize bulkers, which are almost 1,000 feet in length, carry up to 1 million gallons of liquid fuel, discharge large amounts of ballast water, and are so big they cannot fit through either the Panama Canal or Suez Canal; they must circle either Cape to go around continents (Lummi Indian Business Council, 2012). The tankers' presence would greatly disrupt the natural movement of salmon and other sea life on which the Lummi rely, and would also create the possibility of a ship-to-ship collision resulting in an oil spill that would permanently destroy the fishing grounds of the Lummi (Jablonski, Nakamura, Marhofer, O'Neil, & Van Deren, 2011). Ballast water from tankers coming from international waters can carry with it invasive species from other parts of the world, which when introduced in an area to which they are not native can lead to the extinction of native species (Washington State Department of Ecology, 2014).

There were many other reasons community members, both native and non-native, opposed the construction of the GPT. However, they are not looked at in detail here as they impact populations that are not solely or dominantly indigenous. Some examples are coal trains coming from Wyoming and Montana that would cause traffic congestion in the Pacific Northwest while potentially blocking emergency vehicles at downed rail-crossings for approximately 90 minutes a day; coal trains creating the possibility of a safety, health, and environmental disaster if they were to derail; and coal dust from uncovered trains polluting the communities along their routes. It is also shown that property values along the trains' route would likely decrease significantly (Puget Sound Regional Council, 2014). Along with impact from coal trains would be the regional and

global environmental impact of burning the 48 million tons of coal that was shipped out of the GPT each year. Among 17 main impacts of the GPT which the Lummi Indian Business Council (2013) sent to the U.S. Army Corps of Engineers were climate change impacts, ocean acidification, carbon balance, and acid rain formation.

Presently, none of these changes will occur as the U.S. Army Corps of Engineers deemed the GPT project to be in violation of Lummi treaty rights guaranteed to them in Article 5 of the Treaty of Point Elliott and upheld in the *Boldt Decision* in 1974.

However, the details of the case are important to understand as the Lummi Nation's experience with extractive industries as an indigenous people is not unique to them. Other Native American tribes have been impacted by coal export terminals along the West Coast of the United States, and there is a constant possibility that a similar situation will arise in the future.

### **Historical Background: Oil and the Ecuadorian Amazon**

Oil in the Ecuadorian Amazon, a region commonly referred to as the Oriente, has been a major cause of controversy since it was first discovered in the country in the mid-20<sup>th</sup> century. In 1967, a Texaco-Gulf consortium founded the nation's first oil field on land that had been given to the company in concessions by the Ecuadorian government (Valdivia, 2007). With the discovery of the natural resource came a new page in Ecuador's history as well as hope for a viable economic future. Optimism by many in urban Ecuador was so great that in 1972, when oil exports from the Amazon began, the "first barrel" of oil was paraded through the streets of Quito and set on an altar-like stand at the Eloy Alfaro Military Academy (Kimerling, 2006).

In the period between its discovery in 1967 and the takeover of oil production by a State-run company in 1990, the Texaco-Gulf consortium (simply referred to as Texaco from this point on) altered the landscape of Ecuador in its quest for oil. During its operation period, Texaco drilled some 1.5 billion barrels of Amazon oil. Over that same timeframe, Texaco's subsidiary, Texaco Petroleum, drilled 339 wells, built a 498 kilometer central pipeline system to carry oil from the isolated Amazon region over the Andes Mountains to the Pacific coast, constructed another 1,000 kilometers of secondary pipelines and flow lines, and cut 600 kilometers of unpaved roads into the Amazon (Kimerling, 2013).

Such investment by foreign companies was fully embraced by the Ecuadorian government which saw, and still continues to see, oil as the country's economic salvation. At the time of the discovery, Ecuador had neither the technology nor the knowledge to take advantage of their new found wealth, so they relied heavily on Texaco to control operations (Kimerling, 2006). By some measures, the visions of what oil could bring to the country came true. In the 1970's GNI per capita in Ecuador grew faster than in any other country in the Western Hemisphere, and by the end of the first decade of production, oil money grew to represent half of all government revenue (Southgate & Wasserstrom, 2013). As with any boom-and-bust product, however, large oil supplies have not always meant financial success for Ecuador. In 2015, as the world saw a plunge in global oil prices, Ecuador suffered even more than other member countries of the Organization of Petroleum Exporting Countries (OPEC). During periods throughout the year it cost Ecuador \$39 to produce a barrel of oil while receiving only \$30 for its sale. This difference equaled a loss of \$9 for every barrel produced by the State (Blas & Gill,

2015). Between 1970 and 1994 the national debt of Ecuador also rose from \$200 million to \$12 billion (Center for Economic and Social Rights, 1994). For many indigenous peoples of the Amazon, though, consequences from oil production go far beyond simple economics.

There are eight contacted indigenous groups in the Oriente today. They are the Shuar, Achuar, Waorani, Kichwa, Secoya, Siona, Cofán, and Zápara (Becker & Clark, 2007). In addition, the Tagaeri and Taromenane also live in voluntary isolation and have had no peaceful contact with the outside world. Each of these groups has different cultures and practices, but all have been affected in some way by the discovery of oil and the subsequent changes it has caused in the Oriente.

One of the main issues oil production has brought to the Amazon region has been the carving of new roads throughout the jungle and the development and colonization that followed. Before oil was discovered in the region, the Oriente was almost solely inhabited by indigenous communities as there was no easy economic profit to be made in the Amazon. With the discovery of oil came a series of roads specifically built as infrastructure for the industry, but which, combined with concurrent land reforms in the country, opened the Amazon to a wave of migration and new industry. Settlers flooded the now accessible land to pursue large-scale cattle ranching, agricultural production, and legal and illegal logging, among other practices (Baynard, Davis, & Ellis, 2013).

Between 1962 and 1992, the population of the Oriente increased 1350%, from 25,582 to 371,110, largely due to the literal paths created by oil roads (Southgate & Wasserstrom, 2013). The massive influx of new development contributed to a rate of deforestation of almost one million acres a year in the region, and displaced indigenous residents from

their traditional lands (Center for Economic and Social Rights, 1994). Roads split indigenous territories and created physical conflicts, disease spread as settlers arrived, and many indigenous tribes were forced to relocate or abandon their traditional lifestyles (Patel, 2012).

The discovery of oil in the Amazon has forever impacted the cultures in the region. Just as the Lummi people have a deep spiritual connection to the sea and salmon, the spiritual and economic existence of the indigenous peoples in the Oriente revolves around the rainforest. Their cultures and traditions are inseparable from the land on which they live (Center for Economic and Social Rights, 1994; Kimerling, 2006). Many indigenous peoples saw the encroachment of “civilization” as an attempt at their assimilation and a renewed effort of colonization. At the time of oil discovery, the Ecuadorian government and foreign oil companies gave the culture and self-determination of indigenous peoples little thought as Ecuador’s law at the time incorporated the doctrine of *terra nullius*, or “nobody’s land”. The doctrine essentially treated land unclaimed by a sovereign power or land free of any international legal authority as uninhabited despite the fact that people had been living on it for millennia (Bordignon, 2013; Kimerling, 2013). Ecuador paid little attention to the cultures of its own people once oil profits became an obtainable goal.

Cultural damage can be difficult to identify and quantify. Although the loss of culture is arguably the most devastating side effect of the oil boom for the native inhabitants of the Oriente, in the period since oil production began in Ecuador there have been many other repercussions that are more visible and more easily measured. Possibly the most egregious effects have been the health consequences from environmental

damage caused by oil extraction. Bradbury (2004) deems health problems related to the oil industry to be so bad in the region that there exists a public health emergency in the Amazon Basin. Petroleum extraction and production in general produces large amounts of waste, which if properly disposed of does not grossly harm the immediate inhabitants in the vicinity of operations. However, in Ecuador this was not the case. Ecuadorian officials were so far removed from, and so unknowledgeable of, oil practices that Texaco had seemingly free reign when it came to environmental standards and practices (Kimerling, 2013).

The lack of oversight for Texaco led to immense shortcuts being taken during all phases of oil development. Patel (2012) asserts that the four main sources of environmental damage from Texaco's operations were (and still continue to be in some cases) the leaching and discharge of formation-water and drilling waste held in unlined retention pits, the leaching and discharge of produced-water and drilling waste held in unlined pits, the accidental spilling of oil from pipelines, and the deliberate dumping and spraying of oil and drilling wastes. The first two of these sources occurred when Texaco left toxic water containing leftover oil, metals, and high levels of benzene (a well-known cause of leukemia), chromium-6, and mercury in unlined, open air earthen waste pits near communities throughout the Oriente, without treatment or monitoring (Armstrong, Córdoba, San Sebastián, & Stephens, 2001; Kimerling, 2006; Patel, 2012). Oil operations during Texaco's time in Ecuador produced between 3.2 and 4.3 million gallons of such wastewater every day, virtually all of which was dumped into the described unlined pits, from which the water then leaked into surrounding environments (Center for Economic and Social Rights, 1994; Kimerling, 2006).

Another huge source of environmental damage and harm to human health came from the accidental spilling of oil straight from Texaco's pipelines across the Amazon. Over the course of its operations in the Oriente, Texaco spilled an estimated 16.8 million gallons of crude oil directly into the environments through which its pipelines ran. In comparison, the Exxon *Valdez* disaster spilled just under 11 million gallons of oil into the Prince Williams Sound in 1989 (Center for Economic and Social Rights, 1994). The web of pipeline that Texaco had built in Eastern Ecuador traversed countless rivers and streams which served as tributaries to the Amazon River and which provided water for drinking, bathing, washing, and fishing for local communities (Patel, 2012). These waterways were often the areas most affected by spills and could carry oil contamination to communities hundreds of kilometers downstream (Kimerling, 2006). Often, the nearest shutoff valve for leaking pipelines was tens of kilometers away from a rupture, which meant that spills often went undetected for days at a time. If they were detected immediately and shut off, the remaining oil in the kilometers between the shutoff valve and rupture would still drain out of the broken pipe (Kimerling, 2006; Patel, 2012).

Large amounts of anecdotal and observational evidence, as well as multiple scientific studies looking at populations in the Oriente, have outlined the severity of the health problems for indigenous peoples caused by oil pollution. The Center for Economic and Social Rights (1994) states that the three main ways for crude oil to enter the human body are through skin absorption, ingestion of food and drink, and inhalation of oil dust or soot particles. All three of these were, and still are, frequent occurrences for communities near oil production, disposal, or spill sites. Reported health effects in local communities of these areas of the Amazon include headaches, sore throats, eye and nose

irritation, tiredness, nausea, skin rashes, memory loss, spontaneous abortions, miscarriages, birth defects, and cancer (Bradbury, 2004; Center for Economic and Social Rights, 1994; Kimerling, 2006). A study conducted by researchers at the London School of Hygiene and Tropical Medicine looked at the population of San Carlos, an Amazonian town near an oil pumping station and multiple oil wells, and found that cancer rates among the male residents were 2.3 times higher than their counterparts in Quito, and lymphoma rates were 6.7 times higher for women in San Carlos than those in Quito (Córdoba & San Sebastián, 1999). Communities continue to be plagued by these health effects as oil contamination is still deeply rooted in their water sources, in the land on which they grow crops, and within the animals they hunt.

Texaco departed the Oriente when the company's contract with Ecuador ended in 1992 (Payne, 2012). Since just before Texaco left, the Ecuadorian State oil company, Petroecuador, has been the main operator of oil extraction and production in the nation (Kimerling, 2013). However, the shift from private to public control of the oil sector has not meant that oil controversies in the country have ceased. In 1993, over 25,000 plaintiffs representing the indigenous peoples of the Ecuadorian Amazon filed a class-action lawsuit against Texaco<sup>2</sup> for environmental negligence, environmental damage, wrecking traditional ways of life, and increasing health risks for local peoples (Valdivia, 2007). After more than 20 years, *Aguinda vs. Texaco* is still not resolved. Although an Ecuadorian court in 2011 ruled that Texaco owed \$8.6 billion to the plaintiffs for the widespread pollution that has harmed nature, public health, and indigenous cultures, the

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<sup>2</sup> Chevron voluntarily became the defendant in the case when they took over control of Texaco in a 2001 merger of the two companies.

billion dollar settlement has not been paid. The lack of enforceability for a U.S. company to pay a settlement in a foreign court in a country in which the guilty company has no capital has kept Chevron/Texaco from paying anything they owe the people of the Amazon (Payne, 2012).

It is vital to note as well that not all controversies with indigenous peoples and oil in the Amazon stem from foreign corporations. Today, there is ongoing controversy over the proposed state-sponsored exploration for oil in the Yasuni region of the Oriente, one of the most bio-diverse areas on the planet and the home of multiple indigenous groups, including two uncontacted peoples (Finer, Jenkins, Kahn, Ponce, & Vijay, 2009). Extractive industries and their impact on indigenous peoples are still a continuing and deeply impactful issue in the Ecuadorian Amazon.

### **Damages Caused by Extractive Industries**

The Lummi Nation and the indigenous communities of the Ecuadorian Amazon are by no means the only indigenous peoples affected by extractive industries. Similarly, coal transportation and oil drilling are not the only forms which extractive industries take. There are myriad ways in which extractive industries harm populations all over the world. Indigenous peoples are not the sole demographic that suffers from these impacts. However, they are disproportionately affected by extractive industries and have a smaller voice with which to raise awareness of their plights (Charters, 2010; First Peoples Worldwide, 2014).

Among the main ways in which indigenous peoples have been adversely affected by extractive industries are a loss of culture, traditional knowledge, and livelihoods;

forced displacement; marginalization; increased poverty; and health problems (First Peoples Worldwide, 2014). Anongos et al. (2012) go into further detail when discussing the impacts of extractive industries on indigenous peoples. They outline two main forms of impact: environmental, as well as social and cultural impacts. The environmental impacts are subdivided into water and waste impacts, air quality impacts, and health and livelihood impacts. The social and cultural impacts are separated into economic impacts, impacts on women and mining, internal conflict, cultural and spiritual impacts, and human rights violations. Through looking at specific case studies, the following section briefly outlines some of the ways in which extractive industries have posed threats to people around the world, indigenous and not, to showcase the potential danger that is inherent in extractive operations. This danger is felt disproportionately by native peoples when extractive industries attempt to operate on their lands or in areas that affect their way of life.

One of the largest risks present throughout all phases of production undertaken by extractive industries is that of water contamination. This form of pollution can be seen in many different extractive industries such as mineral mining, oil extraction, and natural gas harvesting. However, the issue of access to and quality of clean water is especially important when the extractive activity is near agricultural or fishing communities, which is the case for the indigenous groups of the Ecuadorian Amazon and the Lummi Nation (United Nations Conference on Trade and Development, 2007). Water contamination can occur due to externalities from the everyday operations of extractive industries or through some sort of accident like a leak or spill (Anongos et al., 2012). Both surface and groundwater sources are potentially affected areas of contamination. There are many

examples of the damages that can be seen in water supplies due to extractive industries, as well as in the communities who are affected by these outcomes.

One of the most well-known examples of water contamination due to the extracting of raw materials is that of the BP Deepwater Horizon oil spill. On April 20, 2010 the Deepwater Horizon oil platform exploded in the Gulf of Mexico resulting in the spilling of 4.9 million barrels of oil (Henkel, Sigel, & Taylor, 2012). Robeck (2011) explains that to understand the disaster in its entirety, we must look at the Deepwater Horizon spill from a systems thinking perspective. To do so means not only looking at one aspect of the disaster, but also looking at the whole of the interacting parts which make up the impacted system such as the relationships that exist between contaminated water, flora and fauna health, ecosystems, weather patterns, human health, and local economies. This way of thinking is important when examining any area affected by extractive industries. The extent of the damage caused by the BP oil spill can best be understood using this approach, with such an example representing the widespread, often unrecognized, impacts that can come from environmental damage from extractive industries

The local damages caused by the BP oil spill were enormous. After an oil spill of any type, often it is the faces of oil drenched seabirds or pools of belly-up fish that are plastered over the media. As with any part of a whole, these losses are an intricate layer of the systems approach to thinking about an environmental disaster. However, because they are less visually shocking, the long term effects to humans after an oil spill are frequently overlooked. Looking at the impacts seen in local communities around the Gulf of Mexico is a prime display of the risks associated with extractive industry behavior.

A report by the Natural Resource Defense Council (NRDC) (2015) outlines many of the ways in which coastal communities have been negatively affected by the Deepwater Horizon spill. Over \$11.5 billion has been paid out by BP to Gulf citizens, both to individuals and businesses, who have suffered economically or physically because of the spill. The Gulf fishing industry was estimated to have lost \$247 million due to post-spill fishery closures. The NRDC report estimates that the total loss to the industry will be \$8.7 billion by 2020, with 22,000 jobs potentially lost in that same time period. Oil damage was also seen in the coastal wetlands of the Mississippi River Delta's ecosystem, an area responsible for one third of the nation's commercial fish production (Andersen et al., 2012). Human damages were not only seen due to direct harm to natural revenue sources, but also through a massive loss to the coastal tourism industry. It was estimated that by 2013 the Gulf coastal economy would lose \$22.7 billion dollars from tourism because of the disaster. These damages only begin to cover the extent to which individuals in the Gulf felt harsh consequences due to the BP oil spill.

Even though the Deepwater Horizon spill was so far from any human settlement, 66 kilometers off the Louisiana coast, it still had an immense impact on communities around the Gulf of Mexico and beyond, demonstrating the harm that poorly managed extractive industries can inflict. The historic disaster that was displayed in headlines around the world illustrates how detrimental extractive industries can be, but it does not represent the majority of the types of water contamination that are being experienced by local communities and indigenous peoples near locations of oil, mineral, or gas industries on a daily basis. These more common disasters are smaller in scale and garner much less attention. Although they do not receive as much notoriety, the types of destruction

experienced in lesser known extractive industry failings are similar to the ramifications felt from the BP spill.

A second example of water pollution that occurred because of extractive industry practices took place in Papua New Guinea in 1984. At the time, large-scale gold and copper mining was occurring in the mountainous regions of the country, and with it came the creation of massive amounts of toxic mine tailings (Jell & Jell-Bahlsen, 2012). These tailings were supposed to be stored in a permanent dam that would keep the toxic waste from leaking and contaminating local waters and lands. However, a landslide at the construction site of the dam obstructed its completion and caused the government to temporarily allow the discharge of tailings and other mine waste directly into the Ok Tedi River (Kirsch, 2007).

What was supposed to be a temporary allowance turned into over a decade of mine tailings being released directly into the river (Banks, 2002). According to White (2009), Professor of Environmental Criminology, over the course of the period of overt pollution by the mining company 80 million tons of tailings, overburden, and mine-induced erosion were discharged into the Ok Tedi River annually. The contamination that was being put into the Ok Tedi and the Fly River was predicted to only reach 100 kilometers downstream, but ended up reaching the Gulf of Papua some 600 kilometers away (Jell & Jell-Bahlsen, 2012). Among the other most notable water contamination that came from the Ok Tedi project occurred a few weeks after the dam landslide when a barge owned by the mining consortium in charge of the project flipped on the Fly River estuary and lost 2700 drums of cyanide in the water. Only 117 of the drums were ever recovered (Jell & Jell-Bahlsen, 2012).

The mining disaster in Papua New Guinea had deep impacts for the indigenous communities who lived along the path of the Ok Tedi River. Similar to the way that Robeck (2011) describes how a systems thinking approach should be applied to the effects of the BP oil spill, Jell & Jell-Bahlsen (2012) examine the levels of indigenous life that are impacted by mining operations in Papua New Guinea. The authors mention four main forms of loss that indigenous peoples saw in Papua New Guinea because of mining. They are: environmental degradation, socio-economic impact, gender-based violence, and State and corporate sponsored violence and human rights issues. The first two of these relate more directly to the specific issue of water contamination. However, all four are very real issues associated with the arrival of extractive industries in indigenous or local communities. The indigenous people most heavily affected by the pollution at Ok Tedi were those downstream from the mine. So many tailings were dumped into the river that by the 1990s the waterway regularly overflowed and deposited a layer of barren sand on the most productive agricultural sites for those living along the river. Subsistence-based livelihoods were harmed even more as the increasing turbidity of the river's water caused local fish stocks to be driven away (Jorgensen, 2006).

Another form of mining that has harmed different indigenous communities around the world is uranium mining. In 2009, the European Commission estimated that approximately 70 percent of the uranium used in nuclear reactors is sourced from the lands of indigenous peoples around the world (Anongos et al., 2012). Needed for nuclear energy, uranium has been important to both the United States and the Indian governments, two countries whose indigenous populations have been negatively affected by the mining of the metal. In the United States, uranium mining peaked between the

1940s and 1960s. The uranium-mining belt was located in the Four Corners region of the U.S. where the state borders of Colorado, New Mexico, Arizona, and Utah meet, and where the Navajo Nation is located (Lynch & Stretesky, 2012). In India, uranium mining is a more current issue. India plans to generate 20,000 megawatts from nuclear energy by 2020. Currently, one of the richest uranium deposits in the country is located in the state of Meghalaya, whose small population is made up of 86 percent indigenous peoples. (Karlsson, 2009; Ramana & Shimray, 2007).

In the United States, between 1948 and 1971 the U.S. government was the sole purchaser of uranium ore in the country. Uranium mining on the land of the Navajo Nation peaked between 1955 and 1956, and the employment opportunities attracted large numbers of Navajo men (Brugge & Goble, 2002). However, the Navajo were provided with little understanding about the long term effects of uranium mining. Few among the Navajo people spoke English, many had no formal education, and the Navajo language had no word for 'radiation', making it difficult for them to comprehend the situation they were entering (Brugge & Goble, 2002).

Consequences from uranium mining include many serious health effects. However, the Navajo were given no proper information about what those costs were, and rarely were provided with proper protective gear or ventilation (Brugge & Goble, 2002). Foremost among the causes of death due to uranium mining are increased rates of lung cancer. The first cases of lung cancer began appearing in Navajo miners in the early 1960s (Lynch & Stretesky, 2012). In a retrospective cohort mortality study conducted with 757 Navajo uranium miners, Deddens, Roscoe, Salvan, & Schnorr (1995) found that along with elevated rates of lung cancer there were higher rates of tuberculosis,

pneumoconiosis, and other respiratory diseases among the minors. Nearly 25 years after the last occupational exposure, Navajo miners continue to experience disproportionate mortality risks from these diseases (Lynch & Stretesky, 2012).

Uranium mining has caused long-term damage to Navajo communities beyond the health costs to those who were directly a part of the mining process. There are still over 1,300 abandoned mine shafts in the Four Corners region and 521 on the Navajo Reservation (Arnold, 2014; Lynch & Stretesky, 2012). These mines continue to leach uranium into the water, air, soil, and food chain of the Navajo. It is estimated that 10,000 gallons of uranium-laced water leaks into the Colorado River every day (Lynch & Stretesky, 2012). In the mid-20<sup>th</sup> century the Navajo lived next to; played in; and used uranium polluted water and waste ponds for bathing, washing, and drinking. Today, over 40 percent of water sources in the area contain levels of uranium above EPA standards, some with levels 38 times higher than is allowed. The impacts of this contamination can be seen in the birth defects, stillbirths, and other congenital effects on Navajo babies today (Lynch & Stretesky, 2012).

The impacts of uranium mining experienced by the Navajo have provided key forms of motivation and evidence in the fight against uranium mining expansions in India. The largest ongoing mining operations in the country are in Jaduguda in the state of Jharkhand where miners have seen similar health problems to those in the Four Corners region. In addition there has been extensive cultural damage, loss of livelihood, loss of land, and an influx of outsiders in the mining region (Karlsson, 2009). In the 21<sup>st</sup> century conflict has arisen in the State of Meghalaya where many of the tribal peoples see proposed uranium mining as a threat to their lives and lifestyles, and others as an

opportunity for economic growth and a source of improved infrastructure and social services. Similar controversies arose in Jaduguda when expansions to already existing mining operations were proposed (Basu, 2009). At one heated public forum, proponents of mine expansion carried signs that read “When compared with hunger, pollution is a small issue” (Basu, 2009). The conflicts within communities that are regularly created with the introduction of extractive industry projects are another consequence frequently felt by indigenous peoples.

Many of the examples illustrated in this paper have looked at the effects of extractive industries on the health, culture, and natural environment of indigenous peoples. However, another key area of impact is found in the damage done to the social environment of indigenous communities. Not only are cultural traditions and practices altered due to extractive activity, but the social frameworks on which indigenous societies are built are often eroded when large-scale extractive corporations enter a community. An example of these effects can be seen in the changing roles of women in indigenous communities adjacent to mining projects in the Philippines.

The Philippines have large endowments of base and precious metals, including: copper, lead, gold, and silver. Indigenous people make up 15 percent of the population of the country, but it is estimated that half of all applications for mining projects are in areas inhabited by indigenous peoples (Holden, Jacobson, & Nadeua, 2011). Coincidentally, the area with the largest concentration of indigenous peoples in the Philippines, a people collectively known as Igorots, is also the area with the country’s largest reserve of gold (Anongos et al., 2012; Holden, Jacobson, & Nadeua, 2011). In this region, known as the

Cordillera, and around the Philippines, mining has greatly altered gender roles and the positionality of women in indigenous communities.

Much of the change in roles for indigenous women in the Philippines has come from the introduction of a cash economy and the destruction of traditional forms of livelihood. Women who once relied largely on agriculture for their survival and economic stability are being forced to find new sources of income. Their traditional roles and responsibilities disappear and their communities become more reliant on the market economy (Anongos et al., 2012). Furthermore, as environmental destruction, drying up of water sources, landslides, and ground erosion occur due to mining activity, women are faced with the burden of upkeep as they are primarily responsible for maintenance of the household, family, and community. Beyond the new roles that women are forced to play in the Philippines there has been an increase in prostitution, incest, infidelity, and domestic violence, as well as alcoholism and drug abuse (Anongos et al., 2012; Holden, Jacobson, & Nadeua, 2011). The case of indigenous women in the Philippines shows the potential for traditional roles and responsibilities to become marginalized in indigenous communities and for indigenous women to experience growing adverse conditions because of the incursion of an extractive industry.

Extractive industries can impact and damage indigenous peoples in countless ways—from the pollution and destruction of their environments, to detrimental health effects, to the changing of cultures and social structures. Conflict can arise within indigenous communities as to the benefit of the presence of extractive industries, creating struggles that are themselves another negative outcome. These threats are very real for indigenous peoples and are often the reason environmental justice actors strive to become

involved with indigenous peoples' efforts. The potential destruction faced by indigenous communities from the incursion of extractive industries makes further research on the topic an important issue. However, for decades, indigenous peoples around the world have been fighting without the help of outside actors or researchers to make local and global changes on their own to further their causes and guarantee their rights.

### **Growth of Indigenous Movements**

It is impossible to lump indigenous peoples from different regions and continents into one group. However, over the last many decades there has been an overarching trend among indigenous peoples worldwide of mobilization and organization in an effort to protect their rights. There is no singular or universal "Indigenous Rights Movement". Rather, as different indigenous groups around the world began to recognize the plights of one another in the 20<sup>th</sup> century, there was a growth in the understanding of the shared similarities between them. Separate, disenfranchised, indigenous peoples started to coalesce into widespread movements as they began to comprehend the parallels between their historical experiences, the structural positions they held within their respective nation states, and the workings of the political systems around them (Hodgson, 2002). The formation of political organizations surged at the local level, and at the regional and national levels more and more indigenous groups became affiliated and intertwined with one another (Kemner, 2011). Tilley (2002) refers to this global organizing of indigenous peoples as the Transnational Indigenous Peoples' Movement.

Collective indigenous efforts could be seen for decades beforehand, but the globalized indigenous movement largely began around the mid-1960s. Tilley (2002) states that a large contributor to this trend was the increase in contact between various

local indigenous peoples from around the world, which was facilitated by the advancement of communication technologies. Minde (1996) points to political events in the mid-20<sup>th</sup> century that helped give legitimacy to indigenous causes. He argues that the banner of anti-racism and human rights under which the Nazis were fought in WWII made it harder to overlook the demands of indigenous peoples, especially in countries like New Zealand and Canada that had raised special contingents from among their indigenous populations during the war.

Global principles at the time may have created a more receptive platform from which indigenous concerns could be presented, but the comprehension of shared struggles between the world's many indigenous groups was the catalyst that led to the first major period of international indigenous organizing (The University of British Columbia, 2009). According to Morgan (2007), the global connection that was occurring between different indigenous peoples allowed two main things to happen. The first was an emergence of a common indigenous identity based on shared experiences of historical and ongoing colonialism and abuses. The second was the formation of an arena for the pursuit of indigenous goals. With the creation of an international platform for their voices to be heard, indigenous peoples played key roles in the many indigenous-centered international doctrines, agreements, and institutions that would be created in the next many years.

The rise of indigenous organizing and mobilization has been seen at many different levels of society. In the years since it has been a mainstream effort, the indigenous movement has been simultaneously a local, regional, and global phenomenon (Hodgson, 2002). Within these different arenas indigenous peoples have put forth

multiple desired outcomes. Some have been centered around political representation (Turpel, 1992), others around land rights (Gilbert, 2007), others still around fights for recognized self-determination (Charters, 2010), and others related to local and specific activism issues, often connected to environmental justice.

Much of the indigenous movement at the international level has been focused on globally recognizing rights for indigenous peoples, especially the right to self-determination. The stage for this path of mobilization was set in 1966 when Article 1 of both the United Nations International Covenant on Civil and Political Rights (ICCPR) and the United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR) guaranteed all peoples around the planet the right to self-determination (United Nations Human Rights Office of the High Commissioner (OHCHR) 2016a; OHCHR, 2016b). With the passing of these two covenants a legal framework became accessible to indigenous peoples to claim such a right for themselves. The indigenous movement began to move forward under the logic that indigenous people, as peoples, were also guaranteed a right to self-determination, and that any other interpretation of these covenants would create two categories of ‘peoples’, those who have the right to self-determination and those who do not (Morgan, 2004). The ICCPR and the ICESCR did not focus specifically on indigenous rights, so many in the indigenous rights movement geared toward that battle. Some of the most important international bodies that have been successfully created through indigenous mobilization, for the benefit of indigenous people specifically, are outlined in the following section.

The World Council of Indigenous Peoples (WCIP) was first formed in 1975 through the efforts of George Manuel, a member of the Shuswap Nation in British

Colombia and the then-president of the National Indian Brotherhood of Canada (Sanders, 1977). Manuel was a key figure in the building of the international network of indigenous peoples, and in the early 1970's he visited indigenous communities in Tanzania, Scandinavia, New Zealand, and Australia to learn first-hand of their experiences and struggles (Minde, 1995; The University of British Columbia, 2009). After returning from New Zealand and Australia, Manuel declared his desires for the future of indigenous relations. He proclaimed: "I hope that the common history and shared values that we discovered in each other are only the seeds from which some kind of lasting framework can grow for a common alliance of Native Peoples" (Sanders, 1977). Manuel carried this sentiment forward and used it to help organize a conference of world indigenous representatives in 1975, from which would come the creation of the World Council of Indigenous Peoples (Minde, 1995).

The conference was held in Port Alberni, British Columbia and included members of indigenous communities from Argentina, Australia, Bolivia, Canada, Colombia, Ecuador, Finland, Greenland, Guatemala, Mexico, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Sweden, the United States, Hawaii, and Venezuela (Sanders, 1977). The topics discussed at the conference were many. Some of the most pressing issues revolved around the need to create unity among indigenous peoples, to strengthen local and national indigenous organizations, and to disseminate information about living conditions, cultural values, and common problems faced by indigenous peoples (Kemner, 2011). The overall goal was to raise international awareness of indigenous groups' right to self-determination in order to create greater opportunities for indigenous peoples to

control their own lives and futures (Laenui & The Contemporary Pacific, 1990; The University of British Columbia, 2009).

Links between indigenous peoples from around the world were already extensive at the time, but the creation of the WCIP gave these groups an organized, global platform that they had previously lacked (Morgan, 2007). In 1977, the WCIP gained consultative NGO-status within the United Nations Economic and Social Council (ECOSOC), allowing it to advocate for the rights of its constituency at United Nations institutions and conferences. The WCIP became a spokesperson for the world's indigenous peoples with representatives from Scandinavia, South America, Central America, North America, and Asia and the Pacific (Kemner, 2011; Laenui & The Contemporary Pacific, 1990). The primary role of the WCIP shifted to attending different international conferences and workshops where it was able to introduce statements, proposals, and resolutions to various human rights and development bodies (Kemner, 2011). Using this platform that they had earned for themselves, the WCIP advocated for indigenous rights on the global stage. The WCIP also made it easier for various national indigenous organizations to share strategies and coordinate joint initiatives through the United Nations. However, with the representation of so many different groups, the WCIP often did not grant the ability to advance specific and individual issues (Minde, 1996). Before it dissolved in 1996, the WCIP represented some 600, 000 indigenous peoples around the world (The University of British Columbia, 2009).

The groundwork that was laid by the WCIP helped to set up the future of global indigenous activism. The global stage was incredibly important for advancing indigenous issues, but much of the most successful indigenous mobilization beginning in the mid-

20<sup>th</sup> century was seen in the efforts of regional and local indigenous communities. The platform that the United Nations and other international bodies provided—spaces that, according to Morgan (2004) were fought for by indigenous peoples, not bestowed upon them—gave a voice to indigenous claims. However, these forums also had limitations in their power. The U.N. does not have executive power over sovereign nations, and almost all declarations and covenants that U.N. member nations sign onto are not enforceable with hard power. A “mobilization of shame” and the application of pressure are tools commonly used to punish violations of international law that do not fall under the concern of the U.N. Security Council (Kirgis, 1996). While the advancements of indigenous rights on international levels was a vitally important step, often it only served as a venue to raise awareness, not one where concrete and implementable change was made. Local and regional organizing of indigenous peoples was often where such changes were more frequently seen.

Local and regional indigenous mobilization generally takes one of two forms: efforts to create a long lasting organization, commonly geared toward structural change, and efforts aimed at addressing a singular, in-the-moment, issue or event. Both types of associations usually are formed by, and concerned with, one impacted indigenous community or a collaboration of indigenous groups who have a shared focus, such as Native American tribes within the United States. Campaigns that have been centered on a single specific issue have taken place all over the world. This is true as well for the creation of permanent local and regional indigenous organizations. However, the Americas provide examples of some of the most well-known and best researched mobilization efforts of indigenous peoples over the last many decades.

The atmosphere that spurred the transnational indigenous movement was formed in large part by the organization of local and regional actors fighting for similar causes. In the case of the World Council of Indigenous Peoples, discussed above, sources of inspiration were found in Native American efforts in the United States and Canada. In the years before the founding of the WCIP, which eventually would come to speak for large numbers of indigenous peoples around the world, smaller and more localized Native American mobilization efforts were undertaken in North America. An example of these movements can be seen in the establishment of the National Congress of American Indians (NCAI) in 1944, whose goals for seven decades have been centered on the protection and advancement of tribal governance and treaty rights, the promotion of economic development and health welfare in Indian and Alaska Native communities, and the education of the general public toward a better understanding of Indian and Alaska Native tribes (National Congress of American Indians, 2016). Today, the NCAI claims to be the largest and most representative Native organization serving the interest of tribal communities, although it is by no means the only such body.

Through successful efforts of mobilization, multiple other important Native organizations rose to prominence in the years after the NCAI was formed. The National Indian Youth Council (NIYC) was set up in 1960 under an umbrella of criticism of how the NCAI was run. Members of the NIYC claimed that NCAI members were far too intimate with the Bureau of Indian Affairs, a department of the federal government (Minde, 1996). A co-founder of the NIYC, Clyde Warrior, often gave impassioned speeches focused on what could be done *for* and *by* Indians rather than *against* what was being done *to* them; self-determination was core to their movement (Mckenzie-Jones,

2010). In Canada, similar Indian mobilization came in the emergence of the National Indian Council (NIC) in 1960, and the National Indian Brotherhood (NIB) in 1969 (Minde, 1996). One especially prominent indigenous organization formed in the Civil Rights era was the American Indian Movement (AIM).

The American Indian Movement formed in 1968 and took a more militant approach to their activism not seen in previous mainstream Native organizations (Minde, 1996). Originally AIM was focused on changing the lives of Native Americans in urban centers and geared their efforts towards holding police accountable for rights abuses committed against the Indian population (Johnson, 2009). They soon took much more visible action at the national level, beginning with participation in the nineteen-month occupation of Alcatraz Island in 1969, organized by yet another Native American organization, the Indians of All Tribes (National Parks Service, 2016). AIM continued this trend of protest and demonstration by occupying Mt. Rushmore in 1970, and leading a nation-wide march to Washington D.C, the “Trail of Broken Treaties”, in 1972, which concluded with a 72-hour occupation of the federal Bureau of Indian Affairs (Johnson, 2009). These efforts to raise awareness of past and current transgressions against American Indians culminated in the ultimately violent 1973 takeover of Wounded Knee. AIM and other Native American activists took control of Wounded Knee to raise awareness of a variety of issues. First and foremost though, the action sought to draw attention to the broken treaties throughout Native American history, particularly the treaties that had been broken with the Sioux Nation that led to the original Massacre of Wounded Knee in 1890 (Rich, 2004). AIM has continued to be active into the 21<sup>st</sup> century, although not to the degree that other indigenous mobilization efforts have been.

Significant indigenous mobilization can be seen far beyond the borders the United States. Over the last many decades, Ecuador has proven to be one of the nations with the most organized and most active indigenous mobilization efforts in the world. These efforts can perhaps best be seen by looking at the creation and action of the Confederation of Indigenous Nationalities of Ecuador (CONAIE). CONAIE was formed in 1986 and served as a unifying body for the nation's indigenous people from all its regions. Previously existing indigenous organizations from the coastal, highland, and Amazonian regions of Ecuador banded together under CONAIE to unite their voices (Jameson, 2011; Zamosc, 2007). The specific causes faced by separate indigenous groups were unique to each region. In the Amazon, local bottom-up organizing was seen in response to the arrival of peasant colonists, oil companies, and state agencies. In the Sierra, mobilization was frequently in response to land-reform issues and agrarian reform. Although their specific concerns were often unique, many indigenous groups of the different regions saw the creation of one organization as the best way to achieve their desired goals (Becker, 2010; Zamosc, 2007). In general, CONAIE has laid out two broad goals in their movement: aspirations of livelihood and those of citizenship. According to Zamosc (2007) the former have focused on economic improvements, education, health, and the protection of Indian lands, and the latter on the redefinition of Ecuador as a plurinational state, the end of discrimination, territorial autonomy, representation in state institutions, control over education and development programs, and official recognition and funding of indigenous organizations.

The success of CONAIE's mass organizational efforts can be seen in numerous examples over the last thirty years. Their first large victory came in 1988 when they

successfully negotiated an agreement with the Borja administration to create the National Directorate of Bilingual Intercultural Education, which would officially recognize indigenous education and provide education for people of all ages in indigenous communities (Jameson, 2011; Yanez Cossio, 1991). CONAIE's most well-known, and perhaps most important mobilization effort came in 1990 when they led an indigenous uprising against their social, economic, and political marginalization (Becker, 2010). Tens of thousands of indigenous members blocked highways and seized public offices in a non-violent protest, until the government was forced to listen to their demands (Jameson, 2011; Zamosc, 2007). The 1990 uprising was not only successful because it served as the catalyst that launched indigenous concerns onto the national stage in Ecuador, but it also was unprecedented in its unification of notoriously peasant and indigenous communities (Colloredo-Mansfeld, 2007; Becker, 2011). The CONAIE-led protest altered the political landscape of Ecuador and demonstrated the power that indigenous mobilization could have. The 1990 uprising gave Ecuador the reputation of having some of the strongest and best organized social movements in South America, but in no way has CONIAE let up on their activities since their initial victories (Becker, 2010). The indigenous organization has continued to play a vital role in Ecuadorian politics as it has been highly involved in the ousting of presidents, the changing of the constitution to be more indigenous-inclusive, and the daily battles for indigenous rights.

The organization of these indigenous rights-centered bodies has occurred alongside indigenous activism addressing specific and immediate issues. Often, the indigenous organizations that gained prevalence in the mid to late 20<sup>th</sup> century were aimed at addressing systemic and ongoing rights issues for indigenous peoples. However, there

have been numerous threats to indigenous peoples that have not been solved through the creation of an official organization, but instead through the mobilization of indigenous individuals and groups who have allied together to fight an immediate threat by raising together their voices and actions. Prime example of such mobilization can be seen in the battle for fishing rights faced by Native Americans in the Pacific Northwest of the United States in the 1960's and 70's (Shreve, 2009), the unification of Native American tribes and First Nations Peoples in opposition to the Keystone XL Pipeline (Boos, 2015), and indigenous collaboration at the 2015 United Nations Climate Change Conference in Paris (Wendland, 2015). Each of these demonstrates the growth in indigenous mobilization, but it would be remiss not to talk in further detail about the indigenous mobilization that has been occurring in North Dakota, United States concurrently with the writing of this paper.

The Native-led protest against the Dakota Access Pipeline (DAPL) near the Standing Rock Sioux Reservation in North Dakota has grown to a historic size in recent months. The DAPL is a crude-oil pipeline project that has been approved by the U.S. Army Corps of Engineers, and if completed, would pass beneath the Missouri River—the main source of water for the Standing Rock Sioux Reservation (Ablow, 2016). At risk is the damage that a spill underneath the Missouri River would cause to the tribe and others who live downriver, the disturbance of sacred sites caused by construction, and the continued pushing aside of Native concerns for the development of for-profit projects (Ablow, 2016). In a show of support and solidarity, Native Americans from across the country, as well as indigenous peoples from around the world, have gathered in North Dakota to protest the pipeline. Healy (2016) says that 280 Native American tribes are represented

by those who have answered the call of the Standing Rock Sioux and travelled to North Dakota. Some 5,000 individuals from the U.S., Native and non-native, as well as indigenous members from Peru, New Zealand, Mexico, Ecuador, and Brazil have gathered in what activists have called the largest and most diverse tribal action in at least a century (Healy, 2016; Sammon, 2016b).

The growth of indigenous mobilization around the world, which gained mainstream influence and attention beginning in the 1960s, has provided a platform for indigenous concerns to be heard that did not exist in the past. However, the ability for indigenous voices to be raised that now exists does not guarantee that those voices are heard. Indigenous peoples all over the world face barriers that limit their capabilities to enact the changes they desire. The limited power that indigenous peoples have because of these barriers is often the reason that they seek relationships with outside actors. Some of the hurdles that limit the voice of indigenous peoples are discussed in the following section.

### **Limitations to Indigenous Voices and Self-Determination**

In many cases, indigenous peoples fighting extractive industries are not able to produce on their own the outcomes they want to see. Because of this, relationships between certain indigenous peoples and non-indigenous actors have the potential of being important. Among the reasons for the potential importance of these relationships is the fact that significant barriers prevent indigenous peoples from being able to produce the changes they would like as individual communities; relationships between the two groups can be somewhat of a necessity as indigenous peoples often do not have power to be heard on their own. In no way shape or form is this saying that indigenous peoples do not have the resolve, intelligence, dedication, or passion to enact change. However, there are

systemic and situational hindrances that keep indigenous peoples from acting to the fullest of their abilities or with the self-determination they inherently deserve simply by existing as human beings. Some of the barriers that limit the power of indigenous' voices and actions, and which sometimes makes a relationship with outside actors advantageous, are discussed in this section.

**Unenforced and Limited Legal Frameworks.** Much of the success that came from the worldwide mobilization of indigenous peoples, discussed in the previous section, was seen in the creation of national and international doctrines and bodies that focused specifically on indigenous rights. The enactment of national laws, changes made to state constitutions, and indigenous rights-centered bodies created at the international level all focused on the protection of indigenous peoples and their rights. However, the fact that these frameworks are now in existence has not meant that they are enforced as the sources of protection they claim to be. Indigenous voices have been limited by countless examples of laws, covenants, and agreements, written to protect their rights, but which are not being upheld.

One of the largest legal victories that came out of the indigenous movement was the updating of the International Labor Organization's (ILO) Convention 107 to be more aligned with indigenous positioning. In 1989 ILO Convention 107 (ILO 107) was updated to ILO Convention 169 (ILO 169) through the Indigenous and Tribal Peoples Convention. ILO 107 was drafted in 1957 and was significant as it was the first international treaty dealing with the rights of indigenous peoples. However, ILO 107 had immensely negative components within its structure. The 1957 version of the convention had an inherent assimilationist perspective. It was based on the assumption that the only

viable future for indigenous peoples was integration into larger society, and that only members of that same larger society were capable of making developmental decisions for indigenous peoples; they themselves were not (International Labour Organization, 2013). ILO 169 aimed to move away from these harmful assumptions while also ensuring indigenous peoples' fundamental human rights, the ability to exercise control over their own development, and to participate fully in the national development of the States in which they live in accordance with their cultural identities (International Work Group for Indigenous Affairs, 2015a). At the core of ILO 169 were the themes of consultation and participation, which require that indigenous and tribal peoples be consulted on issues that affect them, including extractive activities (International Labour Organization, 2009; United Nations Department of Economic and Social Affairs, 2005). Although ILO 169 took many positive strides forward, in many ways the convention has not been upheld, thereby limiting the voice of the indigenous people it is meant to protect.

The intention with which ILO 169 was created has, in many cases, not been realized. The convention was implemented with the purpose of guaranteeing specific rights to indigenous peoples. However, frequently the power that ILO 169 was supposed to grant indigenous and tribal peoples has not been experienced in real-world situations. Most notably, indigenous peoples' voices have been limited when the consultation and participation that the convention promises in regard to activity on indigenous land is not granted (International Groups of Indigenous Affairs, 2015). The majority of countries whose indigenous populations are effected by the shortcomings of ILO 169 are in Latin America as 14 of the 22 countries who have ratified the convention are located there (International Labour Organization, 2016). This number in itself displays a problem with

many documents related to indigenous rights. ILO 169 and many other legal instruments are not universal; only countries which ratify them are able to be upheld to their standards (Barelli, 2009).

Cases of violations in regards to ILO 169 can be seen in many different countries and indigenous communities. McDonnell (2014) outlines one such example in Peru, where a multinational mining company, Canadian Bear Creek Mining Company, began project development without proper consultation of the sizable local indigenous population. The Peruvian government allowed the project to continue even after an ILO commission made recommendations to the State of Peru to suspend extractive explorations until a consultation mechanism was established. Fulmer, Godoy, & Neff (2008) look at a similar case in Guatemala where a mining project backed by the national government and the World Bank, and undertaken by Glamis Gold, ignored the requirements of consultation and participation from affected indigenous peoples outlined in ILO 169. In 2005, at the time of the project, Guatemala had not passed any implementing legislation to incorporate ILO 169 into national law. The Guatemalan government was legally bound to the convention, but had no clear legal mechanism through which violations could be prosecuted. Such violations were central components to the indigenous opposition to the project. Anaya (2005), points to further examples in Ecuador and Colombia where oil and hydro electrical projects did not undertake the appropriate levels of consultation required by ILO 169 even though both States are signatories to the convention.

The legal rights that have been written into international law through ILO 169 are meant to empower and grant self-determination to indigenous peoples. Indigenous voices are limited though, when they are not granted the power that has been lawfully afforded

to them, and when there are no systems in place for upholding the guarantees of ILO 169. ILO 169 is not the only example of a document in which legal shortcomings limit the abilities of indigenous peoples to live as they wish and fight on their own behalf.

Multiple other national and international documents that have been written with the purpose of granting rights to indigenous peoples have not empowered those populations in the ways promised in the documents. In what is often considered the most important legal document regarding indigenous rights since ILO 169, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) focused on issues of discrimination, collective rights, self-determination, cultural rights, land issues, and consultation and consent, among other things (Asia Pacific Forum; Office of the U.N. High Commissioner for Human Rights, 2013). However, according to Jabareen (2011), there are many omissions from UNDRIP that would strengthen the voice and capacity of indigenous peoples if they were added. These include a focus on education, linguistic rights, immigration and citizenship, and issues of redress and reparations. Engle (2011) lays out many ways in which UNDRIP has progressed indigenous rights, but says that the language of the final article, Article 46, is vague and allows for States to define certain indigenous claims as they see fit, while denying other claims altogether. UNDRIP made indigenous rights a universal issue, but still has not provided sufficient power or protection to indigenous peoples to guarantee their ability to take effective action when they feel they are facing an injustice.

On the national level, ineffective administration of legal frameworks meant to support indigenous peoples can be seen in the new constitutions of Ecuador and Bolivia. In 2008 and 2009 respectively, these two South American countries adopted constitutions whose

contents incorporated progressive and unique indigenous rights into national law (Lupien, 2011). The creation of these constitutions was the culmination of years of efforts by indigenous peoples and activists who saw issues of representation in government, high levels of social inequality, and ethnic discrimination as key issues that needed to be addressed (Schilling-Vacaflor, 2011). The core addition to these two doctrines was the recognition of each country as a ‘plurinational’ state, thereby recognizing the uniqueness and self-determination of indigenous peoples. In a remarkable step, Ecuador’s constitution also granted legally enforceable rights to nature itself (Dosh & Kligerman, 2009).

In Ecuador specifically, it soon became clear that the rights guaranteed to indigenous peoples and to nature did not carry the weight they should legally. Months after approving a new Constitution that included provisions guaranteeing clean drinking water and a healthy environment to be inviolable human rights, Ecuador passed a new Mining Law allowing foreign corporations to begin mining operations in the country and to “liberally prospect for mineral substances” on community and indigenous land (Dosh & Kligerman, 2009). The 2008 Constitution also provided legal protection to Ecuador’s uncontacted indigenous groups, by stating that their territories are irreducible, intangible, and off limits to extractive activities. Under the new Constitution the violation of these rights would equate to the crime of genocide. However, this seemingly positive step was undermined by a loophole which allowed extractive industries to operate in “intangible” areas when the President obtains a “declaration of public interest” from Ecuador’s National Assembly (Kimerling, 2016). Today, oil operations are moving forward in the biodiverse and culturally important Yasuni region of the Amazon, which is home to two

uncontacted peoples, showcasing that even when rights are guaranteed to indigenous peoples in a national constitution, in the end those rights can easily be shoved aside and ignored.

**Political Representation.** The U.N. Declaration on the Rights of Indigenous Peoples recognizes the right of indigenous peoples to participate fully in the political life of the State. However, many nations have interpreted that phrasing to mean that the act of voting is in itself enough to fulfill such participation (O’Sullivan & Xanthaki, 2009). In many countries comparatively few indigenous people hold political office, especially higher positions of federal government. Research conducted by the Inter-Parliamentary Union (IPU) (2014) found that out of the 77 countries with parliamentary systems looked at (of which only 33 were able to provide sufficient data for use) only 24 had parliaments with members who self-identified as indigenous. In nine parliaments, there was no indigenous representation at all. Representation of indigenous women was even lower. Of the total indigenous Members of Parliament (MP) identified in the research, only 20% were female.

Among the parliaments that responded to the IPU survey, only eight had reserved seats in their parliaments for indigenous persons. However, the benefit of reserved seats is questioned in the research as well. If reserved positions are appointed by mainstream party leaders, there is a higher likelihood that those indigenous seats will be filled by people with a greater loyalty to party interests, thereby negating much of the purpose of having seats reserved for indigenous members. If reserved seats are appointed through an election process, there is greater likelihood that the interests of indigenous peoples will be represented (Inter-Parliamentary Union, 2014).

Examples of lack of indigenous political representation can be seen in many nations around the world. In Australia, 2.5% of the total population of the country self-identifies as indigenous. Proportionately, this would mean that there should be three indigenous members in the House of Representatives and one senator. However, throughout the country's entire history there have only been two indigenous members of federal parliament, one senator who left office in 1983 and another who left in 2005 (Lloyd, 2009). In Canada, the 2011 election saw a historically higher number of aboriginal MPs elected. There were seven representatives of First Nation, Inuit, or Métis origin elected. These seven officials who represented a record-breaking number of indigenous MPs accounted for 2.3 percent of the seats in the House of Commons while aboriginals represented 3.8 percent of the total population (Grenier, 2013). In Mexico, self-identifying indigenous peoples make up 15 percent of the population, yet only account for 14 of the 500 lower house representatives (2.8%) (United Nations Development Program, 2013; United Nations Human Rights Office of the High Commissioner, 2011). In Ecuador, between 2009 and 2013, only seven of the 124 MPs were indigenous (United Nations Development Program, 2013). In Bolivia, where the majority of the country is indigenous, an indigenous president was elected in 2008. However, only 31 of 140 MPs are indigenous (United Nations Development Program, 2013).

The United States does not have a guaranteed platform from which Native American voices can be heard at the highest levels of federal government; Congress has no seats reserved for Native Americans. Even with the brutal history towards the American Indian population and the current political issues that deeply affect many tribes, there are no assured positions on Capitol Hill for Native Americans to share their concerns. All states

are guaranteed equal representation in the U.S. Senate, and in the House of Representatives each state is represented in proportion to its population, with a guaranteed one member in the House. In addition to the fifty states that are represented, Guam, Puerto Rico, Washington D.C., American Samoa, U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands all have delegates in Congress (Trahan, 2015). The total American Indian population of 5.4 million is far greater than the population of each of those territories, and the population of the Navajo Nation alone is greater than Guam, American Samoa, U.S. Virgin Islands, or the Northern Mariana Islands (United States Census Bureau, 2015; Trahan, 2015). Yet, no representation is guaranteed for populous individual tribes or the Native American population as a whole.

Indigenous political representation is not only lacking within official State governments, but also from the decision-making process of international agreements that have deep impacts on indigenous peoples. A prime example of this exclusion of indigenous representation can be seen in the negotiating of the recent United Nations Climate Change Conference (COP21) in Paris. On December 12, 2015, COP21 was adopted as a celebrated international step to fight climate change. Notably, however, indigenous input was left out of the final agreement of the conference. Rights of indigenous people were cut from the binding portion of the agreement, relegating the only mention of such rights to the solely aspirational preamble (Paquette, 2016). Indigenous representatives were present in substantial numbers at the conference, but were confined to the Blue and Green Zones giving media interviews and public presentations. Only a few members of the Indigenous Peoples' Forum on Climate Change were allowed to enter the official negotiations.

**Population Barriers.** When looking at the environmental battles many indigenous groups wage, it is clear that their low population numbers limit the power they have to act. In most societies, a high volume of people speaking out is needed to influence elected officials, and large numbers of votes are needed to pass legal changes. In many cases, indigenous communities simply do not have the numbers to make these things happen on their own. It is impossible to lump the demographics and socio-economic information of indigenous peoples worldwide into one equally applicable collection of statistics. Some groups are large and financially secure while others are on the verge of extinction or have no connection to a money-based economy. While some groups may be able to support their desired political and activism efforts, many are limited in their actions by the small population numbers that make up their communities.

Often the indigenous communities who are fighting against extractive industries are comprised of only a small number of people. The Lummi Nation in Washington State has only 5,000 members (Lummi Nation, 2011). In comparison, SSA Marine, the company in charge of the Gateway Pacific Terminal, has 12,500 employees of its own according to the most recent data (Forbes, 2008). An extreme example can be seen in the Mirarr Aboriginal people who are the inhabitants of the World-Heritage recognized Kakadu National Park in the Northern Territory of Australia and who have been battling against uranium mining in their territory since the 1970s (Anongos et al., 2012). The Mirarr consist of only twenty-six adult members (Center for World Indigenous Studies, n.d). Alone, no elected official is likely to be persuaded by so few voices. Furthermore, indigenous populations are being split apart by the effects of urbanization, both voluntary and involuntary (United Nations Department of Economic and Social Affairs, 2009). This

trend may not be physically lowering the populations of indigenous peoples, but it is certainly separating populations and making it harder to raise a collective voice.

Environmental activism, especially environmental activism aimed at extractive industries, has the potential to be successful not only through pressuring elected officials, but also through pressuring companies and corporations as well. Coercive influence from environmental activists has been successful when companies' financial wellbeing is targeted, or when they are convinced that their image or reputation is at risk (King & Vasi, 2012). More so, in *Protest as a Political Resource*, Lipsky (1968) posits that no matter the activism techniques used, media attention plays a large role in the effectiveness of a cause. According to Lipsky, when an activism effort is not deemed significant by the media that effort will not succeed. Large numbers of people involved in activism efforts are beneficial to a cause as more voices and actions putting pressure on corporations, as well as the media attention that comes with larger activities and movements will both help an environmental cause. With populations that are often comprised of only a small number of people, it can be difficult for indigenous peoples to apply the pressure or raise the attention that is more easily obtainable with larger numbers of people.

**Education Levels.** Indigenous access to quality education is often seen at much lower rates than access to education among the general public. The U.N. recognized this problem during the 2016 International Day of the World's Indigenous Peoples, which was themed *Indigenous Peoples' Right to Education*. In her address on that day, Special Rapporteur of Indigenous Peoples, Victoria Tauli-Corpuz, stressed the importance of this issue when she stated that "the available data shows a consistent pattern of disparity

between indigenous and non-indigenous peoples in terms of educational access, retention and achievement in all regions of the world” (United Nations Human Rights Office of the High Commissioner, 2016d). The available data that the Tauli-Corpuz talks about shows that indigenous peoples have lower enrollment rates, higher dropout rates, and poorer educational outcomes than non-indigenous students in the same countries (United Nations Department of Economic and Social Affairs, 2009)

Education is guaranteed to all indigenous peoples in Article 14 of the *UN Declaration on the Rights of Indigenous Peoples*, as well as in the *Universal Declaration of Human Rights*, and equal access to all levels of education is the 4<sup>th</sup> goal of the *2030 Agenda for Sustainable Development* (United Nations, 2016; United Nations General Assembly, 1948; United Nations General Assembly, 2007). However, in many cases this right is not fully satisfied. The International Work Group for Indigenous Affairs (2015b) lays out many reasons as to why such a gap in education exists for indigenous populations. One of the main reasons is that formal school systems do not reflect the reality of indigenous cultures; indigenous history is ignored in national curricula, formal education is often provided only in the national language and not indigenous languages, pastoralism and nomadism is not taken into account in school scheduling, and teachers have a lack of cultural training and language abilities. Furthermore, many indigenous areas lack school infrastructure, tuition fees and materials (uniforms, school meals, transportation) create a financial burden, and there is frequently a view within indigenous communities that national education systems are a means of assimilating indigenous peoples into mainstream society, eradicating their cultures in the process.

There are many negative consequences for indigenous peoples that stem from the common faults of formal education systems. In Latin America throughout the 21<sup>st</sup> century, literacy levels among indigenous adults have been far below the national averages in most countries of the region. In 2005, the illiteracy rate of the non-indigenous adult population in Mexico was 6.7%. Comparatively, the illiteracy rate among the indigenous adult population was 36%, almost five times the number as that of non-indigenous adults. In Bolivia in 2001, the illiteracy rate for the entire country was 13.6%. However, 91.6% of that population was indigenous. In Ecuador, the illiteracy rate is 9% for non-indigenous adults and 28% for their indigenous counterparts (Schmelkes, 2011). High levels of illiteracy among indigenous peoples impede access to innumerable written resources that could be beneficial to activism and legal efforts.

More than simply having a negative impact on literacy and knowledge levels, a lack of education can also lead to many deeper societal consequences for indigenous peoples. Research by Maidment and Malin (2003) shows that, although indigenous education has improved in the last half century, there is still a direct connection between levels of education for indigenous peoples and other social categories in which they lag behind non-indigenous populations. Specifically, this includes rates of life expectancy, health, employment, and imprisonment. This can be seen in Australia where there is a 10-year gap in life expectancy between aboriginal and non-aboriginal populations, and a 26% difference in the employment to population ratio of the two groups. Likewise, aboriginals are 1.7 times more likely to suffer from disabilities and chronic diseases and 13 times more likely to be imprisoned as their non-indigenous counterparts (Steering Committee for the Review of Government Service Provision (SCRGSP), 2014). These statistics

correlate to education statistics, which show 74% of preschool-age aboriginal children were enrolled in school compared to 91% of the non-indigenous population, and 59% of aboriginals, ages 20-24, complete their 12<sup>th</sup> year of education compared to 87% of non-indigenous Australians (SCRGSP, 2014). Social and economic factors that impact indigenous populations, and which are influenced by indigenous education levels, force communities and individuals to pour their time and resources into other avenues rather than into fighting corporations that potentially are on their land, or other activism efforts.

**Health Problems and Access to Healthcare.** Indigenous peoples frequently experience disproportionately high levels of health problems. These problems can be connected to environmental damages caused by extractive industries, but even in indigenous communities without extractive conflicts rates of many adverse health effects are above the global average. Gracey & King (2009) outline some of the main health problems faced by indigenous peoples. They include:

- High infant and young child mortality
- High maternal morbidity and mortality
- Heavy infectious disease burdens
- Malnutrition and retarded growth
- Shortened life expectancy at birth
- Diseases and deaths associated with cigarette smoking
- Social problems, illnesses, and deaths linked to misuse of alcohol and other drugs
- Accidents, poisonings, interpersonal violence, homicide, and suicide
- Obesity, diabetes, hypertension, cardiovascular disease, and chronic renal disease (lifestyle diseases)
- Diseases caused by environmental contamination (eg, by heavy metals, industrial gases, and effluent wastes) and infectious diseases caused by fecal contamination.

Statistics compiled by the United Nations Department of Economic and Social Affairs (2009) showcase these trends. A Native American in the United States is 600 times more likely to die from tuberculosis than members of the general population and 62 percent

more likely to commit suicide. An indigenous child in Australia can expect to die 20 years before their non-indigenous counterpart. The same is true in Nepal. In Guatemala that number is 13 years and in New Zealand, 11 years. In parts of Ecuador, indigenous people are 30 times more likely to suffer from throat cancer than the national average. And worldwide, over 50 percent of all indigenous adults have type-2 diabetes.

In its second edition of the *State of the World's Indigenous Peoples* report, The United Nations Department of Economic and Social Affairs (2015) shows that in every region of the world with an indigenous population access to healthcare plays a significant role in the high rates of health issues among native peoples. Access to formal healthcare is frequently difficult to obtain because there may literally be no health facilities in an indigenous community, cultural differences with health care providers create barriers, illiteracy and low education levels make an understanding of healthcare systems difficult, and an absence of health insurance or an economic ability to pay for health services causes obstacles even when such facilities are available. A lack of healthcare is by no means the only cause of health problems among indigenous communities as shown by Gracey, King, and Smith (2009) who point to the long-term mental effects and collective trauma caused when indigenous Canadians were sent to residential schools in the past.

Environmental contamination can be a direct cause of health problems for indigenous peoples, but all causes of the indigenous health gap can potentially act as a limit to indigenous peoples fighting against extractive industries if that is a battle they face. People suffering from disease or malnutrition cannot engage at the same level as a healthy individual. Energy levels are low, there is a risk of contaminating others, and time must be set aside to heal. Although traditional healing methods are still common

within indigenous communities, individuals who are sick may have to spend money on medicine or doctors rather than putting it towards a cause to stop an extractive industry impacting their community. Higher than average mortality rates also simply mean that many indigenous peoples have less lifespan to put towards activism efforts. In all of these ways, disproportionate health problems experienced by indigenous communities have the potential to limit the voice of native populations.

**Inefficient Reporting Mechanisms.** When there is a perceived rights violation, either of environmental rights or general human rights, towards indigenous peoples the ineffectiveness of reporting mechanisms limits the voice of those impacted people. Reporting, or grievance, mechanisms are found within the U.N. Human Rights System, regional human rights systems, international and regional financial institutions, and direct mechanisms between corporations and stakeholders. For the last of these, corporate grievance mechanisms, the Special Representative to the Human Rights Council has outlined six main criteria for an effective mechanism: legitimacy, accessibility, predictability, equitability, rights-compatibility, and transparency (Rees, 2011). In theory, these mechanisms provide an avenue for traditionally marginalized and voiceless people to have injustices committed against them recognized and repaired. Although often well intentioned, the functionality of reporting mechanisms is not always high, thereby limiting the ways in which indigenous peoples' voices are heard on a local, national, regional, or international level.

One of the main faults of reporting mechanisms is that the indigenous peoples for whom they are created often do not even know of their existence; accessibility to mechanisms is limited. In a study published by Reese (2011) and conducted in

conjunction with the Harvard Kennedy School, this point was examined. Indigenous peoples in four areas of the world who were impacted by the activities of corporations were the subject of research. Reese found that even when companies invested in advertising to explain how their grievance mechanisms worked and how to access them, local indigenous peoples were not aware of their existence. In one example, the research team was interviewing a community member beneath a banner promoting the grievance mechanism of Sakhalin Energy, yet the interviewee said they did not know how to report any complaints associated with the company's operations. Even if advertising is undertaken correctly, reporting mechanisms are often buried beneath operational steps and policies geared much more toward those who are technologically savvy rather than the communities likely to need them (Booker, Kelsey, Plagis, 2014). When looking at the different mechanisms of reporting rights violations, it was evident that any desired reporting would require a combination of a computer, the internet, a printer, an email address, or access to national/international shipping capabilities and postage. Often indigenous communities, especially geographically and culturally isolated ones, lack these requirements.

Even if indigenous communities are made aware of the options available to them in regards to reporting rights violations, and they have the ability to take advantage of those tools, complaints frequently take an exorbitantly long time to process or no form of hard action is available to implement change. Many of the reporting mechanisms that are available are in relation to rights guaranteed to indigenous peoples through international agreements and declarations. However, many of the rights violations committed against indigenous peoples are done so by private corporations. These businesses are not legally

bound by state-to-state agreements and therefore cannot have any action taken against them by international bodies such as the U.N. (Harvard Kennedy School, 2008).

Even if a State is responsible for a rights violation and a report is made, little hard action can be taken by international bodies. In the 12<sup>th</sup> meeting of the U.N.'s Permanent Forum on Indigenous Issues (2015), participants discussed the responses used in regards to reports made through grievance mechanisms. Members of the discussion said that the most common action taken within the U.N. system in response to complaint reports was that of "shaming", which they deemed to be "at the weak end of the stick" as far as effective methods of punishment go. Similarly, the Special Rapporteur on the rights of indigenous peoples, a position that was created by the U.N. Commission on Human Rights in 2001 to deal with the rights of indigenous peoples, is limited in her response when she receives complaints through established mechanisms. If she deems there is any validity to a complaint her only course of action is to communicate directly with State governments, submit a written evaluation to them, and make specific recommendation of actions for them to take; she cannot enforce any type of hard power to enact change (United Nations Human Rights Office of the High Commissioner, 2017).

### **Relationship Construction with Marginalized and Indigenous Communities**

All of the factors in the previous section point to reasons as to why indigenous peoples fighting extractive industries are potentially limited in their voice, and therefore, may benefit from collaborating with non-indigenous actors in order to strengthen their ability to enact change. However, the possibility of benefits from such a relationship does not mean that joining forces with an outside organization is always a good idea. There are both beneficial and harmful ways to form bonds and carry out work with marginalized

communities. Negative consequences can occur when a local community is assisted by an external body either in development or activism. The faults of actors who enter a community with the desire to “help”, yet cause damage along the way are central to the reason why this research is being conducted. Understanding that foreign entities do not always undertake the best practices available to them and that they can cause harm to local populations exemplifies why having indigenous input as to how non-indigenous entities should act is worthwhile research. The most respectful and beneficial theories of relationship building and development with marginalized communities will be discussed in this section.

Environmental justice has evolved into a new form of environmentalism which makes comprehending the proper forms of relationship building and engaging with marginalized communities essential. Environmentalism of the past was focused largely on the protection of nature itself, either for the intrinsic value nature possessed or for the wealth that was available to humankind through nature (Longhofer & Schofer, 2010). The goals of this environmentalism were relatively easy to outline when conservation was the main objective. In recent decades though, environmental activism has regularly become intertwined with human rights, racism, gender, globalization, hunger, and many other issues that are centered on both the environment and humankind (DeLuca, 2007). The moving away from the relative simplicity of conservationism to the complications of environmentalism mixed with justice work, rights issues, and economic and cultural self-determination has created an environmentalism where relationships are formed between different peoples and not simply between people and nature. This change has opened the door for similar errors to be made in this somewhat new arena, environmental justice, as

are continually made in traditional work with marginalized peoples around the globe. Because of this, it is important to understand how a non-indigenous actor can best approach working with indigenous peoples to guarantee their best interests.

In any interaction between a marginalized community and an outside actor, power dynamics play a key role in both the subtle and overt building of relationships and in the success of desired outcomes. Power roles and positionality are evident in relationships between a tourist and a villager running an eco-tourism business, between a non-local researcher and her or his subject, and between NGOs or non-profits working with marginalized communities. Sharp (2010) argues that *power-over* is the prevailing expression of power in development work<sup>3</sup>, yet also the most destructive. She defines *power-over* as power that:

involves an either/or controlling relationship of domination and subordination based on the notion that amounts of power are fixed and power exchanges thereby necessitate a zero-sum game. This form of power involves the creation of simple dualities, threats of violence, intimidation, and active and passive resistance. (p. 17-18)

*Power-over* relationships create numerous negative effects for marginalized peoples including: repression, force, coercion, discrimination, corruption, and abuse (Miller & VeneKlasen, 2002). None of these generate healthy or beneficial relationships. Rahnema (2010) refers to the two parties of a *power-over* relationship as the subject and the object,

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<sup>3</sup> Development work is not synonymous with environmental justice work. However, research looking at relationships with marginalized peoples in development work was thought to be applicable to this research for two main reasons. The first being that extractive issues are certainly related to development issues. It is argued by some that extractive industries represent “progress” in the same way that development work represents progress; they can both bring economic and social benefits to a community. The second reason being that the parties which are involved in development work are generally the same as those in environmental justice work with indigenous peoples. There is a marginalized group on the one side, and an outside, normally more “powerful” group on the other. The power dynamics between actors in traditional development work and environmental justice work with indigenous peoples are often similar.

and Freire (1970) famously goes further and describes how traditional expressions of power manifest in terms of the oppressor and the oppressed.

There are expressions of power, other than *power-over*, which create much healthier relationships between marginalized communities and those who want to ally with them. Sharp (2010) says that the framework of development must shift from *power-over* to *power-within* and *power-to* relationships. She defines *power-within* as a relationship which:

involves spiritual strength based in self-acceptance, self-respect, self-esteem, self-awareness, consciousness raising, self-confidence, and assertiveness. Respect for self is extended to respect for and acceptance of others as equals, recognizing complexity and complementarity. (p.18)

And *power-to* as a relationship which:

is creative, productive, and enabling and considered the essence of individual empowerment. It involves capacity building, decision-making authority, leadership, the power to understand how things work, and problem-solving skills. (p. 18)

Shifting the structure of power to focus on these two forms, Sharp argues, is a key change that needs to be made when working with marginalized populations. By moving toward these two expressions of power, the first steps are taken towards a relationship that centers on the empowerment of a local people.

Empowerment has become a buzzword in recent years, and many definitions of the term have been put forth by scholars. For the purpose of this paper, Kabeer's (2005) understanding of empowerment will be used. Kabeer views empowerment as a positive change in the ability to make choices; a disempowered person is one who is denied the possibility of choice. Empowerment refers to the processes through which those who have been denied the capacity to make choices gain such an ability. Kabeer's views echo

those of Sen (1989) who argues that agency is central to well-being and that development should be measured in terms of an individual's capability to function in ways he or she determines to be valuable. These ideas are especially important when looking at interactions with indigenous populations.

When examining relationships with indigenous peoples specifically, empowerment is directly connected to the idea of self-determination. Since indigenous peoples first came in contact with colonial and state powers, there has been a constant uphill battle for self-determination. Although self-determination was granted to indigenous peoples in Article 3 of the 1993 draft of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP), the recognition and realization of that right has not become the reality for which many indigenous peoples had hoped (Engle, 2011). The Declaration states that "Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development" (General Assembly resolution 61/295, 2007). However, Corntassel (2008) argues that the legal right to self-determination does not take into account the responsibilities and relationships that indigenous peoples have with their families and the natural world. Even with indigenous input, the creation of UNDRIP was still a top-down process which framed self-determination in terms of civil and political rights and led indigenous peoples to frame their goals and concerns in a state-centered, rather than community-centered, way (Corntassel, 2008; Engle, 2011).

Collective rights which often align more deeply with indigenous culture have often been ignored in the international recognition of indigenous self-determination (empowerment). Three articles which were included in the 1993 draft of UNDRIP, but

which were removed from the 2006 draft due to opposition from state governments, showcase this point. Article 8 of the 1993 version included the collective right of indigenous peoples to maintain and develop their distinct identities collectively and individually; Article 32 to determine their own citizenship in accordance with their customs and traditions; and Article 34 to determine the responsibilities of individuals to their communities (Engle, 2011). In addition to these articles which were removed, many states were ultimately swayed to sign on to UNDRIP because of the addition of Article 46, which made it clear that the declaration did not support external self-determination, which includes the ability to secede and create a separate nation-state (Engle, 2011). Disempowerment is experienced by indigenous peoples through the actions of state powers who have limited the indigenous right to self-determination, or others who have simply ignored the fundamental right of indigenous people to self-determination altogether (Smith III, 2006).

To foster empowerment and support the idea of self-determination within indigenous communities, local participation must be given priority in any relationship between an indigenous people and an outside actor. Swift (1984) emphasizes this relationship between participation and empowerment by claiming that “empowerment insists on the primacy of the target population’s participation in any intervention affecting its welfare”. Parfitt (2004) recognizes that participation can take multiple forms, not all of which lead to a change from *power-over* to *power-within* or *power-to* relationships. He claims that participation as a means is often superficial and leaves intact the power relationships between a target community and outside actor. Under this form of participation, the role of those mobilized to participate will simply be to rally around the work of the

predetermined goals of the project. Cornthassel (2008) refers to this idea as the *illusion of inclusion*. However, participation as an end suggests a transformation of power relations between two groups, with the traditionally marginalized group becoming empowered and liberated. This form of participation has an emancipatory, politically radical component which seeks to redress unequal power relations (Parfitt, 2004). With the historical deprivation of self-determination for indigenous peoples in mind, it is important that participation as an end is strived for in relationship building with indigenous peoples.

The value of participation in relationship to the empowerment of local communities is very real in environmental and environmental justice issues as well. According to Reed (2008), participation by stakeholders in environmental problem solving can lead to both normative and pragmatic results. Normative results can be seen in the likelihood that environmental decisions will be perceived as holistic and fair if there is stakeholder participation, and pragmatic results can be seen in an increased quality and durability of environmental decisions made through engagement with local stakeholders. Reed acknowledges that local participation can create new and potentially damaging power structures within communities facing an environmental problem, but concludes that if participation is underpinned by an emphasis on empowerment, equity, trust, and learning, there is a higher likelihood of enhanced environmental decisions. Fraser, Dougill, Mabee, Reed, & McAlpine (2006) examine how participation is beneficial in the identification of sustainable indicators in environmental projects. They come to the conclusion that although local participation can potentially slow down a project, community engagement results in both empowerment and the creation of longer and more complex lists of sustainable indicators which provide comprehensive assessment of social, environmental,

and economic issues in the communities of those participating. Schlosberg & Carruthers (2010) look more specifically at environmental justice and contend that the most important part of any environmental justice activism is not the physical outcome of the effort, but the building of community capacity and facilitating of community empowerment.

History and research have shown that relationships between outside actors and marginalized communities, particularly indigenous communities, have not always led to the most beneficial outcomes for those communities and peoples. When engaging in environmental justice work it is important to understand the ways to create positive relationships that will change dominant narratives of power as well as lead to the best results in individual environmental justice scenarios. A change from *power-over* to *power-within* and *power-to* relationships is the first step toward forming positive relationships which empower marginalized communities, and—for indigenous peoples specifically—reverse the trend of denied self-determination. Local participation at all levels of environmental justice work that is based on ideas of equity and trust, and has an end goal of empowerment is how constructive and healthy relationships will be formed.

## **Chapter 3: Methodology**

### **Introduction**

As initially designed, the methodology for this project largely involved data collection from primary research. The research was to take place in two countries, among two separate indigenous peoples who faced comparable struggles with extractive industries. However, because of logistical roadblocks, misunderstandings, and errors and improper assumptions made by me, the researcher, I concluded that the data gathered did not have the high level of scholarly validity that I had intended to achieve. Although qualitative research normally presents conclusions which are subjective in nature, in my research too few interviews were conducted with the two indigenous peoples to draw conclusions with the degree of confidence that I had sought. Nevertheless, I wanted the research to produce something that could have a beneficial impact on future indigenous struggles and non-indigenous support for them. I saw great potential value in examining the mistakes I had made as a white, Western researcher working with indigenous peoples, and decided to add to the research project a second component that would draw insight from my mistakes. Therefore, along with the original methodologies (Part I) described in this chapter, I outline the techniques utilized through participant observation, ethnography, and self-reflection to create a second element to the research project (Part II) examining how my own actions were detrimental to the original research. The overall goal is thus to report results from my investigations and to provide a resource so that future researchers do not replicate my methodological errors.

## **Design**

**Part I.** This was an exploratory study aimed at developing an understanding of the views of the Lummi people and the indigenous groups of the Ecuadorian Amazon in regard to how non-indigenous environmental justice actors can best help them in their fights against extractive industries. The design was based on the collection and analysis of qualitative research that was gathered through the comparison of two different case studies. A non-experimental approach was employed. Semi-structured interviews were conducted with members of both groups, and archival data was studied. Data from the interviews was analyzed using grounded theory to come to conclusions in regard to the information gathered.

**Part II.** Part II of this investigation was an exploratory study that employed ethnographic techniques with the aim of better understanding the scenario that is faced by researchers and non-indigenous actors seeking to provide assistance to indigenous groups. The design was based on the gathering and analysis of qualitative data. A non-experimental approach was used. Multiple forms of data collection were used including archival data gathering, field notes, and observational tools. Data collected was analyzed using discourse analysis in order to deconstruct the verbal interactions and other communications that took place between myself and informants and contacts. My individual actions were also analyzed to understand and critique where and how I went wrong in my original research design.

## **Data Collection Procedures**

**Part I: Archival Data.** Peer-reviewed journal articles were the primary source of archival data used in this research. Database searches were conducted using Google Scholar, JSTOR, and ProQuest. The most common key words used in these searches included, but were not limited to: “Ecuador,” “oil,” “Texaco,” “health,” “indigenous,” “non-indigenous,” “impact,” “Lummi,” “coal,” “Gateway Pacific Terminal,” “culture,” “cultural impact,” “self-determination,” “maldevelopment,” “environmental justice,” and “collaboration”. Archival data were also collected from respected government agencies, non-governmental organizations, grassroots and civil-society organizations, legal documents, and direct correspondences sent from indigenous actors in either case study. Peer-reviewed articles were limited largely to those published in the last decade. However, when examining aspects of either case study that did not change with time, sources were used from as far back as the beginning date of either case study.

**Part I: Ecuador.** The first phase of primary research was conducted in Ecuador with peoples self-identifying as indigenous and from communities within the Ecuadorian Amazon who have been affected by the oil industry. Semi-structured interviews were conducted with seven indigenous individuals in the Oriente region of the Amazon as well as in the capital city of Quito. For all of the interviews, contacts were used to gain access to participants. These contacts were all faculty members or researchers from the University of San Francisco Quito who have spent the majority of their careers, and large portions of their lives, working with indigenous peoples in Ecuador. Interviews with four participants were held in Quito and three interviews took place in the communities surrounding the central oil town of Coca in the Oriente. All participants were asked a

series of guiding questions from the same research protocol. Written consent was obtained, a translator was used for all but one interview, and no compensation was given to those interviewed. Interviews ranged from 25-60 minutes.

**Part I: Lummi.** The second phase of primary research was conducted in Washington State with members of the Lummi Nation who were attempting to stop the expansion of coal industries onto their lands. As I was not going to be a part of the Lummi community for any extended period of time, the originally intended method of research involved a single focus group with Lummi members on their reservation land. However, a focus group was not able to be formed due to reasons discussed below. Instead, a semi-structured interview approach ended up being used for this part of the research. Contacts who have worked long-term on activism issues with the Lummi were used to try and arrange research opportunities with Lummi members. However, only one interview was obtained. The same general guiding questions were used in this interview as were used in the interviews that took place in Ecuador. However, there were a few differences in questioning due to the specificity of the two case studies.

**Part II.** Data collection for the second phase of research took place throughout the period of primary research gathering that occurred in Part I of the project. Notes were taken and journals were created that related to the cultural systems being looked at, specifically with regard to the processes of how I attempted to gain access to indigenous populations and the reactions of those community members following my efforts. Informal interviews also took place with members of both communities that are a part of the research. Participant and non-participant observation was undertaken as well in order to better understand the social contexts involved. Collected secondary materials were also

used in the data gathering process; artifacts, books, reports, and articles were all examined.

### **Population/Sampling Method**

**Part I: Archival Data.** A large amount of scholarly research already exists regarding oil and indigenous populations in Ecuador. Although less peer-reviewed work connected to the Lummi and coal is available, there is a substantial amount of legal documents, independent research and analysis work, and reports related to the case study. The archival data used in this research were collected from peer-reviewed journal articles whenever possible. However, published books, government agency reports, briefs, personal communications from indigenous actors, and non-governmental organization and non-profit reports were also used.

**Part I: Ecuador.** The population of interest for the first phase of research was indigenous individuals from the Ecuadorian Amazon who had knowledge of the fight against oil industries on their land, as well as an understanding of their peoples' potential work with non-indigenous actors. Those interviewed were not isolated from modern society; nor were they unfamiliar with their communities being the subject of research. All were either leaders of indigenous groups or of indigenous environmental movements, or were indigenous individuals working at, or receiving an education from, the University of San Francisco Quito. All participants were over the age of 18. Participants were selected through a non-probability case study sampling method. Members of indigenous peoples who represent the Ecuadorian Amazon were chosen as they represent the region in which extractive industries are an issue. Those interviewed were selected with the help of local contacts on the ground. A semi-structured approach was used because it allowed

for open-ended and individual answers from each participant. With this format of interview, responses had the potential to lead to unexpected and enlightening themes that would not have been gained from a structured interview.

**Part I: Lummi.** The population of interest for the second phase of research was indigenous environmental activists from the Lummi Nation in the Pacific Northwest who were involved in fighting against the presence of coal industries on their land. Members of the Lummi Nation were chosen as they represent a local indigenous effort to combat extractive industries, and it is known that they have experience working with environmental justice actors. With the help of a key contact, one interview was conducted with a Lummi member. The interview took place with Jewell Praying Wolf James, who gave permission for his identity to be used. Jewell James is the master totem carver of the House of Tears Carvers, a long time Lummi leader, and an environmentalist. He has been active in fighting the Gateway Pacific Terminal since the project's conception. He was the ideal individual to be interviewed for this research. A semi-structured interview was again used as it allowed for open-ended and individual answers and had the potential to lead to unexpected and enlightening themes that would not have been gained from a structured interview.

**Part II.** The same two populations of interest in Part I were also the focus of Part II. In addition, interactions with contacts who were not a part of the formal interview process were analyzed in Part II as these people would play an important part in the research or activism of any non-indigenous person looking to gain access to an indigenous community. I, the researcher, was also subject to scrutiny as I always comprised half of the parties involved in these interactions.

## **Data Processing and Analysis Procedures**

**Part I.** All interviews were audio recorded and each was transcribed verbatim for ease of analysis. After transcription, analysis for both parts was based in grounded theory. Data were collected and reviewed on a continual basis as new research was conducted. Themes were identified through a coding process which, following an inductive approach, were organized into concepts and categories. From this analysis, theories were developed for each of the two parts of research. This method was chosen as there is no preliminary theory or hypothesis being projected before research begins. Analysis of data occurred in order to answer the research question, not to prove or disprove a hypothesis. After themes from both parts of the research processes were generated they were compared and contrasted. Where possible, similarities between the two groups' responses were evaluated to develop conclusions that could be said to apply to both, and thereby to other potential indigenous groups undertaking similar efforts. Differences in responses were also examined in order to prevent making false generalizations. Archival data were examined before, during, and after the primary research period and analyzed to strengthen any conclusions, or lack thereof.

**Part II.** Communications with all relevant individuals during the primary research phase were analyzed using discourse analysis. This method was chosen as it did not limit me to a specific step-by-step process. Rather, discourse analysis allowed a more interpretive approach that enabled the gleaning of motivations and meanings behind peoples' language and actions through deconstructive reading and interpretation. The end goal was to understand the conditions which caused my research to be less successful than desired. My own actions were a key part of these conditions and were examined as

well, in conjunction with other subjects' actions, to determine what errors I had made in my research design and process.

### **Ethical Considerations**

In the conducting of this research safeguards were taken to protect the subject populations from any physical, financial, reputational, or other forms of harm. All participation in the study was voluntary, and no compensation was given to interviewees in order to prevent enticement of participation for someone who would otherwise not want to share information. Consent was obtained in written form and participants were given the option of signing an extra agreement if they were willing to have their identity revealed, as was the case of Jewell Praying Wolf James. All participants were over the age of 18. None of the material discussed was sensitive in nature nor did it risk bringing up emotional or physical harm. People interviewed were members of indigenous groups and they all understood that I was working on research to be presented in a published format. None of the research presented in Part II exposes sensitive or identifying material.

## **Chapter 4: Analysis**

This chapter is broken into two main parts. The first part presents an analysis of the primary research conducted with indigenous community members in Ecuador and in Washington State. Eight semi-structured interviews were conducted. Seven of these interviews took place with self-identifying representatives of indigenous communities from the Amazon region of Ecuador, and one interview took place with a Lummi leader in Washington State. As discussed in the previous chapter, the number of interviews was too small to produce statistically significant results. However, the interviews could still be analyzed to identify significant findings and common themes present among the eight interviews. The results of this analysis are an important first step in answering the original research question of this work. Even though only eight interviews were conducted, enough information was gathered in them to discern themes and draw tentative conclusions related to the purpose of this research. However, I could have employed different tactics and behavior with individuals involved in the research process which would have led to more significant results. The second section examines reasons why the primary research of this project's first section did not garner the desired results. My purpose in this section is to ascertain value from the mistakes of the research process, as well as to provide future environmental actors and researchers with an explanation of these errors in the hope that it will enable them to act in the most respectful and beneficial ways possible in their work.

## Part I

Analysis of the eight interviews revealed many ideas shared by the different indigenous actors who served as research subjects. These common themes begin to paint a picture of how indigenous peoples who are affected by extractive industries desire non-indigenous environmental justice actors to carry out their work. This section presents some shared themes that were present in the answers of the people who were interviewed.

**Long-term Relationships & Long-term Projects.** Those who were interviewed expressed a strong desire for the relationships that were formed by outside actors with indigenous communities to be long lasting. Multiple participants discussed the ways in which organizations who in the past had come to give some form of assistance would enter a community, complete their chosen project, and then leave. With brief interactions like this, trust often was not built between an indigenous people and an outside actor, the indigenous participants felt like the systemic concerns that were important to them were not being understood, and they felt that quick-fix approaches were not addressing the sources of the deep-seeded issues that were created by extractive industries. In my interview with Jewell James he expressed this sentiment more blatantly than any other participant. He said:

The thing is, a lot of tribes in the beginning worked with environmental groups, and the environmental groups would get what they want and then go off and form an alliance with somebody else. And the tribes basically took a position like, well you can't trust those bastards. They're like everybody else, you know, get what they want and then move on. And so we've been advocating that if you are going to work with the tribes as environmental groups you've got to form alliances that are projected for the long term (Jewell James, personal communication, August 25, 2016).

The consequences that can be felt from a relationship with environmental justice actors who do not dedicate themselves over time to an indigenous people can be seen in

an example given by a Huaorani interview participant in Ecuador. He compared the longevity of the interactions between his people and organizations wanting to “help” them with the longevity of the relationships between oil companies within his community and the indigenous community members. He stated that often Huaorani members of his community chose to form relationships with oil companies over relationships with organizations looking to work with them on environmental, health, or justice issues simply because the oil companies had been engrained in the communities for so long. Outside organizations are frequently unknown and are not trusted because they have not taken the time to form anything more than periodic connections with the Huaorani. Oil companies have been constantly present in the community for decades, offering infrastructure, schools, health facilities, and jobs. Non-indigenous environmental justice organizations try and enter a community on a whim, and even though their intentions are good, they are strangers to the local indigenous community. The participant said “so if the NGOs had promised to help, they should have been there, constantly assisting the Huaorani. Always there. Not just for the season, coming and going, entering like that. No. The [oil] company is *always* there” (personal communication, July 16, 2016).

Interview participants talked not just about the lack of trust that exists between indigenous peoples and outside actors who seek only short-term relationships (or conversely about the trust that *is* able to be built with an oil company through long-term interactions even when that company is the source of the devastating problems that need addressing), but also spoke about how when short-term projects have been undertaken they have led to unsatisfactory results. Oftentimes, projects would be carried out in indigenous communities that had little or no follow up when it was felt there should have

been. One participant of a community whose water source had been contaminated used the example of a water treatment project which had specialists return to the community every 6-15 months. She said that this was not nearly frequent enough and that any problems that occurred with the treatment system in the time between visits went unanswered. Other examples from participants were less specific, but talked about projects that were completed having inadequate or no follow-up associated with them, which undermined the entire effort and led to poor results.

It was clear that those interviewed viewed short-term efforts and an absence of long-term relationship building between outside organizations and their communities as a shortcoming of how those organizations acted. Such behavior led to a lack of trust on the part of indigenous peoples, and project results that did not reach their full potential. The perception that organizations do not aspire to truly invest in an indigenous people and their community, do not want to stay with that community for an extended amount of time, or are only concerned with putting a bandage on a problem that may have been decades in the making and will take long periods of time to fix all seem to be issues that the communities of those interviewed had experienced. Instead, long-term relationships were expressed as the preferable practice.

**Proximity of Work & Understanding of Local Problems.** In addition to the length of time that organizations invested with indigenous peoples, another key concern for interviewees was the proximity of these organizations to indigenous communities. Many of the responses made by interview participants that showed the desire for long-term relationships also reflected a preference for environmental justice organizations to work from within the indigenous community with which they were looking to ally. The

reason being that to work with an indigenous people affected by extractive industries one must fully comprehend the problems faced by that community. To gain such complete comprehension, the interviewees stated that organizations ought to spend a sufficient amount of time within a community in order to obtain firsthand knowledge of the impact of extractive industries on that community.

In the eyes of those interviewed, perceived realities and second-hand information about problems caused by extractive industries were not sufficient forms of knowledge for actors looking to work with indigenous peoples. An organization cannot have the greatest impact without seeing and understanding for themselves what problems need to be addressed. Direct communication must take place with the people who are impacted. A Cofán member who was interviewed stated that, “it is better if the support, the work provided, takes place from here, the source, because the reality internally might be different from what you expect, and you must adapt to the reality that you are faced with” (personal communication, July 10, 2016). Another participant talked about how organizations often do not want to work entrenched in the communities. However, if organizations did work from within the community, they would understand the situation as a whole much more fully. Living daily among indigenous peoples and seeing and feeling the problems and consequences they experience due to extractive industries would equip an outside actor to better support that community.

Being immersed in an indigenous community can lead to positive impacts, but it is important that a physically close relationship only takes place with the invitation and consent of an indigenous people. Interview participants talked about how organizations should only join forces with their communities if community members requested them to

do so. The assumption that an organization can come of their own free will with the intent to help does not serve the needs of the people they are wanting to support. As one participant put it when discussing how outside organizations have entered his community, “sometimes it can be a bother that they are there” (personal communication, July 17, 2016). Organizations can presume that help is wanted or a problem exists when in reality it is not. If support is requested by members of an indigenous community then there definitely is a problem that they feel needs addressing.

Other interview participants echoed this sentiment of a need for understanding local conditions and problems completely, but did not stress the importance of living in close proximity to an indigenous community. Jewell James had the strong belief that an understanding of issues important to his people could only be fully grasped by communicating with them directly. “We want to tell them why it’s important to us. When they are speaking on our behalf in other areas at least they are informed as to why it is important to the Lummi people. We don’t want them making shit up”. When asked what advice he would give to future organizations wanting to work with the Lummi he said: “The main thing is to know who you are going to work with and know what they want. Don’t make it up. Don’t assume you know them” (Jewell James, personal communication, August 25, 2016). Multiple participants talked about organizations coming in with preconceived notions of what they thought the problems were or what they wanted to work on, even when the community did not think that these were the main issues that needed to be addressed. The idea of living alongside an indigenous people was not specifically mentioned in these responses, but the end point was the same. Whether it comes from living within an indigenous community or talking and listening directly to

indigenous peoples impacted by extractive industries, fully comprehending the problems faced by an indigenous people is vital for undertaking the best work possible.

**Focus on the “Self”.** Somewhat contradictory to the idea of forming long-term relationships with outside environmental justice organizations and having those organizations work from within a community was the repeated emphasis by interviewees on the internal development of the “self” for indigenous peoples. The vast majority of participants talked about the importance of self-determination, self-reliance, self-empowerment, or self-ownership for their communities. This train of thought confirmed what was outlined in the literature review of this paper in regards to indigenous peoples’ historical fight for self-determination as well as the importance of local participation and empowerment when working with marginalized communities. It was clear from the participants’ responses that when forming relationships with outside actors, indigenous communities dealing with problems related to extractive industries were not looking for handouts or to become dependent on the support of others; they wanted to be given the opportunity to fight and create change on their own.

Much of this sentiment was expressed in the desire that projects and efforts aimed at combating the negative impacts of extractive industries be created and owned by the indigenous peoples who were directly affected by those problems. Often when an outside actor enters an indigenous community they do so with an already set agenda or with projects in mind that they view as being the most necessary. Stereotypical positionality between an educated, frequently Western, actor and “native” peoples could easily dictate a reverence for the former that allows them to act in any way they want. However, through the responses of those interviewed it became clear that this was not the case.

The indigenous members who took part in this research wanted to be participants in the decisions that were going to affect them and wanted those decisions to increase their own capabilities and knowledge. After being asked about the value of outside actors having an understanding of local culture, this desire for self-ownership of projects was expressed by an interview participant who talked about the need for organizations that enter her community to hear input from all affected community members. She said that, “there must be a mutual cooperation between both sides. That’s how it feels like it [a project] is something you own.” (personal communication, July 10, 2016). Without being asked directly, she had brought up the importance of self-ownership for her community when outside actors want to become involved in issues related to oil.

In addition to the demand for direct input in decision-making processes and a desire for a sense of self-ownership, interviewees emphasized the idea that the main work done within an indigenous community should be centered on self-empowerment. They also said that among other forms of involvement by outside actors, conservation, healthcare, and the spreading of information related to a particular case study were all important. However, in addition to these priorities, multiple interviewees strongly emphasized the necessity of capacity building for indigenous peoples in order to enable them independently to address issues plaguing their communities.

One Ecuadorian participant stated that the central objective of the indigenous organization of which he was a leader was to defend environmental, social, human, and economic rights. He had worked with individual non-indigenous organizations as well as multinational bodies in the past, and he believed that such groups could best contribute to the objectives of his organization by concentrating on the self-empowerment of

indigenous peoples. He talked personally about the importance of his own development and about how vital his education in topics related to human, social, and environmental rights; the political systems that rule Ecuador; and basic law were to his work within his indigenous community. Understanding how beneficial his own empowerment in these areas was, he worked to make the training of local indigenous community members a central focus of his organization's work. A large part of his organization is now dedicated to running a "School of Leaders" for his and surrounding indigenous communities. The school has 125 students and teaches soft skills to cultivate general leadership abilities and offers trainings on basic law and issues related to rights abuses and oil. Reflecting on the benefit of his peoples' expanded knowledge of legal awareness, he said, "We didn't know about the law, which should have been in the forefront of our minds. But now we've been trained, taught, and so we can properly defend our people, ourselves" (personal communication, July 11, 2016). He also talked about the training of his own people to be monitors of the activity of oil companies and the effects that oil pollution has on the ecosystems around his community. Where outsiders are the ones who normally come and do scientific monitoring, he wanted to enable indigenous members to do this work. He thought that resources should be devoted primarily to these forms of self-empowerment rather than to projects that depend on outsiders.

The responses from interview participants reinforced the academic opinions in the literature review about what constitutes proper relationship construction with a marginalized people. A demand for indigenous peoples fighting extractive industries to make decisions for themselves, to come up with their own projects and own forms activism, and to be in charge of the implementation of those efforts was evident from the

answers of those interviewed. This is not to say that other forms of work were not appreciated by the communities of the individuals with whom I talked. As was made evident by the answers which encouraged an outside actor to be directly rooted in an indigenous community, complete autonomy was not necessarily being advocated for in the interviewees' responses related to self-empowerment or self-ownership. Rather, non-indigenous environmental justice actors were being encouraged to recognize and make a conscious effort to enable indigenous peoples to make their own choices, run their own endeavors, and develop their skills and capabilities.

**Resource Allocation.** Many of the responses about the importance of focusing on the “self” and supporting indigenous peoples to act on their own behalf came unprompted throughout the interviews. However, when asked specifically about how they thought resources from non-indigenous organizations could best be allocated to support their causes, the answers of the indigenous participants largely carried a similar feeling. Many talked about how simply throwing money into communities because they are suffering from some ailment does not generally do anything to address the source of that problem, nor does it necessarily promote the ideas of self-determination and self-empowerment that should be central goals of relationship building and joint work. Participants made it clear that if money was given to a community it should go toward long-term investments that would stay with a community or create systemic change, or resources should be given in the form of equipment that would benefit the community.

When discussing the value of financial support for her community, one interview participant said that, “People here are not requesting money. They demand from the petroleum companies ‘give me back the water that I had before, give us back the ground

that we had'. The NGOs that come here to help are not being asked for money" (personal communication, July 10, 2016). She went on to explain how, although it did not address the root issue and bring back clean natural sources of water, treatment systems brought by outside actors that created drinkable water were a long-term resource that helped her community. One of her main wishes for the future was not that money simply be poured into her community, but instead that money be devoted to the establishment of a complaint system which would give her community an avenue to formally bring up the damages that had been caused by petroleum companies. Money alone would not return her communities fresh streams and arable land, but money dedicated to making systemic changes may.

Another respondent talked about how resources which were given in the form of equipment not available to his community, and which furthered his people's efforts of self-empowerment, were an appreciated form of material assistance. The same participant had talked about how he wanted his own people to be the ones trained to monitor the environmental impacts from oil operations near his community; his indigenous organization should provide the human capital for local work. However, in order to complete the monitoring work his organization needed technological equipment to which they did not have access. He talked about an agreement formed with a large university in Ecuador that provided them with such equipment while allowing his people to carry out the monitoring operations. Although the university is not an environmental justice organization, its contribution shows how material resources could be given by an environmental justice organization in an appropriate and beneficial manner.

One individual contradicted this perspective that was shared by many participants. The respondent who had brought up the story of oil companies engrained in his community having better relationships with his people said that was largely because those companies gave direct financial and economic support to the community. He said that many individuals in his community felt that resources should not be dedicated to fighting the government or oil companies, but rather should be spent on improving the community's living situations. This thought contradicted almost all other respondents, but it reveals a sentiment that may be felt by many indigenous individuals. He said that many of the Huaorani in his community thought that outside organizations should focus on "helping rather than combating", meaning more traditional forms of development were sought after, not the continued fight against state and private petroleum forces.

**Importance of Spreading Awareness.** One of the most specific and agreed upon ways in which those interviewed said that outside actors could best be of service to their causes was in helping other people become more aware of the struggles of their peoples and how they have been impacted by extractive industries. For many reasons, interviewees thought that outside actors frequently were better suited for this role than they themselves. The more people who know about an injustice faced by indigenous peoples and are persuaded that such a situation should be made right, the more likely it is that pressure will be applied to cause a necessary change. Often, indigenous peoples do not have the means to directly network and spread this kind of information in the way that international or well-established environmental justice organizations do.

Showcasing the differences between the organizational structures in Ecuador and the United States, Jewell James put an emphasis on the value of media airtime and

spreading information in order to pressure political agents, whereas respondents from Ecuador largely talked about the internet as the main source of spreading information. When asked if there were specific positive ways in which environmental justice organizations had supported the efforts against the Gateway Pacific Terminal, Jewell said that, “They reached out to congressmen, they wrote letters, they got their membership to write letters, they made public statements that got into the media” (Jewell James, personal communication, August 25, 2016). Further explaining the value of media coverage, Jewell went on to describe the totem pole that he, as the Master Carver of the Lummi House of Tears Carvers, has made every year since 2013 and had used as part of a totem journey through the Pacific Northwest that aims to raise awareness of fossil fuel exports and expand the Lummi’s network of partners. Jewell put the value of the totem pole between \$66,000 and \$77,000. Alongside that was an additional \$40,000-\$50,000 was raised from tribal and environmental groups, citizen groups, and church groups to pay for the journey. Noting how expensive the entire endeavor was, he still said that the journey was “worth its weight in gold” and that one stop in Vancouver alone, which occurred two days before I interviewed him, had already made the journey worthwhile due to the media coverage it garnered. Jewell’s descriptions explain the importance of finding ways to spread information and raise awareness of an issue for indigenous peoples.

The indigenous members of the Amazon whom I interviewed in Ecuador expressed similar ideas to those of Jewell, but stressed slightly different ways in which they saw communication towards raising awareness as important. One Kichwa member

from Sarayaku<sup>4</sup> (a community that has had a unique fight against State-sponsored oil exploration in Ecuador), said that the main reason her community has received so much external support is because of environmental justice organizations communicating and raising awareness on her community's behalf. She specifically mentioned the importance of the need to work with organizations to spread information in other languages. Her community had access to the internet and could raise some awareness themselves. However, to reach out and make connections with people who spoke English, French, German, or any other language, her community relied heavily on the assistance of outside actors. Other respondents placed similar weight on the value of spreading information to the public. When asked what she thought was the best way external organizations could support the efforts of her community to combat oil exploration, one participant said that "It would be great if we could have more help promoting this information, making it public, reaching other countries, other nations" (personal communication, July 10, 2016).

Much of the process in determining what type of work is done within indigenous communities who are fighting against extractive industries on their land, as well as undertaking the operations of that work, should be done by the indigenous individuals who are directly affected. However, one clear way that the interview participants of this research saw value in the direct involvement of outside environmental justice organizations was in raising the awareness among the general public about how indigenous people and the environment have been harmed by extractive industries. Environmental justice organizations with access to communication technologies, media

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<sup>4</sup> References with background to the specific case in Sarayaku: <http://amazonwatch.org/work/sarayaku>, [http://corteidh.or.cr/docs/casos/articulos/seriec\\_245\\_ing.pdf](http://corteidh.or.cr/docs/casos/articulos/seriec_245_ing.pdf), <https://www.youtube.com/watch?v=Ma1QSmtuiLQ>

outlets, established social networks, and language capabilities are able to fill a vital role for certain indigenous peoples. This type of support allows indigenous peoples to focus on what is taking place on their own land and within their own communities, while at the same time increasing the potential for pressure to be put on state and corporate parties who would be central actors in any positive change that were to take place for those impacted by extractive industries.

The value of as many people as possible being made aware of an extractive issue affecting an indigenous people was illustrated by a traditional saying used by one interview participant. She said, “una golondrina no hace verano, pero si se juntan varias, hacemos verano”. The implied meaning being that a single voice will not be heard, but millions together will.

## **Part II**

Throughout this research process there were multiple situations where I made incorrect judgments and methodological errors, which affected the quality of the end result. Either trust was not formed which led to interviews being difficult to obtain, or the interviews themselves were not as enlightening as they could have been had I acted differently or had more time to establish trust. In order to aid environmental actors who may go through a similar situation as I did with indigenous communities, the following section will outline and analyze these mistakes. Some conclusions may be applicable to working and doing research with marginalized communities in general, and not solely with indigenous peoples.

**Language Proficiency.** Language efficiency was an obstacle to gathering the best data possible in the interview process. During the research process in Ecuador, I had a translator with me for all but one interview in which the participant spoke fluent English. However, even with a translator present, I was communicating directly with participants in Spanish for many segments of the interviews with those who did not speak English. My Spanish is functional, but not fluent. In my English interview with Jewell James I was able simultaneously to listen to what he was saying, comprehend it, and think about if I wanted to ask any further questions about his responses. This was not the case with the interviews that took place in Spanish. If the translator was not directly involved, I was so focused on understanding what was being said or on how I was going to phrase my next question that I was not able to ask adequate clarifying or follow up questions. Had I been fluent in Spanish, I would have been able to dig deeper into topics brought up in the responses of those being interviewed. So much of my efforts were dedicated to listening to what was being said to me, that I did was not able to conduct the most effective semi-structured interview possible by adapting to the responses of interview participants.

Language fluency played a role not only in how in-depth I was able to be in my interviews, but also in my understanding of what specific phrases meant. During the interviews important proper nouns, names of organizations, and acronyms were used that were unfamiliar to me. Because of my lack of fluency, I was sometimes unable to distinguish between these particular nouns and other words that I did not understand but which were less important to the meaning of an answer.

My lack of fluency also allowed for the connotations of my questions to be misunderstood. Looking back through the written transcripts during the analysis process,

I realized that there were occasions when my intended meaning of a question was misconstrued. For example, at one point I asked a question related to the education of the non-indigenous public about issues related to extractive industries, but the participant thought that I was talking about the formal education of his people and the conversation went in a direction related to education within indigenous communities. Had we been speaking in English, or had I been fully fluent in Spanish, I would have been able to correct this misunderstanding instantly and get back on the track I wanted to follow. The shared ability to speak in a language creates an atmosphere in which trust can more easily be built. Humor can also be used effectively to make people more comfortable. Moreover, the ability to speak a local language that is not your own may earn a foreigner a degree of respect from the people with whom one is trying to work, making it easier to begin to form a trusting relationship with them.

**Admission of Capabilities and Reliance on Others.** Although I had a translator with me for all of my interviews in Ecuador, I did not use them to the extent that I should have. Largely, this was due to the fact that I had been persuaded to conduct interviews as much as I could on my own. Both the people who translated for me had spoken with me in Spanish, been in meetings with me that were held in Spanish, or had been told that I was able to speak Spanish. Because of this, in my first interviews with each translator they told me that I should talk in Spanish and they would be there when I needed them. When this happened the problems above associated with a lack of fluency came into play.

Two factors played into allowing myself to be persuaded to take this path. The first was that although in my mind I knew I did not have enough Spanish to conduct high-level interviews, hearing people who were native Spanish speakers tell me that I should

do just that kept me from speaking up about what I knew to be true. I was too soft-spoken to admit what my actual capabilities were. The second factor was that I was too hesitant to ask people to do work on my behalf. I did not want to make people feel like I was taking advantage of them or making them do work for me. However, both translators had volunteered their time to help me and would not have done so had they not been willing to work. For the sake of the quality of my research, when they told me that I should begin by speaking in Spanish I should have emphasized that speaking in English and having them fully translate both my questions and the participants' answers would have been much more valuable. Using people for your advantage is a terrible practice, but relying on people when you are not able to do something on your own is both respectable and a much better method for obtaining quality research outcomes.

**Previous Work with Indigenous Peoples.** From my experiences interacting with contacts and the communities of interview participants, as well as listening to the responses of those participants, it became clear that having previously worked with an indigenous community on a cause not connected to my agenda would have been highly beneficial for conducting research and forming relationships. Trust is immensely important in gaining access to a community and its people, and is something that I did not spend enough time building. A great way to begin to form a degree of trust is to give your time to an indigenous cause through efforts that are completely unconnected to any of the goals of your work or research. I found this to be one of the few reasons that I was able to get a single interview with a highly respected and influential member from the Lummi Nation.

In my initial efforts trying to organize a focus group with Lummi members I was completely unsuccessful. Through a key contact I was introduced to a Lummi representative who, when I explained what I was looking to do, shot me down altogether. He said that no one would be interested in doing a focus group for my benefit. The response was entirely understandable. There was no reason for any Lummi member to think that someone they didn't know would have their best interests in mind when doing research that used them as subjects. When the Lummi Totem Journey came through Seattle in the summer of 2016, the same contact who originally introduced me to the Lummi representative asked if I would be interested in helping with the event. I said yes and was told that they needed someone to sleep outside with the totem pole in a church parking lot where it was being kept to make sure that no one vandalized it in the middle of the night. The contact told me to come to the house at which the totem journey team was staying. I did, and spent time in the evening causally talking to the team members before it got dark and I had to go to my post with the totem pole. After spending the night on the back of a flatbed truck next to the totem pole, I returned to the house for breakfast in the morning and spent a couple more hours talking with the Lummi and non-Lummi members of the team, all of whom were incredibly grateful for my time (which was 85% spent just sleeping). Jewell James was among those present, and as I was leaving I asked him if I could interview him at some point before the totem journey event in Seattle. He agreed and I was able to get at least one voice representing the Lummi Nation. Had I not shown that I had an interest in the Lummi's cause outside of my own research and had not gotten to know some of the tribe's members on an individual basis, I doubt that I would have been able to get a single interview with a Lummi member.

My experience in Ecuador confirmed this perspective. Had I taken time to work among the communities of those people I interviewed, I believe that I would have been able to arrange more interviews, and those that I did get would have been more productive. Instead, I entered communities often unannounced and only was able to obtain interviews thanks to the word of the contacts who were aiding me. Those interviewed were incredibly gracious to give me their time, but in reality they had no way of knowing for sure what my intentions were in my work. Having shown them that I truly was invested in their cause would have helped to gain trust and alleviate any hesitations that potential interview participants may have had.

**Detailed Comprehension of a Case Study.** Having a deep understanding of the specific case study being examined is tremendously important for the success of any research or environmental work with indigenous peoples. This reality was verified by the different levels of awareness and knowledge that I had about both groups of my research. I am from Seattle, a city about 100 miles south of the Lummi Reservation, and have followed the progress of the Gateway Pacific Terminal and the Lummi's struggle against it for several years. Even before I started this thesis, I had a general knowledge of the stakeholders involved in the project, the political action taken against it, and the effects that the terminal would have on Lummi life and culture. Doing research for this project only strengthened my knowledge of the GPT. Having such an understanding was one reason why my interview with Jewell went so well. I was able to use my grasp of the case study to my advantage and ask specific questions, while also comprehending the specific references Jewell made in his responses about the Lummi situation.

My knowledge of the indigenous struggle against oil in the Amazon came largely through background research conducted in the months leading up to my interviews in Ecuador. I thought that I had a good understanding of what currently and formally was taking place in the Amazon. However, it became clear during the interview process that had my knowledge been more comprehensive I would have obtained more enlightening results.

In Ecuador, my interview participants were representatives of many different indigenous communities. Each of these communities had a different experience with oil companies and state actors, and each felt the effects of oil pollution in a slightly different way. Because I did not know with whom I was going to have interviews before I entered the Amazon region, I was not able to properly educate myself on the specifics of each community's experiences. If I had possessed a more complete comprehension of the details of the specific situations affecting each community I would have been able to ask better questions that would have given me more informative responses. Also, demonstrating a deeper knowledge about the issue of oil in the Amazon would possibly have earned me some form of respect from those taking part in the research. Beginning to gain respect and trust could easily have opened the door for using interview participants as recruiters of further subjects from within their communities. I had taken large amounts of time educating myself about the situation in the Amazon, but I feel that had I dedicated myself even more to that process, or had a more long-term association with the issue I would have been able to conduct research more effectively.

**Forming Strong Relationships with Key Contacts.** The most significant shortcoming of this research was that I was unable to obtain sufficient interviews within

the communities that I wanted to study. Largely, this was due to the fact that I did not know anyone within those communities and did not have the direct trust of any community members. Because of this, I relied heavily on the help of key contacts to break barriers and introduce me to members of the communities from which I wanted to interview individuals. Such a practice is perfectly normal in social research, but it became clear to me exactly how important forming strong relationships with those individuals who will grant you access to indigenous communities is. The difference in experiences with contacts in Ecuador and Washington exemplified this importance.

Although in the end I only held one interview with a Lummi member, the research process in Washington showed me the benefits that can come with having a strong relationship with a key contact. My contact was a leader of an environmental justice organization who had worked with the Lummi for many years on issues related to coal, and was also someone whom I had known personally for years. Even after she introduced me to a Lummi representative, I was still unable to obtain interviews with tribal members. Then, thanks to her invitation, I was able to volunteer at the aforementioned event organized by Lummi members. In addition to the opportunity to volunteer, she introduced me to multiple Lummi members, talked me up as an individual and an environmental ally, and explained to them that I was working on this thesis. Having someone whom they knew and respected tell them that I was an ally to their cause certainly instilled some amount of trust in the Lummi members whom I met. Had I not had such a good relationship with the contact, I probably would not have been able to conduct any first-hand research with the Lummi.

In Ecuador, key contacts played a vital role in my finding interview participants as well. However, I had a much weaker relationship with them than I did my contact in Seattle. When they located potential interview participants for me in Ecuador, all that they could do was describe the research that I was conducting. The contacts could not talk about who I was as a person or what my underlying intentions were. Whereas Jewell volunteered his time with me after hearing something about who I was from my contact in Seattle and spending some time with me, I sensed that nearly every person that I interviewed in Ecuador was indulging me as a favor to the contacts I was with, or grudgingly accepted to be interviewed because they were decent people. Their responses were honest, but had there been a better sense of trust on their part I am sure that interviews with them would have been even more productive. As was the case with the Lummi, had I developed a stronger relationship with my contacts in Ecuador who could speak to my character and goals, I probably would have experienced a greater level of trust among the indigenous people of the communities I entered.

Building strong relationships with key contacts is a way to improve any work with indigenous communities. If being able to invest time in a community or forming close ties with its members is not possible, then having an effective contact is especially important. I experienced firsthand how having someone who knew both the individuals I wanted to interview as well as myself was immensely beneficial in enabling my research happen. Dedicating more time to getting to know key contacts, especially in Ecuador, I believe would have led to much more constructive results of this work.

**Honest but Intentional Phrasing.** A final thought relates to one particular interaction I had when trying to organize a focus group with Lummi members in my

original research plan. As I mentioned previously, I had been put in touch with a Lummi representative through a key contact who was the leader of an environmental justice organization. I had explained to the contact what I wanted to do and she, knowing many Lummi activists on a close personal level, warned me not to use the phrase “focus group” when I was talking to the Lummi representative. Instead, I should explain to him what I wanted to do in more casual terms. Not wanting to mislead my intended research subjects, I did not listen to the contact, and I told the Lummi representative that I was looking to hold a focus group with tribal members who had been involved in the efforts against the Gateway Pacific Terminal. Upon hearing the word, he immediately said that no one among the Lummi would want to take part in a focus group. I tried to walk back my phrasing and explain in more detail what I was hoping for, but the damage was already done. The trust that I had hoped to establish had instantly been lost when I brought up a concept that I knew had a strong negative connotation for my desired research subjects.

A balance is hard to establish that allows someone to enter an indigenous community without being instantly perceived as unwanted, while being ethical in the description of what such intended work will entail. Had I not used the phrase “focus group”, I could have explained exactly what I wanted to do in a truthful manner and potentially obtained better research opportunities with the Lummi. However, I chose otherwise and experienced the consequences. As Jewell said in his interview, environmental groups historically have lost the trust of his people. Researchers likely are cast in a similar light, and rightly so; countless amounts of research have been done at the expense of marginalized populations without producing any benefit for them. The Lummi

representative had every right to be highly skeptical of a “focus group” that he thought would likely continue that trend. Had I refrained from using that term and described my work in a more casual light, I would not have lost trust immediately, and I would possibly have been able to organize more primary research with the Lummi and establish stronger conclusions for this project.

The analysis presented in this section was drawn from the primary research conducted with indigenous interview participants in Ecuador and Washington State, as well as through my personal experiences in conducting that research. In an effort to answer the original research question, Part I outlined the ways in which interviewees perceived how non-indigenous environmental justice actors should conduct their operations to best support indigenous efforts against extractive industries. Part II explained the ways in which my research could have been conducted differently to better gain trust from the communities being looked at. Both these sections have value for environmental justice actors looking to support indigenous communities, as well as those indigenous peoples themselves. The value of the analysis conducted and the findings presented is outlined in the following chapter.

## **Chapter 5: Discussion**

### **Significance**

The purpose of this study was to learn from indigenous peoples who are fighting against extractive industries on their lands how non-indigenous environmental justice actors can best support them in their causes. When analyzing the data gathered, themes emerged which began to shed light on this question. Although I desired to conduct a greater number of interviews, the results of interviews with participants in the two case studies still led to conclusions that are significant initial indicators of indigenous perspectives. The importance of these results and how they are relevant to the initial research question are examined in this chapter, as well as the benefit that these findings can have for non-indigenous environmental justice actors looking to support an indigenous cause. In addition, this chapter considers value in understanding the shortcomings and setbacks that took place in this research process.

Interviewees confirmed that in the past, outside actors had entered their communities with the intention of supporting the communities' environmental causes, but had not acted in ways that were viewed as advantageous by those communities. Both Lummi and Ecuadorian indigenous members mentioned scenarios in which foreign organizations had allied with their efforts, but had not formed positive relationships or produced beneficial outcomes. The proposal of this study was based on the understanding that these problems exist, and the responses of the indigenous leaders who were interviewed confirmed this understanding while providing valuable insight into how non-indigenous actors can be an asset to the causes of indigenous peoples. This research

showed that changes need to be made in the ways that those who want to support indigenous struggles against extractive industries carry out their work.

The results compiled from the responses given by interview participants can be used to inform non-indigenous environmental justice actors how they can operate in more beneficial ways to assist indigenous peoples in their struggles with extractive industries. The research showed that one way in which environmental justice actors can assist an indigenous people is by listening carefully to their desires. The results of this research outline the desires of indigenous peoples who are working to fight against extractive industries regarding the ways that outside actors form relationships with their communities and operate within them to support indigenous peoples. Outside actors can use the findings of this research as a guide to listening to the voices of indigenous peoples, hearing their desires, and working in ways that are consistent with those desires. That is, this research provides a beginning guide for how non-indigenous environmental justice actors can best support the efforts of indigenous communities fighting extractive industries.

The findings from this research offer insight into how non-indigenous environmental justice actors can operate appropriately not only at one specific moment with an indigenous people, but throughout the different stages of such a relationship. By listening carefully to indigenous peoples fighting extractive industries, outside actors can learn about what important actions can be undertaken in the stage before their actual work begins. Interview participants emphasized that gathering input from their own people in order to gain a very deep understanding about their specific situation before actually beginning to work with them was very important. The themes most commonly

articulated by interview participants pertained to the actions of outside actors in the next stage, that of directly working with the indigenous peoples. These actions included committing to a relationship for an extended period of time; focusing on projects that will have a long-term impact; living within the indigenous community being worked with if such a commitment is desired; and understanding and heeding the power dynamics that enable local participation, self-empowerment, and self-ownership. All of these emphases provide environmental justice actors with a reference for how to behave during the process of working with an indigenous community.

In addition to the beneficial actions that can be undertaken before and during a relationship with an indigenous people, interview participants also outlined the best forms of support that can be practiced by environmental justice actors from a distance. The results of this research highlight at least two ways that can be used by actors looking to support indigenous peoples combating extractive industries, but who may not have the option of traveling to an indigenous community. One way is by recognizing that any financial resources or other material resource given should have practical value, promote long-term benefits or systemic change, actually be desired by the community, and be able to be controlled or operated by the community. Secondly, environmental justice actors can contribute to a cause from afar by raising awareness about this cause through whatever connections and means they have available.

One of the most significant aspects of the findings of this project relates to the initial research question, which stresses that the results of the research conducted be based on the views of indigenous peoples themselves. A large portion of the literature review in Chapter 2 focused on the ways in which indigenous voices have been

systemically limited, as well as the importance of marginalized communities being able to make their own decisions and have ownership over their own work and development. In a small way, this research serves as a contribution to elevating those two ideals.

The findings outlined in the analysis in Chapter 4 are all based on the input of indigenous peoples themselves. As the literature review showed, the voices of indigenous peoples around the world are limited in many different ways. This work goes to combat the societal norms that have made it difficult for indigenous voices to be heard and listened too. Basing all results on the input of indigenous peoples creates an opportunity not only for indigenous voices to be heard, but also for power dynamics to be changed in a small way. By providing a resource which has the potential to lead to a change in the behavior of non-indigenous actors, the findings of this research could serve as an avenue for a shift in power dynamics which gives indigenous peoples a higher degree of self-determination.

The limited number of interviews conducted reduces the statistical significance of this study. However, understanding the challenge of obtaining more interviews and analyzing other methodological problems in the study provides valuable insight into how non-indigenous environmental justice actors can be effective in assisting indigenous communities. Part II of the analysis in Chapter 4 serves as a practical resource through which non-indigenous environmental justice actors, or anyone looking to work with or conduct research with an indigenous people, may recognize potential mistakes that could limit the value of their work and, by recognizing those mistake, prevent making them.

Understanding the behaviors that aided me in gaining the trust of indigenous peoples may aid others in building trusting relationships with these communities. The

same holds true for understanding the mistakes that I made that limited the formation of trust. The recognition of ways that this trust can be jeopardized may prevent those mistakes from being repeated. This insight will benefit both the indigenous peoples who see trust as a vital component of any relationship they form with outsiders, as well as the person or organization looking to support them. Together, having an understanding of what knowledge is needed, who specifically can help in forming relationships with indigenous peoples, and what skills are best suited for interacting with people of a community that is not your own all serve to create the strongest and most advantageous bonds between an environmental actor and an indigenous people.

The results in the analysis of Chapter 4 are general in their conclusions. The potential exists for further significance to be gained from the results presented in this research if quantifiable forms of measurement were applied to give more exact ways in which outside, non-indigenous environmental justice actors could support indigenous peoples. “Long-term Relationships” could be quantified to give an exact idea of how long is the most beneficial period of time to work with an indigenous peoples. Similarly, “Proximity of Work” could be given a quantifiable measurement to determine the exact vicinity from which the best work could be conducted, and “Focus on the ‘Self’” could be made more specific in order to establish how much of an environmental justice actor’s work is geared towards things like self-empowerment, and how much is geared toward other objectives.

I did not pursue a quantification of these findings largely because I felt that the research which would be needed to come to such specific conclusions would be contradictory to many of the ideas talked about in this work. In no part of the interview

process or the research conducted for the literature review did indigenous voices mention a desire for quantifiable measurements to be applied to the opinions they were sharing. In order to determine the period of time a relationship should exist between an indigenous people and an environmental actor, for example, there would need to be numerous indigenous peoples and environmental actors used as research subjects to determine what length of relationship produced the most beneficial results. However, after advocating for indigenous-led projects and self-determination, I felt that it would be hypocritical of me to assume such conclusions were desired when no similar request was made by the indigenous participants of this research. Because of this, I chose not to outline quantifiable possibilities for measuring the results in Chapter 4.

### **Limitations**

The research conducted has multiple limitations. The foremost is that there is not a high level of generalizability with the study. The responses of those interviewed, although most of them were community leaders, cannot be said to represent the views of the entire indigenous people they represent. Other members of their community may have differing views. Furthermore, although many indigenous peoples have had similar experiences, the responses obtained from Lummi and Ecuadorian indigenous participants cannot be said undoubtedly to represent the views of other indigenous peoples around the globe. As only two indigenous groups are looked at in the case studies, it cannot be assumed that their responses, even when consistent with one another, can be applied to all indigenous groups fighting against extractive industries.

Another obvious limitation is with the number of participants who took part in the study. Especially with the Lummi, if more interviews had been obtained the research

would have achieved a higher level of statistical significance. Finally, my presence as a white researcher in itself has the potential to be a limitation. Community members who were interviewed could have skewed their answers to questions because of my presence during interviews and the positionality that existed between me and them.

## **Chapter 6: Recommendations and Conclusion**

### **Recommendations for Future Research**

The results of this research are a good beginning resource from which non-indigenous environmental justice actors can gain insight into how to best act to support the efforts of indigenous peoples who are combating extractive industries. However, although these results have significant value, they are also limited in both their scope and generalizability. Much more research could be conducted on related topics which would further the understanding of how support can best be given to indigenous peoples working on environmental issues. Some ideas of future research that could be done are laid out here.

- A more in-depth study that looks to answer largely the same research question as this work, but which includes significantly more research participants and takes place over a longer period of time. Additional or different case studies could be used in the research, but more time working with the indigenous people research was being conducted with would be a necessity. Findings would likely expand on the conclusions from this research project and would create more statistically significant results. Because of the greater value of the results, the use of ethnographic techniques would not be recommended in a second part of the research.
- A research study that uses environmental justice organizations, or another body working with indigenous peoples, as the subject of research. Examining the

actions and perceptions of the actors who have worked with indigenous peoples in the past would create an excellent resource, the results of which could be compared to the results of this research to understand more fully how non-indigenous actors behave in the best or worst manners.

- As there are likely many actors who do not have the ability or resources to work first hand with indigenous peoples, especially if that indigenous people is in a foreign country, research looking more in detail at how meaningful action can be taken from afar to aid an indigenous cause would be very important. Multiple general conclusions were found in this research study related to this idea, but delving deeper into the details of what constitutes appropriate and desired long-distance support could enable many more people to carry out supportive actions connected to an indigenous activism effort. How can actors who are working remotely from an indigenous people still carry out work that is indigenous-led? How can non-indigenous organizations or people work to spread awareness of an indigenous issue in a way that is true to the values of that indigenous community?
- A research study which, through secondary research, identifies specific examples of case studies in which interactions between indigenous peoples and outside actors wanting to aid those indigenous peoples—on any issue, not necessarily an environmental one—had undeniably negative consequences. Then, conduct primary research with the indigenous peoples involved in the cases studies to gain a better understanding of how those outside actors behaved which led to relational or outcome-related damages.

## **Conclusion**

Indigenous peoples around the world frequently see their communities impacted by the presence of extractive industries. As was outlined in the literature review, this trend is not limited to any particular region in the world, nor to indigenous peoples only in countries of the Global South. In all parts of the world, since extractive industries have begun to be run by large private and state corporations, indigenous peoples have been disproportionately affected by the activities of those corporations. The Lummi case represents a modern example of the challenges still faced by indigenous peoples due to extractive industries, and the case of oil in the Ecuadorian Amazon, which began almost 50 years ago, shows how invasive and long-lasting the impacts of extractive activities can be for indigenous peoples. Both cases represent an indigenous people who has been negatively impacted by extractive industries. The case studies also are similar in that non-indigenous environmental justice organizations have wanted to support both indigenous peoples in their efforts to fight against these threats to their communities and cultures. It was an understanding of this reality—that relationships exist between indigenous peoples and environmental justice organizations, and these relationships could be far more beneficial to indigenous people than they often are—which served as the motivation for conducting this research.

The goal of this study was to better understand how non-indigenous environmental justice actors can best support indigenous peoples in their efforts against extractive industries. The results showed that there are many ways in which outside actors engage with indigenous peoples that are not seen by indigenous peoples as beneficial, or that produce negative consequences. Conversely, behaviors which the

indigenous peoples interviewed saw as advantageous also came to light through the research process. The recognition of both positive and negative forms of support from non-indigenous environmental justice actors can be used to improve the actions of those organizations, networks and people.

Although many conclusions were drawn from the analysis of data, these findings are not exhaustive. The number of interview participants was limited, and those indigenous individuals who took part in the research do not speak universally for all indigenous peoples. However, understanding the results in Chapter 4 is a powerful way for non-indigenous environmental justice actors to begin to recognize the actions they can take to form trusting and beneficial relationships with indigenous peoples effected by extractive industries. The results of this research are an effective tool in this regard, but personal contact with any unique indigenous people is a necessity for understanding what type of support they desire and how they believe an outside actor can best aid their cause.

Those actors who wish to support indigenous peoples in a cause against extractive industries, or who are working with indigenous or marginalized communities for any purpose, must act in ways that those populations desire. For too long extractive industries have taken advantage of the lack of voice available to indigenous peoples, but for too long also have non-indigenous actors taken advantage of their positionality when working with indigenous peoples. Relationships between indigenous and non-indigenous populations have the potential to be extremely beneficial for indigenous causes, but to be beneficial they must not continue the narrative of power dynamics which stifles the will of those indigenous peoples. Through understanding the findings presented in this study, as well as the ways in which my own behavior was misguided in the research process,

future environmental justice actors who wish to support an indigenous effort against extractive industries will have a better sense of how to do so in a beneficial, respectful, and indigenous-led way.

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## Appendix

### Appendix I: Interview Questions

#### *Part I & II:*

- In the past what types of organizations (groups/people/agencies) have wanted to help you in your work fighting against oil (coal) extraction on your land?
- Do environmental justice organizations bring anything to your efforts that different organizations (conservation/development/human rights) are not able to bring?
- Do organizations usually reach out to you (indigenous actors) directly or do they simply start efforts on their own?
- If they start on their own do you appreciate that or not?
- As far as achieving the results you are striving for what is the best relationship to have with environmental justice organizations (EJO)?
- Do you like to lead all efforts?
- Is it best to approach efforts from a level of mutual partnership?
- Would you rather work completely separate from EJOs?
- Can EJOs be effective if you have not met them face-to-face, if they work from afar?
- What are some examples of ways in the past that environmental justice organizations have, in your view, aided your cause?
- In what ways can EJOs best be of assistance in your efforts?
- How important is financial support? Spreading information to non-indigenous peoples? Physical protest? Media or social media campaigns? Other?
- Is it more beneficial if environmental justice organizations have a good understanding of your culture or is that not important in their work? How so?
- If you were to give advice to future EJOs who were wanting to support you, what would you tell them to do to best help in your efforts?
- In the past have EJOs ever thought that they know more than you do about how to best undertake efforts to stop extractive industries?
- In what ways do EJOs act that are detrimental to your work or have negative impacts on your efforts?
- Have you ever had to end a relationship with organizations trying to support you?

*Part II Only:*

-Did EJOs play any part in the success you just had in blocking the Cherry Point Terminal?

-If so, in what ways was their work beneficial?

*Preguntas de Entrevista*

-En el pasado, ¿qué tipos de organizaciones (grupos / personas / agencias) han querido ayudarlos con su trabajo en contra la extracción de petróleo en su territorio?

-Normalmente, las organizaciones (de justicia ambiental) se ponen en contacto con ustedes directamente de antemano o empiezan proyectos por su cuenta sin previa consulta?

- Si las organizaciones empiezan proyectos por su cuenta, cual es su opinion al respecto?

-Las organizaciones de justicia ambiental les ayudan a ustedes de manera distinta que las otras organizaciones presentes en el area (organizaciones de conservación/desarrollo/derechos humanos)?

-Para lograr los resultados que ustedes quieren lograr, cual es la mejor relación que pueden tener con las organizaciones de justicia ambiental?

-Les gusta dirigir/liderar todos este tipo esfuerzos?

-Le parece que es mejor afrontar estos retos desde la colaboración mutua?

-Prefieren trabajar completamente independientemente de los organizaciones de justicia ambiental?

-Los organizaciones de justicia ambiental su pueden ser efectivas si no han conocido a poblaciones locales directamente, si trabajan de lejos?

-Cuales son algunos ejemplos de maneras en que organizaciones de justicia ambiental, en su opinión, han ayudado en los esfuerzos contra empresas de petróleo en el pasado.

-En que forma pueden organizaciones de justicia ambiental mejor ser de ayuda en sus esfuerzos?

-Cuan importante es el apoyo financiero? Diseminacion de informacion a otras comunidades no indigenas? Protesta Física? Campanas de media o media social? Otras?

-Es más beneficioso si las organizaciones de justicia ambiental tienen un buen entendimiento de su cultura o es esto no importante para su lucha? De que forma?

- Que consejos le daría a futuras organizaciones de justicia ambiental que querían apoyar su causa, que les diría para que los puedan ayudar de mejor manera?

-En el pasado organizaciones de justicia ambiental han pensado que saben mas que la gente indigena sobre como emprender esfuerzos para detener industrias de petróleo?

-Cuales son las formas en las cuales las acciones de las organizaciones de justicia ambiental son perjudiciales para su trabajo o que tienen impactos negativos para sus esfuerzos?

-Ha tenido alguna vez que terminar una relación con las organizaciones de justicia ambiental?