

# INDIGENOUS RESISTANCE AGAINST CARBON



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Cover Image: No DAPL Protest March, Standing Rock 2016, One day after the infamous usage of attack dogs by DAPL security upon water protectors. Photo by Dallas Goldtooth.

Back Cover Image: Stop Line 3 Treaty People Gathering 2021, photo by Thaiphy Phan-Quang / Indigenous Environmental Network.

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**Indigenous Environmental Network** is an alliance of Indigenous Peoples whose Shared Mission is to Protect the Sacredness of Earth Mother from contamination and exploitation by Respecting and Adhering to Indigenous Knowledge and Natural Law.

**Oil Change International** is a research, communications, and advocacy organization focused on exposing the true costs of fossil fuels and facilitating the ongoing transition towards clean energy.

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# EXECUTIVE SUMMARY

## Indigenous Resistance Against Carbon

seeks to uplift the work of countless Tribal Nations, Indigenous water protectors, land defenders, pipeline fighters, and many other grassroots formations who have dedicated their lives to defending the sacredness of Mother Earth and protecting their inherent rights of Indigenous sovereignty and self-determination. In this effort, Indigenous Peoples have developed highly effective campaigns that utilize a blended mix of non-violent direct action, political lobbying, multimedia, divestment, and other tactics to accomplish victories in the fight against neoliberal projects that seek to destroy our world via extraction.

In this report, we demonstrate the tangible impact these Indigenous campaigns of resistance have had in the fight against fossil fuel expansion across what is *currently* called Canada and the United States of America. More specifically, we quantify the metric tons of carbon dioxide equivalent (CO<sub>2</sub>e) emissions that have either been stopped or delayed in the past decade due to the brave actions of Indigenous land defenders. Adding up the total, **Indigenous resistance has stopped or delayed greenhouse gas pollution equivalent to at least one-quarter of annual U.S. and Canadian emissions.**

Our aim is two-fold: First, that Indigenous land defenders are emboldened to see the collective results of their efforts and utilize this information as a resource to garner further support. Second, that settler nation-state representatives, organizations, institutions, and individuals recognize the impact of Indigenous leadership in confronting climate chaos and its primary drivers. We hope that such settlers, allies or not, come to stand with Indigenous Peoples and honor the inherent rights of the first peoples of



*Water Protectors Stop Construction of Energy Transfers Partners' Bayou Bridge Pipeline, L'eau La Vie Camp 2017, photo courtesy of Indigenous Environmental Network.*

Turtle Island — the land currently called North America — by implementing clear policies and procedures grounded in Free, Prior and Informed Consent, and by ending fossil fuel expansion once and for all.

We begin by setting the context of Indigenous Rights and Responsibilities and Free, Prior and Informed Consent, and acknowledge the criminalization of defenders that deeply affects Indigenous resistance. We then examine 26 Indigenous frontline struggles against a variety of fossil fuel projects across all stages of the fossil fuel infrastructure development chain over the past decade. We cherish these struggles, not only for

their accomplishments, but for the hope they instill in the next seven generations of life; a hope that is based on spiritual practice and deep relationship with the sacredness of Mother Earth.

This report is generated in the spirited belief that our movements do not occur in isolation, nor are they alone in execution. We are a web of freedom fighters, radically imagining a future in which our liberation efforts bear the sweetest fruits for the benefit of all life. We move with spiritual foundation, grounded in our love for the land, for we know the self-evident truth of our struggle — the land is our sovereignty, and our sovereignty is in the land.

# INDIGENOUS RIGHTS AND RESPONSIBILITIES FRAMEWORK

Indigenous social movements across Turtle Island have been pivotal in the fight for climate justice. From the struggle against the Cherry Point coal export terminal in Lummi territory to the fights against pipelines crossing critical waterways, Indigenous land defenders have exercised their rights and responsibilities to not only stop fossil fuel projects in their tracks, but establish precedents to build successful social justice movements.<sup>1</sup> The essential backbone of these movements is grounded in an Indigenous Rights framework.

This Indigenous Rights and Responsibilities approach is based upon the concepts of Indigenous Sovereignty, which exist regardless of the actions of settler nation-states. Indigenous Sovereignty endures as long as Indigenous Peoples endure, and understanding these concepts illuminates why advocacy to prevent the extraction, production, processing, and release of carbon is based not solely on the notion of inherent rights, but on the responsibility and obligations of Indigenous Peoples and Tribal Nations to the land itself.

Indigenous Sovereignty and the collective right of Self-Determination are guided in principle by traditional Indigenous knowledge — the spiritual ways, languages, cultural practices, legal systems, and social, economic, and political structures of Indigenous Peoples. These principles determine how Indigenous Peoples act and relate to surrounding ecosystems and to other human beings, on a personal level *and* a collective nation-to-nation level. Sovereign Indigenous Nations have existed since time immemorial, exercising their inherent rights and responsibilities by managing these relationships with mutual respect.

Destructive actions like fossil fuel extraction and the construction of fossil fuel infrastructure on Indigenous territories, lands, and waterways directly attack traditional Indigenous knowledge by seeking to untether spiritual ways, languages, cultural practices, legal systems, and social, economic, and legal systems from relationship with those lands and water. An Indigenous Rights and Responsibilities framework links the struggle to protect the land with the ever-present struggle to resist settler nation-state acts of violence and colonization fueled by an extractive economic system.

By resisting such acts, Indigenous land defenders and Nations disrupt the goals of the world's most powerful institutions — nation-states and multinational corporations. This is done with a strategic framework that protects the land, builds collective power, confronts white supremacy, and challenges tenets of capitalism and Eurocentric materialism.<sup>2</sup> These fights demonstrate how a movement built upon an Indigenous Rights framework far exceeds the goals of environmental protection and provides a road map to decolonizing our current economic paradigm.

Whether by physically disrupting construction, legally challenging projects, or effecting procedural delays, Indigenous land defenders and Nations utilize a multi-tiered approach to resist fossil fuel projects. These tactics demonstrate that Indigenous Rights and Responsibilities are far more than rhetorical devices — they are tangible structures impacting the viability of fossil fuel expansion.<sup>3</sup>

Indigenous Sovereignty should not be conflated with Tribal Sovereignty. The United States legal system recognizes the sovereign status of Indigenous Nations and their political structures, albeit in limited fashion. This legal recognition

— contextualized and existing within the U.S. system of rights — determines the boundaries of Tribal Sovereignty. The Canadian legal system recognizes the inherent right of self-government, at present viewed by the Canadian government as limited to negotiated agreements creating municipal styles of autonomy. Tribal Sovereignty in the United States and the inherent right to self-government in Canada are not without agency, but there are important differences.

Due to the unique histories of Indigenous Peoples' interactions with the United States and Canada, Tribal Nations and First Nations have a wide range of reserved rights that have been recognized and upheld within the eyes of nation-state court systems.<sup>4</sup> These legal battles, coupled with grassroots expressions of self-determination, have stopped and delayed the expansion of fossil fuels, and also exposed the financial liabilities of such expansion when Indigenous Rights are violated.<sup>5</sup>

Self-Determination is internationally recognized as a basic human right. Specifically, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights reaffirm the right of all peoples to self-determination, and lay upon state parties the obligation to promote and to respect this right.<sup>6</sup> This is a key component in the assertion of international pressure on nation-states like the United States and Canada to avoid policies that seek to erase Tribal Sovereignty in the United States or render meaningless the inherent right to self-government in Canada. It is vitally important for Indigenous Nations to utilize all available measures to protect their Indigenous Sovereignty and jurisdictional authority, and for all international actors to support their right to do so.

# FREE, PRIOR AND INFORMED CONSENT

When challenging fossil fuel projects and confronting polluting industries, the international standard of Free, Prior and Informed Consent (FPIC) is a key process through which Indigenous peoples assert their sovereignty and self-determination. This right is recognized in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and — when implemented properly by nation-states — allows Indigenous people to grant or withhold permission to projects that may affect them or their territories.<sup>7</sup>

Free, Prior and Informed Consent is the manifestation of how traditional Indigenous knowledge and Indigenous Rights are protected and enforced within and beyond Indigenous territories.<sup>8</sup> Consisting of the right to be consulted, the right to participate, and the right to their lands, territories, and resources, Free, Prior and Informed Consent is the aspirational standard that many Indigenous Peoples seek to enshrine within the federal policies of their respective colonial and settler-states. Canada and the United States acknowledge UNDRIP on premise alone, but both nation-states have refused to adopt its text without qualifications. Due to this refusal, while these nations acknowledge the tenets of Indigenous Rights, they have consistently chosen to define these rights in a way that does not ultimately threaten control over lands, natural resources, and development plans that may affect Indigenous people and territories.

In both the United States and Canada, the current *modus operandi* to engage Indigenous Peoples on extractive projects is a process of consultation. Under this process, federal governments consult with Tribes and First Nations, seeking their input on planned projects.

Such input and consultation does not guarantee outcomes in line with the wishes of those Nations; this consultation is crucially distinct from consent.

Furthermore, there are many examples of projects well underway before this so-called ‘consultation’ even begins with Tribes — effectively nullifying the intention of the process and exposing its severe inadequacies.<sup>9</sup> Free, Prior and Informed Consent constitutes a much more rigorous standard than consultation,<sup>10</sup> and it is a bare minimum standard needed to uphold the rights of Indigenous Peoples.

Advocacy and direct action by Indigenous Peoples in opposition to threats to lands, waters, air, and future generations are not optional measures by those that adhere and live by traditional Indigenous knowledge. They are obligations. When Indigenous Peoples assert inherent rights under frameworks like the recognition of Tribal Sovereignty or Indigenous Sovereignty, it goes far beyond just those rights recognized under settler-state legal and political systems.

Asserting these rights is the practice of Indigenous Peoples self-determining their future, on their terms. These rights involve carrying out spiritually- and culturally-derived obligations to preserve inherent relationships to our ecosystems, to recognize the Original Instructions and natural laws of Mother Earth and Father Sky, and to protect future generations. This grounding in Indigenous Sovereignty, Tribal Sovereignty, the inherent right to self-government and Self-Determination inspire and give strength to those fighting through lived values and principles to keep fossil fuels in the ground and protect Turtle Island.

## LIST OF DEFINITIONS

- ❶ **Tribal Sovereignty** is a legal doctrine serving as the foundation of U.S. law applied to Indians (Federal Indian Law). The scope and strength of this doctrine has been significantly eroded over the course of U.S. history. An aspirational goal for the advancement of Tribal Sovereignty is an equitable relationship between the United States and Indigenous Nations, allowing for exchange between same-status actors.<sup>11</sup>
- ❷ **Indigenous Sovereignty** is distinguishable from Tribal Sovereignty in that it is not a nation-state recognition of inherent sovereignty under nation-state dominion. Rather, it arises from traditional Indigenous knowledge, belonging to each Indigenous Nation, Tribe, First Nation, and community.
- ❸ **Self-Determination** is the understanding that peoples with common political and cultural organization have the right to self-government and territory. The has its origins in international human rights law, as applied to former colonies of Europe, primarily in Africa and the Pacific.
- ❹ **Free, Prior and Informed Consent (FPIC)** is a specific right pertaining to Indigenous Peoples that is recognized in the United Nations Declaration on the Rights of Indigenous Peoples. It allows Indigenous Peoples to give or withhold consent to a project that may affect them or their territories.<sup>12</sup>
- ❺ **Turtle Island** is the land currently called “North America” by settler nation-states and their representatives.

# CRIMINALIZATION OF DEFENDERS: STANDING ROCK AND BEYOND

This report on Indigenous resistance to fossil fuel projects would be incomplete without attention to severe threats faced by frontline leaders and communities when they speak out and take action. The fight against the Dakota Access Pipeline is a notable example of these threats — what happened in Standing Rock should not be seen as an anomalous incident, but rather a disturbing commonality across Indigenous resistance efforts worldwide.

The grassroots fight against Energy Transfer Partners' Dakota Access Pipeline began in early 2016. The Bakken oil pipeline was expected to transport crude oil from the traditional lands of the Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara Nations to an oil terminal in southern Illinois. The Dakota Access route crossed the treaty territories of the Oceti Sakowin people near the reservation boundaries of the Standing Rock Sioux Tribe, and crossed beneath the Missouri River on the Tribe's northern border. The Tribes and their citizens saw the pipeline as a serious threat to water resources, treaty rights, and sacred cultural sites, and mobilized one of the largest sustained Indigenous-led protests in the living memory of the United States.

In response to the mobilization against Dakota Access, local and state officials used military tactics to suppress public protest and intimidate water protectors. In May 2017, *The Intercept* reported on the activities of TigerSwan, a “mercenary” private contractor hired by Energy Transfer Partners to quell the efforts of water defenders at Oceti Sakowin, Standing Rock, North Dakota.<sup>15</sup> *The Intercept's* initial report — the first in a series of 16 — was based on internal company documents and described illegal actions taken against peaceful Indigenous defenders and misinformation given to local police forces to attack thousands of people encamped near the



*Anishinaabe land defender faces off against North Dakota police forces, Standing Rock 2016, photo courtesy of Indigenous Environmental Network*

Dakota Access Pipeline's Missouri River crossing.

TigerSwan communications described the peaceful gathering as “jihadist” and “terrorist,” and the private contractor used military-grade weapons and tactics to undercut, discredit, and punish the defenders. Tactics included infiltration, provocation, disruption of communications, aerial surveillance, and radio eavesdropping. Intimidation involved the use of large and visible forces of heavily armed personnel and personnel carriers, as well as drones and air surveillance. The “task force” arrayed against the defender included agents from the U.S. Federal Bureau of Investigation, U.S. Department of Homeland Security, U.S. Justice Department and Marshals Service, and U.S. Bureau of Indian Affairs, as well as state and local law enforcement and police. TigerSwan transmitted daily reports “from the battlefield” to Energy Transfer Partners.

Local authorities arbitrarily arrested and harassed water protectors, and both local and TigerSwan forces used aggressive attack dogs and other forms of physical violence, including water cannons in freezing conditions. Despite later vindication by courts, thousands of victims of these abuses — the vast majority of whom were Indigenous — remain scarred by these clubs and beatings. One young white supporter had to have her arm amputated, and two Indigenous women lost eyes due to tear gas canisters. Hundreds were left with arrests on their records and files at the Federal Bureau of Investigation and Department of Homeland Security, with gratuitous charges including trespassing despite being arrested on public roads. The brutality of the private security forces played a major role in provoking public outrage.

In addition to physical violence, the Standing Rock Reservation was punished economically by the U.S. State of North

Dakota, and the hard-won victories of Indigenous resistance were overturned when newly inaugurated U.S. President Donald Trump overruled President Barack Obama's denial of key permits and facilitated the completion of the Dakota Access Pipeline.

During the height of the Dakota Access resistance, United Nations (UN) Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli-Corpuz and UN Permanent Forum on Indigenous Issues Expert Member Edward John visited Oceti Sakowin and condemned the violation of human and Indigenous rights by Energy Transfer Partners, TigerSwan and federal, state, and local security forces. Tauli-Corpuz specifically decried the company and government's violation of the Standing Rock Sioux Tribe's right to land.<sup>14</sup>

In her 2018 report to the UN Human Rights Council, Tauli-Corpuz presented a thematic study on the criminalization of and attacks against Indigenous human rights defenders. Citing her own investigations and those of other Special Rapporteurs and the Organization of American States, she identified numerous rights violated at Standing Rock, including that of Self-Determination and the right to lands and territories.

The report situated these abuses in a global context in which governments and industry intimidate and persecute Indigenous communities when they act to defend their lands, territories, water, food sovereignty and security, and ways of life.<sup>15</sup> Tauli-Corpuz cited specific instances of heavy-handed intimidation through militarization, including illegal surveillance, disappearances, forced evictions, judicial harassment, arbitrary arrests and detention, limits on freedom of expression and assembly, stigmatization, travel bans, and sexual harassment. Authorities in Latin America and elsewhere have also utilized false allegations, unfounded prosecutions, and terrorism charges to intimidate Indigenous communities and leadership. These attacks have now spread to social media, where hate speech and racial discrimination add to the violence often



*A line of prayer ties separate North Dakota police and water protectors, Standing Rock 2016, photo courtesy of Dallas Goldtooth.*

inflicted on Indigenous leadership and defenders.

The Special Rapporteur confirmed that Standing Rock was not an anomaly — intimidation of Indigenous communities and their defenders is occurring at an alarming rate worldwide. She also cited the worst human rights violation of all — the right to life — and reported data on the killings of Indigenous defenders worldwide. In 2017, 312 defenders in 27 countries were murdered in defense of land, the environment, and Indigenous Peoples' rights.<sup>16</sup>

Also in 2017, UN Special Rapporteur on Human Rights and the Environment John Knox cited a Global Witness report that environmental defenders were being killed at the rate of four per week. He described the global situation as an “[...] epidemic now, a culture of impunity, a sense that anyone can kill environmental defenders without repercussions, [and] eliminate anyone who stands in the way.”<sup>17</sup> In 2021, the Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica reported to the Permanent Forum on Indigenous Issues that an Indigenous defender was assassinated every two days in the Amazon Basin of Bolivia, Brazil, Colombia, and Peru.<sup>18</sup>

These killings not only eliminate vocal opposition, but also intimidate other movement leaders, families, and entire communities and regions. This deadly record of harming has not abated — it has held steady at four per week and disproportionately impacts Indigenous defenders, according to an updated 2019 report from Global Witness:<sup>19</sup>

“Indigenous Peoples continue to be at a disproportionate risk of reprisals, with 40% of victims belonging to Indigenous communities. Between 2015 and 2019, over one-third of all fatal attacks have targeted Indigenous people — even though Indigenous communities make up only 5% of the world's population.”<sup>20</sup>

Traditional Indigenous Peoples have always felt a great responsibility to the Earth and its well-being — this has been their duty as those closest to the land. This duty extends to the protection of Mother Earth and its entire web of life, including the struggle against climate change. In spite of gross violations of their inherent individual and collective rights of Sovereignty and Self-Determination, Indigenous peoples continue to resist extractive colonialism in all forms.

***“We move with spiritual foundation, grounded in our love for the land, for we know the self-evident truth of our struggle — the land is our sovereignty, and our sovereignty is in the land.”***

# THE FRONTLINE FIGHTS

## ARCTIC NATIONAL WILDLIFE REFUGE

The Arctic National Wildlife Refuge is the homeland to the Gwich'in (Athabaskan) people of interior Alaska and the Inupiat (Eskimo) people of the North Coast. Both cultures have depended on the caribou and the land for food, clothing and their subsistence way of life, for thousands of years. The Gwich'in have respected this land for millennia, caring for its clean air and clean water, and call the caribou birthing place on the coastal plain 'Izhik Gwats'an Gwandaii Goodlit,' The Sacred Place Where Life Begins. Debate over Arctic National Wildlife Refuge goes back decades, as more than 6,000 square kilometers of the refuge's coastal plain contain the largest untapped land-based oil reserves in Turtle Island / North America. U.S. President Biden recently issued an Executive Order placing a moratorium on all oil and gas development activity in the Arctic National Wildlife Refuge, but permanent protection is still needed.

*Gwich'in Steering Committee Executive Director Bernadette Demientieff, photo by Dylan McLaughlin*



## CANADIAN TAR SANDS OIL

The Canadian tar sands lie just downstream of the eastern foothills of the Rocky Mountains, in Canada's boreal forest. The region contains some 2 trillion barrels of oil, but accessing it all would require destroying an area larger than the U.S. state of Florida. Tar sands oil is the world's most climate-damaging oil, producing three times the greenhouse gas emissions of conventionally produced oil due to the enormous amount of energy required to extract and process it. Cree, Métis, and Dene communities have been fighting the expansion of the Canadian tar sands for over 20 years, and this critical work continues to the present day.

*Tar Sands Gathering, Cold Lake First Nation, photo by Jade Begay*



## TECK FRONTIER TAR SANDS OIL MINE

The canceled Teck Frontier tar sands mine was the largest open-pit tar sands mine ever proposed. If it had been built, Teck would have been located on Dene and Cree territory in Treaty 8, an area with little to no existing industrial development. These lands and waters are home to one of the last free-roaming, disease-free herds of wood bison. The area also lies near many Indigenous settlements, along the migration route for the only wild population of the endangered whooping crane and just 30 kilometers from the boundary of United Nations Educational, Scientific and Cultural Organization World Heritage Site Wood Buffalo National Park — an area valued and protected for its cultural sites and biodiversity. Following sustained resistance from the Dene Nation, Indigenous Climate Action, and many others, owner Teck Resources cancelled the project in early 2020.

*Indigenous Climate Action Executive Director Erel Deranger speaking at Reject Teck Frontier Mine Action, photo by Ayse Gursoz*





## PIERRE RIVER TAR SANDS OIL MINE

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The canceled Pierre River tar sands mine would have significantly expanded the footprint of the Canadian tar sands, locking in additional oil production for decades and desecrating First Nations territory in northern Alberta. Proposed at a time when tar sands expansion was fashionable, the project's financial viability was damaged by strong resistance to export pipelines such as Keystone XL and Northern Gateway. Following sustained opposition to the project by Dene, Cree and Métis peoples and allies, owner Shell cancelled the project in 2015.

*Tar Sands Banner, photo Courtesy of Tar Sands Resistance Grassroots*



## NORTHERN GATEWAY OIL PIPELINE

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The canceled Northern Gateway tar sands pipeline would have crossed many First Nations territories and nearly 1,000 rivers, streams, and other bodies of water. In 2010, over 60 First Nations issued a declaration that called the pipeline a "grave threat" to "our laws, traditions, values and our inherent rights as Indigenous peoples," and the pipeline was stridently opposed by the Yinka Dene Alliance, Heiltsuk Nation, Coastal First Nations, Wet'suwet'en First Nation, and many other Indigenous resisters. A Canadian Federal Court of Appeals ultimately agreed that the project had failed to provide full consultation, ignoring issues like unceded land title and First Nations governance, and the project was canceled by the Canadian government in late 2016.

*Yinka Dene No Pipelines Banner, April 2011, photo courtesy of Yinka Dene Alliance*



## ENERGY EAST OIL PIPELINE

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The canceled Energy East tar sands pipeline would have been the largest in Turtle Island / North America, carrying more than 1.1 billion barrels of tar sands on a daily basis. Groups including the Wolastoq Nation, Anishinaabe, Haudenosaunee, and Kanésatà'ke Mohawk, as well as the Iroquois Council and the Assembly of First Nations Quebec and Labrador, strongly opposed the pipeline over its likely damages to waterways, air quality, and unceded lands, and the project was canceled by owner TransCanada in 2017.

*The Anishinaabe Water Walk to protest the Energy East Pipeline, photo by Samantha Samson/kenora daily miner*



## TRANS MOUNTAIN EXTENSION OIL PIPELINE (TMX)

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The proposed Trans Mountain tar sands pipeline project was formerly owned by Kinder Morgan and currently owned by the Canadian government, and would stretch from Edmonton, Alberta to Vancouver, British Columbia. The pipeline is strongly opposed by the Tsleil-Waututh First Nation, due to a lack of Indigenous consultation and the severe harm the project would cause to communities and the climate. The project was temporarily halted in 2016 due in part to a failure of proper consultation, and is currently facing a sustained campaign against its key insurers as well as ongoing lawsuits and protests.

*Tiny House Warriors, photo courtesy of Tiny House Warriors*



***“Advocacy and direct action by Indigenous Peoples in opposition to threats to lands, waters, air, and future generations are not optional measures by those that adhere and live by traditional Indigenous knowledge. They are obligations.”***

## COASTAL GASLINK GAS PIPELINE

The proposed Coastal GasLink Pipeline would carry fracked gas from the Dawson Creek area in northeast British Columbia through the Canadian Rockies and other mountains to a proposed liquified natural gas (LNG) facility near Kitimat, British Columbia. This facility would be operated by Shell Canada and partners, where the gas would be prepared for export to global markets by converting it to a liquefied state. Currently under construction and one-third completed as of February 2021, the Coastal GasLink Pipeline would pass through significant Wet'suwet'en territory in British Columbia, and all 13 house chiefs of the five Wet'suwet'en clans oppose the pipeline. Building on their past opposition to the Northern Gateway Pipeline, the Wet'suwet'en and supporters established the Unist'ot'en Camp in the path of the Coastal GasLink Pipeline and supported sustained protests that reverberated internationally and continue to challenge the pipeline's construction to the present day.

*Land defender walks through an Unistoten No Coastal Gaslink road blockade comprised of red dresses that represent Murdered and Missing Indigenous Women, unceded Wet'suwet'en territory, photo by Amber Bracken / The Narwhal.*



## ALTON GAS PIPELINE & STORAGE FACILITY

The proposed Alton Gas Pipeline and Storage Facility, located in so-called New Brunswick, would use water from the Shubenacadie River to hollow out underground salt deposits, emptying the salt into the river and creating space for 10 billion cubic feet of fossil gas storage. The Sipekne'katik First Nation and Mi'kmaq water protectors are part of multiple coalitions who have resisted the project over a lack of consultation and potential damages.

*Mi'kmaq March against Alton Gas, photo courtesy of the Council of Canadians*



## LINE 3 EXPANSION OIL PIPELINE

The proposed Line 3 oil pipeline would stretch more than 300 miles across northern Minnesota, crossing more than 200 bodies of water and threatening sacred wild rice beds along the Mississippi River, and Gitchigumi / Lake Superior. Groups including Mississippi River Band of Ojibwe are leading the fight against this massive tar sands pipeline, which threatens Treaty rights to hunting, fishing, and gathering, and endangers sacred sites along its route. Indigenous communities have established several frontline encampments along the route of Line 3 as protests mount and pressure builds on U.S. President Joe Biden to reject this pipeline's improperly issued permits and stop its construction.

*Stop Line 3 Treaty People Gathering 2021, photo by Thaiphay Phan-Quang / Indigenous Environmental Network*



## DAKOTA ACCESS OIL PIPELINE (DAPL)

The Dakota Access oil pipeline passes through four U.S. states on its way from the Bakken shale fields of North Dakota to Illinois, where it connects to larger pipeline systems linking to the Gulf Coast and refining and export facilities. A portion of the 1,200-mile pipeline in North Dakota became the site of headline resistance and often violent repression by authorities and private security forces. The Standing Rock Sioux Tribe led the fight against the pipeline, which desecrated a sacred burial ground and threatens their water supply. Indigenous activists from across the country and beyond came to fight the pipeline, which was temporarily defeated in late 2016. Following U.S. President Donald Trump's election, Dakota Access was completed and began operating, but continued legal advocacy by Tribes and allies resulted in key permits being invalidated. The pipeline is currently undergoing an environment review process led by U.S. President Joe Biden's administration, which could result in its shutdown within the next year. Meanwhile, the company has secured permission from all states along its route to double its capacity.

*Shut Down DAPL die-in action at Army Corps of Engineers HQ, April 2021, photo courtesy of Indigenous Environmental Network*



## KEYSTONE XL OIL PIPELINE (KXL)

The 800,000 barrel-per-day canceled Keystone XL tar sands pipeline was planned to be a 1,200 mile-long project that crossed from Alberta, Canada to Steele City, Nebraska. It was fiercely opposed by groups in both the United States and Canada, including Dene, Cree, Metis, Oceti Sakowin, and Ponca tribes and communities. Indigenous leaders helped lead a coalition that also included Nebraska landowners and environmentalists in more than a decade-long struggle. In 2021, President Joe Biden revoked the presidential permit for KXL and 6 months later, in June 2021, TC Energy (formerly TransCanada) announced the project was officially dead.

*Reject and Protect Protest in Washington DC, Reuben George speaking, April 2014, photo by Garth Lenz / iLCP*



## JORDAN COVE LNG EXPORT TERMINAL & PACIFIC CONNECTOR GAS PIPELINE

The proposed Jordan Cove LNG export terminal and 229-mile Pacific Connector gas pipeline in southern Oregon have been opposed by Indigenous Peoples in the region, including the Karuk, Yurok, Klamath, and Round Valley Tribes. This resistance arose due to severe concerns about tribal sovereignty, water impacts, climate damage, fisheries, and cultural sites, and some tribes have been fighting the project for more than 15 years. In 2020 and 2021, the U.S. state of Oregon and U.S. federal government denied key permits needed by the project, leaving it with no clear route forward. Despite this, owner Pembina Pipeline has not yet given up trying to build the pipeline and export terminal, and resistance continues from Indigenous groups and allies in southern Oregon.

*No Jordan Cove LNG Rally, Salem, photo by Rick Rappaport*



## MOUNTAIN VALLEY GAS PIPELINE (MVP) & MVP SOUTHGATE EXTENSION

The proposed Mountain Valley fracked gas pipeline would cross areas of West Virginia and Virginia, while its 'Southgate' extension would continue into North Carolina. The pipeline has already incurred hundreds of complaints and fines from water crossing damage and erosion during construction, which is still only partially completed. Members of tribes including the Monacan, Cheyenne River Sioux, Occaneechi-Saponi and Rosebud Sioux have been fighting the pipeline's construction, which could impact dozens of sacred sites, including multiple burial mounds. The project is also facing strong resistance from landowners and finance campaigners, and still missing several key permits required to finalize construction. Pressure is mounting on President Joe Biden to stop the pipeline.

*March against Mountain Valley Pipeline, photo by Crystal Cavalier-Keck*



## ATLANTIC COAST GAS PIPELINE (ACP)

The canceled Atlantic Coast Pipeline would have carried fracked fossil gas from West Virginia through Virginia to North Carolina, traversing lands home to many Native Americans, damaging or destroying sacred places, unmarked burial grounds, and the environment. State-recognized Tribes Haliwa-Saponi and Lumbee joined many other groups in court challenges and protests to stop the pipeline; other tribes affected by the proposed pipeline included the Coharie and Meherrin. The Atlantic Coast Pipeline's route would have disproportionately affected Indigenous communities — one study found that 13.2% of the impacted North Carolina population identified as Native American, despite Native Americans representing just 1.2% of North Carolina's population. Due to mounting community opposition and costs as a result of significant delay, the Atlantic Coast Pipeline was canceled by owners Dominion Energy and Duke Energy in 2020.

*March against Atlantic Coast Pipeline, Indigenous leaders, photo by Stop ACP Grassroots*



## CHACO CANYON & SAN JUAN OIL & GAS BASIN

The Chaco Canyon region and San Juan oil and gas basin in New Mexico in the southwestern United States have been the site of an intense battle over extraction for decades, with Indigenous resistance winning important protections against fracking and extraction while corporations continue to apply to drill and frack the region. The Navajo and Pueblo peoples are currently fighting an expansion of fracking that would threaten spiritual and cultural sites, including the Chaco Culture National Historical Park. Drilling-related development has already destroyed ancient roads and worsened air quality in the area, and vibrations from preliminary drilling has harmed ancient Indigenous sites.

*No New Leases Action, New Mexico 2020, photo courtesy of Pueblo Action Alliance*



## PERMIAN OIL & GAS BASIN

The Permian oil and gas basin in southeast New Mexico and west Texas in the United States is one of the world's largest carbon bombs; it is already being exploited but stands to increase fossil fuel production more than any other region over the next decade if action is not taken to constrain the buildout. Collectively, emissions from Permian oil and gas could amount to over 60 billion tons of carbon dioxide over the coming decades. Indigenous groups like the Society of Native Nations have led resistance to leases, extraction, and infrastructure projects in the Permian basin region, while other groups like the Carrizo/Comecrudo Tribe of Texas have strongly resisted 'downstream' projects like pipelines and export terminals that carry the oil and gas from the Permian basin to refineries and processing facilities along the Gulf Coast. The Permian Basin is likely to continue to be one of the major sites of struggle and Indigenous resistance against carbon until a just transition is implemented and extraction is phased out in the region.

*Carrizo Comecrudo Tribe marching to fight the expansion of the permian basin fossil fuel projects, photo courtesy of the Carrizo Comecrudo Tribe*



## TRANS-PECOS GAS PIPELINE

The Trans-Pecos fracked gas pipeline is a 42-inch pipe that runs 148 miles across west Texas, from the heart of the Permian Basin across the wilderness of the Big Bend region and into Mexico for transport and distribution. Its current capacity is 1.4 billion cubic feet of gas per day. The Society of Native Nations resisted this pipeline from its inception with deep concerns over Indigenous rights, climate impacts, and threats to drinking water, establishing the Twin Rivers Camp as a point of organizing in the region and successfully deploying direct actions to slow the pipeline's construction.

*Society of Native Nations and other indigenous members joined Defend Big Bend members at march on ETP's Trans-Pecos Pipeline, photo courtesy of Greg Harman*



## PERMIAN HIGHWAY GAS PIPELINE

The Permian Highway gas pipeline is a 42-inch, 430-mile long project running from west Texas to the U.S. Gulf Coast and Mexico for distribution. Its current capacity is 2.1 billion cubic feet of gas per day. Like they did with the Trans-Pecos Pipeline in learning from the lessons of fighting Dakota Access at Standing Rock, the Society of Native Nations aggressively opposed the Permian Highway project, fearing its potential for grievous harm to drinking water and the climate. These Indigenous resisters joined environmental groups in opposition to the Permian Highway project, fighting state-level permits throughout its construction process.

*March against Texas pipeline, photo courtesy of Carrizo Comecrudo Tribe*



## BAYOU BRIDGE OIL PIPELINE

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The Bayou Bridge oil pipeline runs through Louisiana in the southeast United States, carrying Bakken oil to Gulf Coast refineries and export. Indigenous water protectors established the L'eau Est La Vie protest site along the route of the pipeline, where they faced brutal attacks and arrests by police and private security forces in scenes comparable to the violence at Standing Rock. Female Indigenous activists also confronted the pipeline's operators and a key financial backer, Credit Suisse, over lack of consultation and threats to the water supply for the United Houma Nation.

*Water Protectors stopping construction of the Bayou Bridge Pipeline, L'eau La Vie Camp, photo by Dallas Goldtooth*



## RIO GRANDE LNG EXPORT TERMINAL & RIO BRAVO GAS PIPELINE

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The proposed Rio Grande liquified natural gas (LNG) export terminal and Rio Bravo gas pipeline, owned by Enbridge and NextDecade, would facilitate a large expansion in LNG operations in south Texas, where it would be located near Brownsville. The Rio Bravo pipeline would consist of two parallel 42-inch pipes and carry up to 4.5 billion cubic feet of gas per day along its 137 miles, transporting the gas to NextDecade's Rio Grande LNG export terminal. The Carrizo/Comecrudo Tribe of Texas has played a major role in fighting these connected projects, opposing the dangerous air quality, land destruction, and damage to cultural items and sacred sites. The Rio Grande LNG project would destroy wetlands and the endangered species who live in them, and threatened nearby communities. Resistance continues against the project, including campaigns against its financiers and work to uplift the sacred sites in the region that would be disrupted by construction and operation of the pipeline and LNG export terminal.

*LNG Protest in Texas, photo courtesy of Sierra Club TX Chapter*



***“An Indigenous Rights and Responsibilities framework links the struggle to protect the land with the ever-present struggle to resist settler nation-state acts of violence and colonization fueled by an extractive economic system.”***

# COUNTING UP THE IMPACT

To assess the scale of Indigenous resistance against carbon, we begin by calculating the amount of greenhouse gas pollution each project would create. Most of these assessments were conducted by Oil Change International, with certain exceptions drawn from other sources (see Appendix for details).

We examined only the reported climate impact of specific pipelines, tar sands mines, and the Arctic National Wildlife Refuge. Adding extraction areas such as the Permian Basin, the Canadian tar sands, and the San Juan Basin of Chaco Canyon would significantly increase the size of our estimate, but would also introduce the potential for double-counting pipelines carrying fossil fuels out of these areas, leading to a more speculative assessment contingent on future development. For scale, we compare the climate impacts of projects

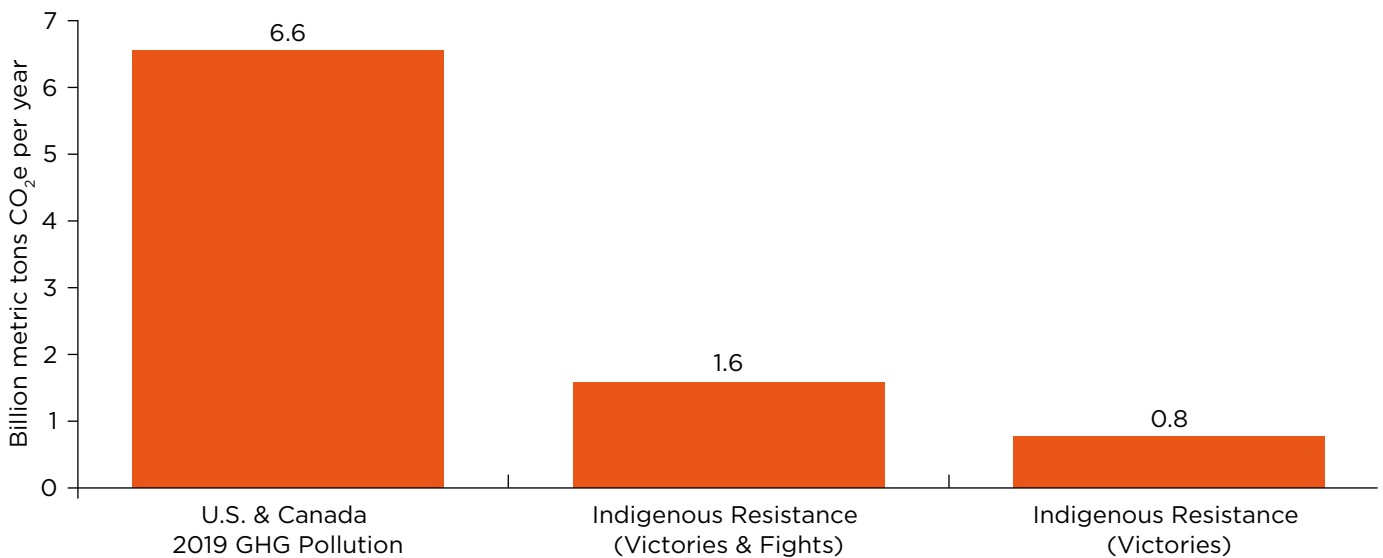
facing Indigenous resistance over the last decade to 2019 estimates of total combined greenhouse gas pollution from the United States and Canada — 6.56 billion metric tons of carbon dioxide equivalent (CO<sub>2</sub>e).<sup>21</sup>

Total Indigenous resistance against these projects on Turtle Island — including ongoing struggles, victories against projects never completed, and infrastructure unfortunately in current operation — adds up to 1.8 billion metric tons CO<sub>2</sub>e, or roughly 28 percent the size of 2019 U.S. and Canadian pollution. Victories in infrastructure fights alone represent the carbon equivalent of 12 percent of annual U.S. and Canadian pollution, or 779 million metric tons CO<sub>2</sub>e. Ongoing struggles equal 12 percent of these nations' annual pollution, or 808 million metric tons CO<sub>2</sub>e. **If these struggles prove successful, this would**

**mean Indigenous resistance will have stopped greenhouse gas pollution equivalent to nearly one-quarter (24 percent) of annual total U.S. and Canadian emissions.**

That 24 percent, equaling 1.587 billion metric tons CO<sub>2</sub>e, is the equivalent pollution of approximately 400 new coal-fired power plants — more than are still operating in the United States and Canada<sup>a</sup> — or roughly 345 million passenger vehicles — more than all vehicles on the road in these countries.<sup>b</sup> Indigenous resistance has also contributed an outsized political impact, helping shift public debate around fossil fuels and Indigenous Rights and avoid lock-in of carbon-intensive projects. These impressive figures also *underestimates* total Indigenous resistance, since this report focuses on just the largest and most iconic projects.

Indigenous campaigns are resisting projects equal to at least 1/4 of U.S. & Canadian greenhouse gas pollution



a 291 coal-fired power plants were in operation in the United States as of April 2021 (<https://btuanalytics.com/power-and-renewables/biggest-coal-plant-co2-emissions/>). Canada had 15 as of early 2019 (<https://www.canada.ca/en/environment-climate-change/services/climate-change/task-force-just-transition/final-report/section-6.html#fig2>)  
b There were reportedly 276 million registered highway vehicles in the United States in 2019 (<https://www.fhwa.dot.gov/policyinformation/statistics/2019/dv1c.cfm>). There were about 25 million road motor vehicles registered in 2019 in Canada (<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=2310006701>).

# FRONTLINE FIGHTS FACING INDIGENOUS RESISTANCE PROPOSED, CANCELED, AND OPERATING PROJECTS

Arctic National Wildlife Refuge



*Indigenous resisters are fighting fossil fuel projects equal to 400 new coal-fired power plants*



# ESTABLISHING CONSENT AND ENDING THE FOSSIL FUEL ERA

This report is predicated on a simple fact: The world is delving deeper into climate chaos, and we must change course. In parallel to the severe threats Mother Earth is facing from climate change, the rights, well-being, and survival of Indigenous Peoples throughout the world are at grave risk due to the same extractive industries driving the climate crisis.

Indigenous peoples continue to exert social and moral authority to protect their homelands from oil and gas development. Coupling these expressions with the legal authority of Indigenous Rights, frontline communities and Tribal Nations have made tangible progress stemming fossil fuel expansion. This progress is inevitably accompanied by extreme risks for Indigenous Peoples. Such are the dangers of directly challenging capitalism; Indigenous

resisters demand nothing less than systemic change that threatens the accumulated wealth of the settler-colonial institutions that have stolen Indigenous lands, used Black and Indigenous labor to extract resources from that land, and erected systems of inequity to maintain control for centuries.

To protect against these threats and undo systemic inequities embedded in society, our leaders must recognize the Self-Determination and inherent sovereignty of Indigenous Peoples to decide what happens in their own territories. These principles can only be implemented by clear policies and processes requiring governments to consult with Indigenous Nations and their

peoples to obtain Indigenous Peoples' Free, Prior and Informed Consent.

The United States and Canada must recognize their duty to consult and obtain consent from Indigenous Peoples for all projects proposed on Indigenous lands. In parallel, these settler nation-state governments must recognize that the fossil fuel era is rapidly coming to a close. Our climate cannot afford new oil, gas, or coal projects of any kind; phasing out existing fossil fuel infrastructure will already be a monumental challenge. Indigenous resistance to carbon is both an opportunity and an offering — now is the time to codify the need to keep fossil fuels in the ground, to safeguard both the climate and Indigenous Rights.

***Now is the time...to keep fossil fuels in the ground, to safeguard both the climate and Indigenous rights.***

*RCMP forcefully remove Wet'suwet'en Land Defender, photo by Amber Bracken/The Narwhal*





# APPENDIX: METHODOLOGICAL NOTES

## UNITED STATES AND CANADIAN GREENHOUSE GAS POLLUTION

United States = 5.83 billion metric tons CO<sub>2</sub>e in 2019

Canada = 727.43 million metric tons CO<sub>2</sub>e in 2019

Total = **6.56 billion metric tons CO<sub>2</sub>e** in 2019<sup>22</sup>

## TOTAL GREENHOUSE GAS POLLUTION IMPACT OF FOSSIL FUEL INFRASTRUCTURE PROJECTS

Our objective is to calculate the scale of the greenhouse gas pollution represented by fossil fuel infrastructure that is facing or has faced Indigenous resistance. Our first assumption is that each project is additional to all other projects where a calculation is being made, similar to the assumption made for gas pipelines in Oil Change International's Gas Pipeline Climate Methodology.<sup>23</sup> Our second assumption is that all calculations made in past years are still accurate. This is likely true for canceled projects, assuming the calculation was

relatively near cancellation. This may be less accurate for projects still being fought, if any circumstances of the project — especially project capacity — have changed significantly, although we are not aware of any such major changes. Our third assumption is that the calculation methodology employed for projects that were not directly evaluated by Oil Change International is relatively similar to Oil Change's methodology; not all outside parties made their methodology available for review.

We do not calculate the impact of fossil fuel storage projects such as Alton Gas — which would have operating emissions in addition to stored fuel — nor extraction basins that are covered by multiple infrastructure projects subject to a mix of wins and losses, and that have speculative future emissions depending on how they are or are not exploited. We confine calculations to pipelines, mines, and the Arctic National Wildlife Refuge, since the Refuge is not connected to any pipelines under consideration and has not been affected by previous fossil fuel infrastructure development.

The designations of Won / Fight / Operating are subjective in some cases, such as the Arctic National Wildlife Refuge and Dakota Access Pipeline, due to the difficulty of determining when a project is truly defeated and ongoing resistance to operating projects. These designations were made in consultation between the Indigenous Environmental Network, Oil Change International, and the frontline resisters involved in directly opposing the fossil fuel projects.

Where a greenhouse gas pollution calculation was not available, we conducted additional calculations. For gas pipelines, emissions were calculated using Oil Change International's Gas Pipeline Climate Methodology.<sup>24</sup> For oil pipelines, we used emissions factors developed from data provided by the Intergovernmental Panel on Climate Change.<sup>25</sup> Greenhouse gas pollution from compressor stations and the extraction, processing, and exploration of fossil fuels were not calculated due to a lack of comprehensive information on compression and their likely small contribution to the total.

### Projects and areas included in calculation

Project	Status	Million Metric Tons Annual CO <sub>2</sub> e Pollution	Source
Arctic National Wildlife Refuge	Won	61	<a href="https://americanprogress.org/issues/green/news/2019/11/20/477495/trumps-energy-policies-put-alaska-climate-crosshairs">americanprogress.org/issues/green/news/2019/11/20/477495/trumps-energy-policies-put-alaska-climate-crosshairs</a>
Atlantic Coast Gas Pipeline	Won	67	<a href="https://priceofoil.org/content/uploads/2019/03/ACP-Risk-Upon-Risk.pdf">priceofoil.org/content/uploads/2019/03/ACP-Risk-Upon-Risk.pdf</a>
Energy East Oil Pipeline	Won	236	<a href="https://priceofoil.org/content/uploads/2017/01/climate_on_the_line_FINAL-OCI.pdf">priceofoil.org/content/uploads/2017/01/climate_on_the_line_FINAL-OCI.pdf</a>
Jordan Cove LNG Export Terminal & Pacific Connector Gas Pipeline	Won	37	<a href="https://priceofoil.org/content/uploads/2018/01/JCEP_GHG_Final-Screen.pdf">priceofoil.org/content/uploads/2018/01/JCEP_GHG_Final-Screen.pdf</a>

<b>Keystone XL Oil Pipeline</b>	Won	180	<a href="http://priceofoil.org/content/uploads/2017/10/In_the_pipeline.pdf">priceofoil.org/content/uploads/2017/10/In_the_pipeline.pdf</a>
<b>Northern Gateway Oil Pipeline</b>	Won	102	<a href="http://iaac-aeic.gc.ca/050/documents_staticpost/cearref_21799/83858/Greenhouse_Gas_Emission_Report.pdf">iaac-aeic.gc.ca/050/documents_staticpost/cearref_21799/83858/Greenhouse_Gas_Emission_Report.pdf</a>
<b>Pierre River Tar Sands Mine</b>	Won	42	Author calculation from <a href="http://priceofoil.org/2015/02/24/oil-giant-shell-shelves-dirty-tar-sands-mine/">priceofoil.org/2015/02/24/oil-giant-shell-shelves-dirty-tar-sands-mine/</a>
<b>Teck Frontier Tar Sands Oil Mine</b>	Won	54	<a href="http://ricochet.media/fr/2948/la-gigantesque-mine-petroliere-frontier-de-teck-engendrera-12-fois-plus-de-ges-quannonce">ricochet.media/fr/2948/la-gigantesque-mine-petroliere-frontier-de-teck-engendrera-12-fois-plus-de-ges-quannonce</a>
<b>Coastal GasLink Pipeline</b>	Fight	125	Author calculation, based on 3 billion cubic feet per day, from <a href="http://banktrack.org/project/coastal_gaslink_pipeline">banktrack.org/project/coastal_gaslink_pipeline</a>
<b>Dakota Access Oil Pipeline</b>	Fight	101	<a href="http://priceofoil.org/2016/09/12/the-dakota-access-pipeline-will-lock-in-the-emissions-of-30-coal-plants">priceofoil.org/2016/09/12/the-dakota-access-pipeline-will-lock-in-the-emissions-of-30-coal-plants</a>
<b>Line 3 Oil Pipeline Expansion</b>	Fight	175	Author calculation from <a href="http://priceofoil.org/2020/01/29/line-3-climate-impact/">priceofoil.org/2020/01/29/line-3-climate-impact/</a>
<b>Mountain Valley Gas Pipeline (Mainline only)</b>	Fight	89	<a href="http://priceofoil.org/content/uploads/2017/02/mountain_valley_pipe_web_final_v1.pdf">priceofoil.org/content/uploads/2017/02/mountain_valley_pipe_web_final_v1.pdf</a>
<b>Rio Grande LNG Export Terminal &amp; Rio Bravo Gas Pipeline</b>	Fight	188	Author calculation from <a href="http://sierraclub.org/press-releases/2019/04/ferc-releases-environmental-review-proposed-rio-grande-lng-fracked-gas-export">sierraclub.org/press-releases/2019/04/ferc-releases-environmental-review-proposed-rio-grande-lng-fracked-gas-export</a>
<b>Trans Mountain Extension Oil Pipeline</b>	Fight	130	<a href="http://priceofoil.org/2019/06/18/response-canada-cant-declare-a-climate-emergency-and-build-the-trans-mountain-tar-sands-pipeline-too">priceofoil.org/2019/06/18/response-canada-cant-declare-a-climate-emergency-and-build-the-trans-mountain-tar-sands-pipeline-too</a>
<b>Bayou Bridge Pipeline</b>	Operating	74	Author calculation from <a href="http://bayoubridge.com/About.html">bayoubridge.com/About.html</a>
<b>Permian Highway Gas Pipeline</b>	Operating	88	Author calculation from <a href="http://phpproject.com/faqs">phpproject.com/faqs</a>
<b>Trans-Pecos Gas Pipeline</b>	Operating	58	Author calculation from <a href="http://tpetconnect.energytransfer.com/ipost/TPP/capacity/design-capacity-for-intrastates">tpetconnect.energytransfer.com/ipost/TPP/capacity/design-capacity-for-intrastates</a>
<b>Total, Won</b>		<b>779</b>	
<b>Total, Fights</b>		<b>808</b>	
<b>Total, Won &amp; Fights</b>		<b>1,587</b>	

#### Contested projects and areas not included in calculation

- Alton Gas Pipeline & Storage Facility
- Canadian Tar Sands
- Chaco Canyon and San Juan Basin
- Permian Basin

#### Comparison to Coal Plants and Passenger Vehicles

These values were determined using the Environmental Protection Agency calculator.<sup>26</sup>

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