



A STORYLINE FILM AND EXHIBIT

WATER WARRIORS

NOTHING IN THIS WORLD CAN LIVE WITHOUT WATER



SCREENING GUIDE



SCREENING GUIDE

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THE STORY

Water Warriors is a 22-minute short film and exhibition about a community's fight to protect their water and way and way of life.

In 2013, Texas-based SWN Resources arrived in New Brunswick, Canada to explore for natural gas. The region is known for its forestry, farming and fishing industries, which are both commercial and small-scale subsistence operations that rural communities depend on. In response, a multicultural group of unlikely warriors—including members of the Mi'kmaq Elsipogtog First Nation, French-speaking Acadians and white anglophone families—set up a series of road blockades, sometimes on fire, preventing exploration. After months of resistance, their efforts not only halted drilling; they elected a new government and in 2016 won an indefinite moratorium on fracking in the province.

Water Warriors is a production of [Storyline](#), directed and produced by Michael Premo.



WATER WARRIORS SHORT FILM & EXHIBIT

Water Warriors is a resource to support organizing, advocacy, movement building, and direct action in response to fossil fuel extraction and environmental injustice. The project also has broader implications for inspiring community action in the face of any number of challenges. It's been used by Indigenous leaders organizing for environmental protection and in multiracial communities facing the impacts of oil and gas extraction. It holds the potential to bring unlikely allies together to collaborate and move up a ladder of engagement for social justice and environmental protection. However you decide to use *Water Warriors*, this guide will help you plan a successful event.

The 22-minute short film and a scalable exhibition can help create lively, participatory events to deepen civic engagement and strategic discussion.

The scalable exhibit has two versions, a full scale gallery show, and a pop-up version. Both are adaptable to a range of spaces. **Workshops and facilitated events are available too.** For more information and pricing, email info@storyline.media.

FULL SCALE SHOW

Running length: minimum 96 running ft.

36 mounted photographs; sizes: 12" x 18", 16" x 24", 40" x 30"

3 floor-to-ceiling projections. (Can accommodate space considerations.)

1 immersive audio soundscape

1 22-minute short film

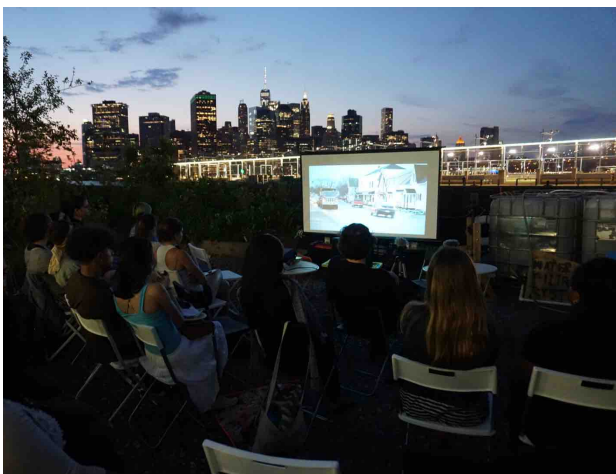
POP-UP SHOW

Photos printed on fabric. Fabric prints can be hung on photo backdrop stands.

Share *Water Warriors* with your community:

1. Host a community screening of the 22 minute short film.
2. Host the exhibition, which combines photographs, large scale video projections, an audio soundscape, and short film. The exhibit can scale to fit different types of spaces.

OR DO BOTH!



FREQUENTLY ASKED QUESTIONS ABOUT WATER WARRIORS

Q: Who made the film?

A: *Water Warriors* is an exhibit and short film created by [Storyline](#), an organization dedicated to building power with story and strategy. The project is produced and directed by Michael Premo.

Q: How did Storyline get access to the story?

A: *When we heard about the developing situation we drove to New Brunswick and introduced ourselves to the community. Through a process of introduction we were invited to learn and document the unfolding events. When the situation escalated the water protectors asked journalists to leave the camp, but our team was invited to stay.*

Q: What was your relationship with the members of the Mi'kmaq Elsipogtog First Nation?

A: *I [Michael] approach my work as an artist and journalist keenly aware of power and systems of oppression, while also mindful of issues of ethics, accuracy, and sourcing (verifying information from multiple angles). We asked the community of water protectors gathered at the protest sites for permission to document. Community members from the Elsipogtog First Nation hosted us in their homes.*

Q: Who started the “protests,” and when did they begin?

A: *The film documents the height of the resistance in the fall of 2013. SWN began information sessions around May 2012. As news spread about the planned exploration and possible drilling, communities and groups began to mobilize independently. Those efforts grew to the point where different groups around the province began communicating and collaborating.*

Q: The French Acadian, English speaking, and First Nations' communities featured in *Water Warriors* have had historical divides and differences. What steps did they take to address those differences and work together across lines of race and class in this case?

A: *The common goal of protecting the shared resource of water was a big factor in bringing people together. As people spent time together in shared struggle, they got to know each other, organizing childcare, sharing stories and recipes, and generally being in community with one another.*

Q: What's happened since?

A: *The actions of the water protectors completely shifted the narrative about drilling. The resistance made the issue a political liability for elected officials. The subsequent elections became a referendum on the issue, with the anti-fracking candidate winning. Following the election the provincial (state) government enacted an indefinite moratorium on fracking, arguing that key conditions had not been met by the company and by the previous government.*

Those conditions include:

- *A "social license" be established through consultations to lift the moratorium;*
- *Clear and credible information on the impacts on air, health and water so a regulatory regime can be developed;*
- *A plan to mitigate impacts on public infrastructure and address issues such as waste water disposal be established;*
- *A process in place to fulfill the province's obligation to consult with First Nations;*
- *A "proper royalty structure" be established to ensure benefits are maximized for New Brunswickers.*

Communities remain vigilant to any backtracking on the moratorium and are prepared for what comes next—which might be an attempt to move forward with proposed pipelines.



As the climate changes at an alarming rate, the actions of ordinary people to protect democracy and our natural resources are gaining momentum. The success of movements like #NoKeystoneXL and Standing Rock's fight against the Dakota Access Pipeline assert the importance of meaningful consultation with communities and Indigenous leadership to protect natural resources. Like these fights and many others that haven't made headlines, *Water Warriors* affirms the necessity of leadership from Indigenous peoples, who in Canada are, aptly, known as First Nations.

Water Warriors captures how a coalition of unlikely warriors triumphed against seemingly insurmountable odds. The story invites us to consider how multiracial solidarity can guide relationships between historically-divided communities and natural ecosystems, from which too many of us remain disconnected. The warriors in this story were fighting to protect their water, but their lessons are applicable to a range of issues related to corporate exploitation and the corruption of democracy.

The story demonstrates the power people have when they organize. In this moment, especially, success stories are critical to building power and visionary opposition. It was an honor to be allowed to document this story. I hope that it will fortify and inspire people endeavoring to build a more just and sustainable future.

– **Michael Premo**, Director



PLAN, SCREEN, ACT!

A three-step guide to hosting an effective event.

PLAN

Order Your Copy

Water Warriors is available via streaming, DVD, or Blu-ray at New Day Films:
www.newday.com/film/water-warriors

Set a Goal

Decide what you want your screening to achieve and plan from there. What do you want participants to walk away with? Prioritizing 3 goals can be helpful. Possible examples include, but are not limited to:

- Are you trying to attract new members or supporters?
- Are you trying to energize your base?
- Do you want to discuss what multicultural organizing can look like?
- Do you want to help your community better understand the threat of fossil fuel extraction/transportation/usage in your area?
- Do you want your constituents to understand how direct action/civil disobedience tactics fit in your strategy?

Partner Up

Reach out to other groups in your area to find co-hosts and potential panelists. Hosting a screening event is a great way to collaborate with other people and organizations. A big theme of *Water Warriors* is the importance of breaking down

barriers between communities to build power together. Perhaps there is a group or organization that you've been wanting to work with more intentionally, develop a better relationship with, or strengthen existing relationships with. What are organizations or groups that share your goals? These partners can help you reach a larger, more diverse audience, generate new ideas, and share the workload.

Find a Venue

Water Warriors has been shown in venues and events ranging from warehouses to pow-wows. You can screen it in a library, community center, church basement, or traditional theater space. Think about the location, public transport and disability access.

Make sure you have projection equipment (or a large television), good sound, and comfortable seats. Think about accessibility for people with mobility restrictions. Food is always important at community events! Check in advance to see if your venue has any rules about food.

Get the Word Out.

The screening guide packet includes posters and template flier graphics for you to use. Post printed fliers in your community or share online. Make a Facebook event or e-vite if you need to confirm RSVP numbers.

Tag social media posts with [#WaterWarriors](#). Follow us on [Instagram](#) and [Facebook](#).

Promotional Blurb(s)

Water Warriors is a story about the power of people united.

When an energy company begins searching for natural gas in New Brunswick, Canada, Indigenous and white families unite to drive out the company in a campaign to protect their water and way of life.

Water Warriors. Nothing in this world can live without water.

SCREEN

Here's a sample agenda for a 1 ½ hour event:

Mingle	Offer snacks and drinks	10 mins
Brief Intro	<p>Territorial acknowledgement of the Indigenous land on which the event takes place. (Visit https://native-land.ca/ to learn more about where you live.) Welcome the audience, thank the venue/partners/sponsors. Introduce yourself and your organization. Consider a shout-out to recent local victories. Read the promotional blurb to orient people to why they're here. This might be a good time to mention why you're excited for the screening and discussion. Let everyone know you'd like them to stick around after the film for a discussion and to take action. Give them an estimated end time.</p> <p>Ask guests to tag any social media posts about the screening with the hashtag #waterwarriors.</p> <p>There will be plenty of time after the film for discussion so feel free to keep this short and crisp.</p>	5' -10'
Watch the film		22'

Discussion and Action	<p>You can lead the discussion yourself or ask one of your local partner organizations working on related issues to co-facilitate or be part of a Q&A or panel.</p> <p>The power of post-screening conversation lies in making connections between the community featured in <i>Water Warriors</i> and what's happening in your own community. Whether you're facing an impending fossil fuel project, planning direct actions, or growing the movement across lines of race and class, the film can make many connections to struggles for justice and environmental protection. Audiences may also have questions about the content of the film.</p> <p>Below we've shared an FAQ with more details about the story and the making of the film, as well as suggested discussion prompts.</p>	40'
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Wrap Up

End the night by asking the audience to take action. (see notes below on specific action opportunities). Thank everyone for coming and ask them to add their name to the sign-in sheet for updates on the issues raised in the film. (10 min)

ACT

Sign In

Make sure that people sign in with email and contact info. You can use our template sign-in sheet attached.

Ask audiences to take action that will advance the group's goals

Whether there's a public comment period on a proposed pipeline happening, a resistance camp that needs supplies, or a direct action training coming up, walk your audience through concrete actions they can take to move toward the goals you've identified.

Follow Up

- Send everyone who attended an email regarding an action opportunity or ways to get involved further—or just a thank you!
- If participants want to receive updates related to *Water Warriors*, sign up to our newsletter or **follow us on [Instagram](#) and [Facebook](#)**.
- If you took photos, post them to your blog, Facebook event page or in your newsletter. **Tag photos with #WaterWarriors**. Send us a picture from your event or share with our Facebook page: facebook.com/storylinemedia.
- If you have advice for others showing the film or feedback for us, please pass it along: info@storyline.media.



NOTE: Indigenous people have lived in North America for thousands of years. What follows is a brief introduction. It is not a comprehensive history of the Mi'Kmaq. We recommend you research the long and rich history of the Mi'Kmaq and members of the Wabanaki Confederacy.

THE MI'KMAQ OF THE ELSIPOGTOG FIRST NATION

The Mi'kmaq are a First Nations people, variously pronounced as *MICK-mack*, *MEE-mack* or *MEE-gmakh* and spelled as Micmac, Mikmaq, Mi'gmaw, or L'nu, "the people" in the Mi'kmaq language.

In Canada "First Nations" is the common way to refer to Indigenous people south of the Arctic. There are currently 634 recognized First Nation governments or bands (tribes) in Canada. Over centuries of interaction with Europeans, treaties were established between these sovereign nations and The Crown of Canada.

Historically, territories were never ceded to the Crown. Treaties asserted that First Nations would share the land, but retain the inherent right to the land and natural resources. Due to subtle differences between colonialism in the United States and Canada, the Mi'kmaq in the United States call their nation a *tribe*. In Canada, they are called *bands* or *First Nations*. Each tribe/band/First Nation has its own government, laws, and services. (*Below, on page 24, is an informative article on the politics of Indigenous sovereignty.*)

Mi'kmaq are among the original inhabitants of the Atlantic coast in Canada and Northern New England, in the United States. Their traditional territory is known as Mi'gma'gi (Mi'kma'ki) and is made up of seven districts. Each district had its own independent government comprised of a district chief and a council. Contemporary Mi'kmaq communities are located predominantly in Nova Scotia and New Brunswick, but with a significant presence in Québec, Newfoundland, Maine and the Boston area.*

* <http://www.thecanadianencyclopedia.ca/en/article/micmac-mikmaq/>

The Mi'kmaq are members of the Wabanaki Confederacy (Wabenaki, Wobanaki, translated roughly as "People of the First Light" or "People of the Dawnland"). The confederation includes the Mi'kmaq, Maliseet, Passamaquoddy, Abenaki, and Penobscot. Members of the Wabanaki Confederacy, the Wabanaki peoples, are in and named for the area which they call Wabanahkik ("Dawnland"), generally known to European settlers as Acadia. It is made up of most of present-day Maine in the United States, and New Brunswick, Nova Scotia, Cape Breton Island, Prince Edward Island and some of Québec south of the St. Lawrence River in Canada. The Western Abenaki live on lands in New Hampshire, Vermont, and Massachusetts of the United States.*

Many Mi'kmaq live on reserves, or reservations, as they're called in the United States. Reserves are land that belongs to the tribe/band/First Nation and is legally under their governance. The **Elsipogtog First Nation**, (formally Big Cove Band, and Richibucto Reserve #15, respectively) is a Mi'kmaq First Nations band government reserve in New Brunswick, Canada. It was established in 1802. **Elsipogtog means "river of fire."** The Canadian Department of Natural Resources' Land Survey System still designates the area as Richibucto Reserve #15.

* https://en.wikipedia.org/wiki/Wabanaki_Confederacy



TIMELINE OF ORGANIZING AND COMPANY ACTIVITIES

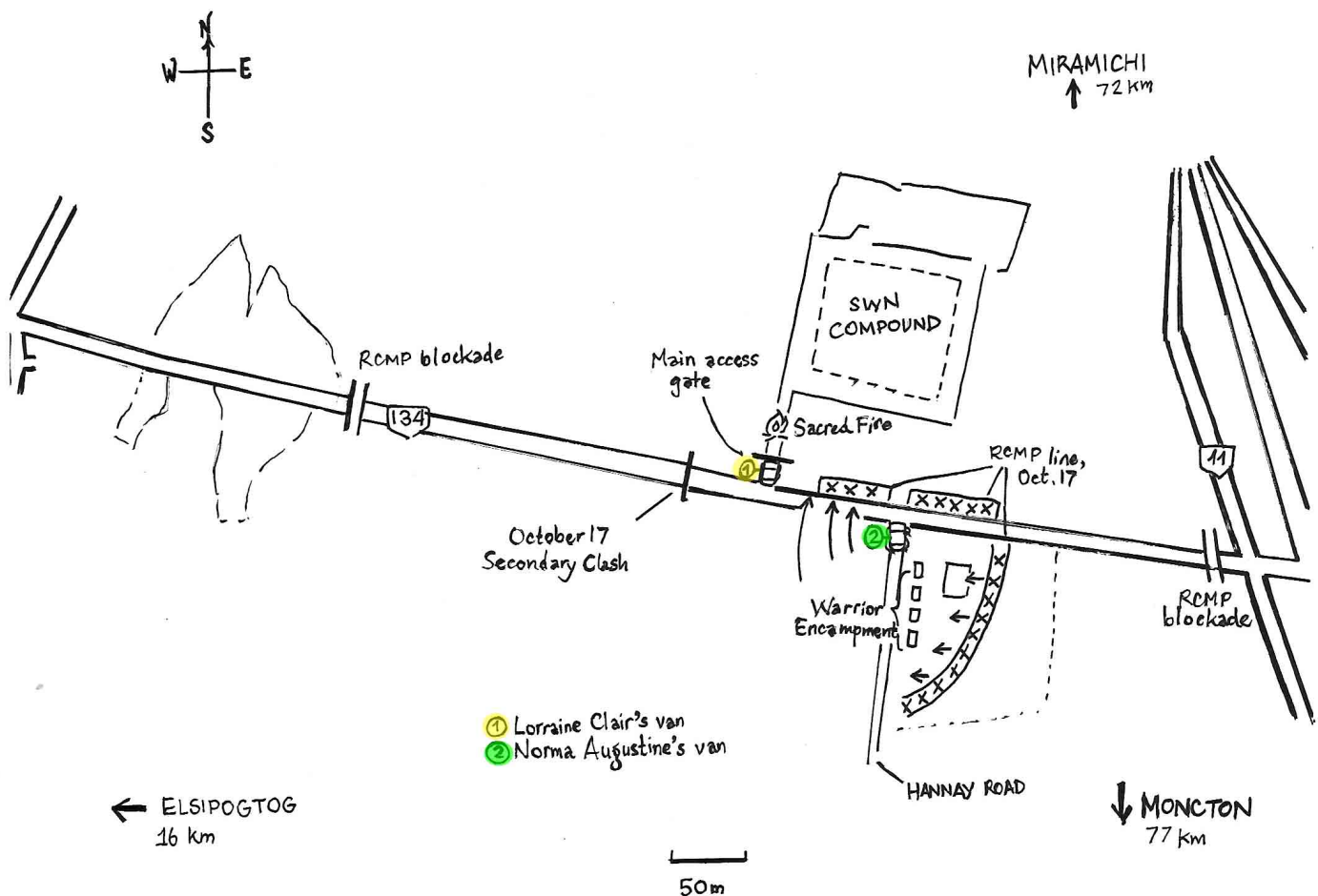
Summer 2012	<p>SWN hosts meetings to announce plans for shale gas exploration in New Brunswick.</p> <p>Local activists begin organizing in resistance to proposed shale gas exploration.</p>
October 2012	<p>Idle No More movement born in Saskatchewan when Jessica Gordon, Sheelah McLean, Sylvia McAdam and Nina Wilson begin mobilizing opposition to Canadian government's proposed Bill C-45, which threatens treaties and erodes Indigenous sovereignty.</p>
December 10, 2012	<p>Idle No More National Day of Action across Canada.</p>
December 27, 2012	<p>Elsipogtog First Nation members hold first gathering in solidarity with Idle No More.</p>
January 9, 2013	<p>Idle No More unity march shuts down Highway 11 in nearby city of Moncton.</p>
May 30, 2013	<p>Mi'kmaq Grand Council of the Signitog District 6 issues a public notice prohibiting all "shale gas exploration and/or development" without the "expressed written consent and full participation of the Mi'kmaq Grand Council and the Mi'kmaq people of the Signitog District."</p>
June 2013	<p>Members of the Elsipogtog First Nation make camp on Highway 126, where SWN is conducting testing.</p>
July 2013	<p>Elsipogtog water protectors, together with members of other First Nation, Acadian, and Anglophone communities, continue to stand together in nonviolent resistance to SWN, making camp on Highway 116. An Elsipogtog water protector straps herself to SWN equipment to prevent them from conducting seismic exploration.</p>
September 29, 2013	<p>Water Protectors block Route 134, preventing SWN trucks from accessing the proposed fracking site. (Beginning of road blockade.)</p>
October 1, 2013	<p>Elsipogtog chief Arren James Sock publicly delivers an eviction notice to SWN Resources.</p>

October 17, 2013	RCMP raid the camp, arresting over 40 Water Protectors. Officers cite water protectors as violating court injunction against the ongoing road blockade.
October 21, 2013	Court drops the injunction against water protectors blocking shale gas exploration, despite SWN's wishes.
November 2, 2013	Elsipogtog First Nation files major land claim, asking court to confirm "aboriginal title claim" to a large portion of southeastern New Brunswick, including waterways.
November 5, 2013	New Brunswick Premier David Alward renews commitment to shale gas exploration. Hundreds gather outside provincial legislature in Fredericton to demand an end to the practice.
November 25, 2013	Environmentalist David Suzuki visits Elsipogtog First Nation as part of Atlantic Canada speaking tour.
December 2, 2013	Seven water protectors are arrested after taking over Highway 11. Court grants SWN a 14-day extension on injunction against blockade.
December 6, 2013	SWN Resources announces they have completed their seismic acquisition program, issuing a statement thanking "all New Brunswickers for their continued support."
September 2014	Liberal Party wins majority government in New Brunswick after pledging to end fracking. General election is widely considered a "referendum" on fracking, resulting in the ousting of Alward's pro-fracking Progressive Conservative party platform.
December 18, 2014	New Brunswick Liberal Premier Brian Gallant announces province-wide moratorium on fracking.
May 27, 2016	New Brunswick Energy Minister extends provincial moratorium on fracking "indefinitely."

MAP OF HIGHWAY 134 EQUIPMENT BLOCKADE

On Sunday September 29, 2013 water protectors began an encampment blockade of Southwestern Energy Company's (SWN) seismic exploration equipment. This move was an escalation that followed years of campaigning against drilling with a diversity of tactics including rallies, calls to elected officials, appeals to government agencies, and constant nonviolent direct action by [First Nations](#), [Acadians](#) and [Anglophone](#) communities. SWN clearcut a rectangular parking lot out of forest land to store their equipment (*SWN compound, below*). A dirt road connected the parking lot to a local road (route 134) and an adjacent regional two-lane highway, route 11. The water protectors began a sacred fire on the dirt road and set-up camp, effectively blocking in SWN's equipment.

On October 17, 2013 the [Royal Canadian Mounted Police](#) (RCMP), Canada's national police force, evicted the camp, so SWN could remove their equipment. The national media attention helped sway public opinion in the favor of the water protectors.



Map courtesy of *Debriefing Elsipogtog: The Anatomy of a Struggle* By Miles Howe (Fernwood Publishing, 2015)



DISCUSSION QUESTIONS

FIRST IMPRESSIONS

1. What did you learn from this film? What is the underlying lesson??
2. Is it possible to do “responsible” natural gas exploration? Explain.
3. How and why does Industry run the land and the laws of the land?
4. What does it mean to “normalize resistance”?
5. “It’s a great day to be Indigenous. It’s a great day to be human.” What does this mean?
6. What do you think the perspective of the SWN workers is?
7. Was this a victory for the land and the Elsipogtog people? Was it also a victory for the Acadian and Anglophone community?
8. How can you get involved in protecting water and other natural resources?

CONNECTING TO THE LOCAL

1. What are the similarities between our own community's struggle and what we saw in the film?
2. What can we learn from the story that applies locally?
3. What was striking or memorable and how do you think it relates to our community?
4. What are some recent environmental victories or struggles in our community that are related to issues in the film?
5. What are people at this event working on over the next six months - two years?

6. How have our local officials voted regarding clean energy and other issues the film raises?
7. Who are the top energy polluters in our area? Are they held accountable?
8. As a community of people coming together to resist environmental destruction, how do we simultaneously care for one another and ourselves?

DIRECT ACTION

1. What is direct action? *The definition in the glossary may be helpful to unpack direct action and civil disobedience.*
2. How do you feel about civil disobedience or direct action? *As a group, use raised hands to show:*
 - a. Who has participated in direct action?
 - b. Who might be willing to participate in one?
 - c. Who might feel nervous about doing so?
3. Why was nonviolent direct action an important tactic for the residents of New Brunswick? Why was it effective?
4. What role do you think the tactic of civil disobedience or direct action action plays in broader strategy?
5. In the film, Suzanne Patles describes a "culture of resistance" in which people were encouraged to use the skills they were good at. What are some tactics you recall being used in the film and what do you think are needed to round out a campaign to reach its goal of ousting a corporation?
6. As seen in the film, direct action protests against fossil fuel projects face repression by police. If pursuing direct action, what are ways to be proactive and protect participants as much as possible?
7. What specific challenges might your community have in remaining dedicated to non-violent direct action?

8. What role can children play in non-violent direct action?
9. Discuss resources (trainings, volunteers, etc.) and next steps needed to support any potential direct actions in your community, or learning more about the tactic.

DIVING DEEPER

1. In the opening of the film Alma Brooks speaks about water and the connection between a mother and the water in her womb where a baby grows. Later in the film, another woman, Debbie Cyr, described the trucks that read the earth like an “ultrasound.” Is this connection important? Why or why not?
2. Why is it important to build coalitions in the fight to keep land and water clean? How can we come together with people from different racial/ethnic backgrounds and still find common ground to engage in non-violent direct action?
3. Refer to the glossary term *Seven Generational Model*. How might an Indigenous seven generational model of renewal be useful for environmental justice for non-Indigenous people?
4. Refer to the glossary term *Traditional Knowledge*. What challenges have Indigenous communities overcome to preserve and pass on traditional knowledge throughout the generations? In what way do these challenges persist today?
5. At Native-Land.ca you will find an interactive map with information about First Nations/Indigenous groups across Turtle Island. The creators of the site state: “maps function as colonial artifacts and represent a very particular way of seeing the world—a way primarily concerned with ownership, exclusivity, and power relations.”
 - a. Why is it important to view maps critically?
 - b. Who defines national boundaries, and who defines a nation?
 - c. How have colonial maps attempted to dispossess Indigenous people of their land?

ACTIVITY

As a group, scatter yourselves about the room or space. Designate one side as the 'effective tactic' wall and the opposite side as the 'least effective tactic' wall.

Choose a scenario and corresponding tactic and ask people to position themselves where they consider the tactic to be on a scale of 'least effective,' to 'most effective.' At the same time, discuss as a group where the tactic falls on a scale from 'most violent' to 'non-violent.'

Example scenario: "The people have begun to gather tires into a pile in the middle of the road, and have set them on fire." (*Note: according to Suzanne Patles in the film, this action was sparked by an event earlier that day when SWN workers nearly ran people over.*)

PROJECT IDEAS

- Find a local environmental group and learn about the issues that they are addressing in your community. Attend a meeting, rally, protest and ask questions.
- Write a poem or song that expresses your concern for the land and water. Share it on social media.
- Contact your local news networks to encourage them to highlight or do stories on your local water warriors.
- If you are non-Indigenous, find out who the Indigenous people are in your area and reach out to them. Learn about their history with the land and support them in their efforts to protect the land, water, and wildlife. You can use this website for reference: Native-Land.ca.



“Through Treaty our Nations agreed to share the land, therefore, our free, prior and informed consent is required before any development or decisions are made which may impact our inherent and Treaty rights to land.

As sovereign Nations we have never surrendered our rights or title in right of the Crown or the successor state of Canada but, have maintained and solidified their inherency through the Treaty making process.

*...As distinct and independent Nations, we possess inherent rights to self-determination. These inherent rights were not endowed by any other state or Nation, but are passed on through birthright, are collective, and flow from the connection to the Creator and our lands. They cannot be taken away. **Self-determination means we freely and independently determine and exercise our own political, legal, economic, social and cultural systems without external interference. In other words, we have jurisdiction over all aspects of our livelihood.***

-Chiefs of Ontario

“International law was an Aboriginal concept. We did this through what we call in English now 'Confederacies.' For a thousand years we had been signing treaties between each other in these confederacies ... By the time the British came, our treaty-making protocols were extensive.

*The reason we could sign treaties is because we were sovereign people. **The British, the French, none of them would have entered into a treaty-making enterprise with the Mi'kmaw and Maliseets if they didn't consider us sovereign people.***

-Rena Gayde, Eskasoni-based treaty scholar and grassroots spiritualist

*. . . The taking of resources has left many lands and waters poisoned—the animals and plants are dying in many areas in Canada. **We cannot live without the land and water. We have laws older than this colonial government about how to live with the land.***

-Idle No More

SOVEREIGNTY: DO FIRST NATIONS NEED IT?

An Essay by, Mohawk Lawyer and Legal Academic: Stephen John Ford

This essay originally appeared on IdleNoMore.ca.

The problem with answering this question is ground in the misunderstanding Indigenous People have about what Sovereignty really is. Some Indigenous people take the position that Sovereignty is a concept particular to the Colonizer. Others point out that word doesn't exist in their language and therefore has never been known to their Nation. Indeed, the concept of Sovereignty was developed in Europe in the 16th, 17th and 18th centuries. Linguistically, it is rooted in the Old French: *soverei'nete*. Although there may be no single word in an Indigenous language that compares identically to sovereignty, the concept as it would apply in a First Nation context, is clearly present.

In my view, the focus must centre on the meaning of the concept of Sovereignty in a First Nation context. Although Sovereignty has a number of differing definitions there are some that directly resonate to the Indigenous experience.

Webster's Encyclopedic Dictionary defines sovereignty as including the concept of self-government: *sov-er-eign-ty* n. 3. The condition of political independence and self-government.

It is beyond dispute that at the time of contact Indigenous Nations were politically independent and governing themselves under their own laws. When sovereignty's synonyms are considered, words such as jurisdiction, power, authority and control are found. I would argue that, since the Supreme Court of Canada has required a First Nation claiming Title to show 'exclusive possession' which is jurisdiction and control, then that First Nation would also prove their Sovereignty. Finally, International Law requires that Nation States must not interfere with the internal affairs of other Nation States. To do so would be a violation of recognized sovereignty. The concept of sovereign non-interference is not exclusive to modern International Law. This concept has been foundational to the initial relationship

between European newcomers and Indigenous Nations. Treaties were forged on this concept, most notably the Two-Row Wampum covenant that makes clear the principle of non-interference and mutual respect are the foundation of every Treaty. The principle of 'non-interference' is a necessary component of the International legal understanding of Sovereignty.

Why Exert Sovereignty?

The need to exert sovereignty by Indigenous Nations flows from the Colonizer's assertion that the Crown became sovereign over all the lands and peoples living upon Turtle Island at "Discovery". The Doctrine of Discovery and the concept of terra nullius meaning - 'empty land' are the legal foundations upon which European Crowns made pompous claims of sovereignty over Indigenous lands and populations. The Courts have used these doctrines and principles and upheld them to find in favour of the Settler State.

Even though the 'existing Aboriginal and Treaty Rights' are now Constitutionally protected in section 35(1) the Courts have stopped short of any recognition of the sovereignty or right to self-government that Indigenous Nations possess. In fact, the Supreme Court of Canada has declared that the purpose of section 35(1) "provides the constitutional framework for reconciliation of the pre-existence of distinctive aboriginal societies occupying the land with Crown sovereignty." (R. v. Van der Peet, [1996] 2 SCR 507). In my view, this distorts the real purpose of s. 35(1) because it is the constitutional vehicle by which true collective reconciliation can be achieved. Thus, what must be reconciled is the Crown's assertion of sovereignty with the pre-contact sovereignty of Indigenous Nations. The assertion of Crown sovereignty has become, with the passage of time, De facto, or actual sovereign control that exists and is practiced. In other words, Canada has assumed and enforced actual control over all lands and people. On the other hand, Indigenous Nations in pre-contact times possessed what is known as De jure or legal sovereignty, exercised through their interactions with other nations and recognised exercise of control over their

territories. This legal sovereignty, although known to the European newcomers, was ignored and eliminated by the legal fictions of terra nullius and the Doctrine of Discovery as mentioned above. Therefore, the Settler State has refused recognition of Indigenous sovereignty. Moreover, since the question of whether self-government is a Constitutionally protected Indigenous right is still unanswered by the Supreme Court so too is the existence of Indigenous 'legal sovereignty' unanswered.

Recognition, Exercise or Termination

It is well settled and clear that Settler States such as Canada, the United States, Australia and New Zealand would never voluntarily recognise Indigenous Sovereignty. Nevertheless, it is the recognition of sovereignty that permits for its undisputed exercise. How then is Indigenous sovereignty to gain recognition? Sovereign recognition embraces the notion of Nation to Nation relationship, one sovereign entity's interaction with another sovereign entity. This is most commonly seen through Treaty making and alliances of mutual benefit. The historic treaties Indigenous Nations have made with European nations bear witness to the nation - to - nation relationship. In a modern context of sovereign recognition, Indigenous Nations ought to continue to make treaties and alliances with other sovereign nations. This can be easily accomplished. For example, the Mohawk Nation could negotiate and enter Treaty of commerce and trade with the Mi'kmaq Nation or the Ojibway Nation entering alliances with the Cree Nation on environmental protection. The possibilities are endless and could and should include Indigenous Nations worldwide. The issue of Sovereign Recognition can be easily solved.

The exercise of Indigenous sovereignty is, on its face, a straight forward proposition. It can be as simple as the individual exercise of a collective Indigenous right such as hunting, fishing or gathering. On a far larger scale is the exercise of Indigenous sovereignty at the level of Nationhood. As mentioned above, sovereignty can manifest itself through the treaty or alliance making process. Perhaps most

importantly, is the exercise of sovereignty through the development and application of legislation based upon Indigenous law. Application is understood as jurisdiction over territory and persons within that territory. However, this exercise of sovereignty will invariably attract backlash from the governments and agencies of the Settler State. In my view, it has been the fear of backlash and resulting consequences that has kept Indigenous leadership from engaging in this form of sovereign expression. The historic response of Indian Affairs to Indigenous leadership's non-compliance is to cut funding. This usually means reduction in programs or reduction of workforce, making elected leaders reluctant to upset AANDC.

The goal of Indigenous sovereignty is long term and any short term consequences must be seen in this light. Ultimately, the consistent and ongoing expression and exercise of Indigenous sovereignty will force a redistribution of wealth and jurisdictional power within the Settler State. In the result the reliance on Federal funding will be removed or greatly reduced removing a vital AANDC control mechanism.

The exercise and expressions of Indigenous Sovereignty is critical in opposition to Federal Termination policies. These, termination policies, are consistent with the object of the 1969 White Paper which was to terminate all Indigenous rights along with the special status that accrued with them - assimilation completed. Currently there are numerous Termination/negotiation Tables occurring across the land. Whether it is Comprehensive Land Claims or Self-Government Agreements the Federal Policy is to provide short term financial compensation in exchange for the elimination of future Indigenous s. 35 claims to rights including Title. In many cases, this will permanently enslave the First Nation as a municipal government within the province. In almost all cases these Termination Tables and resulting Agreements are occurring without the Free, Prior, Informed, Consent of the members of the Band.

In my view, Indigenous Sovereignty is necessary for the survival of First Nations in Canada. With it comes the necessary redistribution of wealth which will remove the yoke of dependence and control exerted over First Nations by the Federal government. Indigenous Sovereignty will also provide First Nation jurisdictional control over their territories to protect the lands and waters, thereby ensuring sustainable development of the economic possibilities found therein. Indigenous Sovereignty is possible and it is attainable, not through elected Indian Act Chiefs and Councils but through the collective will of the People.



Settler Colonialism: The form of colonization where settlers come to stay (versus extracting resources or people and leaving). Turtle Island is all governed by the continuing structure (rather than an event) of settler conditions.

Decolonization: The refusal to accept the current conditions of settler colonialism; the repatriation of Indigenous land and life; the undermining of land and water as property.

Land Ethics: A moral code applied to stewarding the land. For Indigenous peoples the land is relative—a family member—thus, the land should be cared for as such.

Turtle Island: The Indigenous name for the land mass more commonly known as North America. In the creation stories of some Indigenous cultures, particularly of the eastern United States and Canada, including the [Iroquois](#), [Ojibwe](#), [Abenaki](#), and [Lenape](#), the land was created on the back of a turtle.

Indigenous*: Indigenous peoples, also known as first peoples, aboriginal peoples, native peoples, are ethnic groups who are descended from and identify with the original inhabitants of a given region, in contrast to groups that have settled, occupied or colonized the area more recently.

Native American*: A term commonly used to describe Indigenous people living in the United States.

First Nation*: A term commonly used to describe Indigenous people living in Canada. First Nation is also used as the Canadian designation for some local band/

** As Indigenous people and communities are diverse, there is no consensus on naming. Some people prefer to be referred to by their specific Nation or tribe (terms which are themselves contentious). In this guide we use the generally-preferred terms Indigenous and First Nations to refer to people of Indigenous descent living in the United States and Canada, respectively.*

reservation governments, i.e. Elsipogtog First Nation is a Mi'kmaq First Nations band government reservation.

Reserve/Reservation: As the land was seized by European Settlers the United States government and Canadian state (also called The Crown), forced Indigenous people onto designated tracts of land.

Traditional Knowledge: Also known as Indigenous knowledge, described by The United Nations Educational, Scientific and Cultural Organization (UNESCO) in this way:

“The Indigenous people of the world possess an immense knowledge of their environments, based on centuries of living close to nature. Living in and from the richness and variety of complex ecosystems, they have an understanding of the properties of plants and animals, the functioning of ecosystems and the techniques for using and managing them that is particular and often detailed...locally occurring species are relied on for many—sometimes all—foods, medicines, fuel, building materials and other products. Equally, people’s knowledge and perceptions of the environment, and their relationships with it, are often important elements of cultural identity.”

Sovereignty: The Oxford English Dictionary defines sovereignty as 1.1 The authority of a state to govern itself or another state. 1.2 A self-governing state.

Direct Action: The tactic of Direct Action has been the key to the success of every social justice movement. According to *Beautiful Trouble: A Toolbox for Revolution*, the common usage is, *“to shut things down; to open things up; to pressure a target; to re-imagine what’s possible; to intervene in a system; to empower people; to defend something good; to shine a spotlight on something bad.”* Well known examples in the United States include the Boston Tea Party, Montgomery Bus Boycott or lunch counter sit-ins. Check out the [Ruckus Society’s Action Training Manual](#) for more information

on the functions and arguments for direct action: <http://ruckus.org/downloads/RuckusActionPlanningManual.pdf>

Nonviolent Civil Disobedience: Direct action and civil disobedience are often conflated or used interchangeably. It can be argued that civil disobedience is a type of direct action, which involves intentionally breaking a law or disobeying a government directive to highlight the injustice of the particular law or state-imposed standards. For example, the Civil Rights era lunch counter sit-ins were designed to break segregation laws, to show that those laws were unjust and should be eradicated.

Seventh Generational Model/Seventh Generation Principle: Many Indigenous peoples believe that our present moment is born out of seven generations before us and will affect seven generations after us. One instance of the Seventh Generation Principle can be found in the Great Law of Peace, the constitution of the Iroquois Confederacy formed in the early 12th century. The Great Law of Peace and the structure of the confederacy had a significant influence on Benjamin Franklin and James Madison as they contributed to framing the United States constitution and federal structure.



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