

**ŪSÁNEĆ, the Law, and the Trans Mountain Pipeline Expansion by YELKÁTŦE Robert Clifford)**

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In *Saanich, the Law, and the Trans Mountain Pipeline Expansion*, Robert YELKÁTŦE Clifford shares how the Trans Mountain pipeline expansion (TMX) project will effect the traditional territory of the ŪSÁNEĆ People. As a Tsawout First Nation member (one of the bands of the ŪSÁNEĆ), he testified before the National Energy Board (NEB) in 2018, opposing the project. Environmental reports about the project say that there will be serious harm caused to the enviroment, but it was approved because jobs and money to come with it were seen as more important (para. 2).



Caption: Image from Global News 2018 article.

**SKÁLS (Laws and Beleifs):**

Throughout the article, Clifford shares the SKÁLS (beliefs or laws) of his people and how their deep connection to the land is harmed by the NEB's final decision. Clifford tried to explain the Tsawout worldview to the NEB, but it was not understood. He says no decision can be fair until it truly considers the deep connection people have with the land and beings at risk from the TMX project (para. 14).

Creation stories define their responsibility to the land. ŦETÁĈES (the islands), formed from their ancestors, are their "Relatives of the Deep" (para. 7). The Creator, XÁLS, entrusted the islands with caring for the ŪSÁNEĆ and, in turn, required the ŪSÁNEĆ to care for them. This relationship is shared between a people, and the land in which they live.

Because of this, ŪSÁNEĆ law requires the protection of lands and the beings within them, including islands, salmon, whales, water, and others. Speaking against the TMX at the NEB was an enactment of their laws - reflecting their duty to protect nature (para. 9).

**Environmental Damage:**

The project will nearly triple the number of tankers transporting oil in the Juan De Fuca Strait (from approx. 300,000 to approx. 890,000) (para. 2). These big boats give wakes big enough to erode shores, damaging eel grass beds, and disturbing endangered species such as the killer whales. The risk of an environmental disaster like an oil spill increases as well.

The tankers also make it difficult for ŪSÁNEĆ people's to travel by water and "carry on [their] fisheries as formerly" – a right promised to them in the Douglas Treaties of 1852 (para. 4).

**Legitimacy of Indigenous Knowledge**

Not long ago, the Canadian government made written promises to the ŪSÁNEĆ People in the Douglas Treaties but then ignored those promises. One of the promises was that their way of life (such as fishing) would not be interrupted, which most definitely did happen. Today, these treaties are better understood as legally valid, but are still often ignored through legal loopholes. 'Listening' to Indigenous Knowledge but then never acting on advice (ignoring those concerns) is another form of the horrible, colonial system that has tred on Indigenous People for hundreds of years (para. 4). It only appears as though the ŪSÁNEĆ People are involved in the process. The National Energy Board's (NEB) made their decision based on the needs of 'Canadians', ignoring the Treaty promises made to the Nations in the project area—the very agreements that allowed settlers and industry to be here in the first place.

Indigenous Knowledge is more than cultural belief; it is a legal system that has guided Indigenous peoples to live alongside the plants, animals, land, and water for thousands of years. The ŪSÁNEĆ people believe that everything is connected and nothing exists all by itself. In a new age of global climate change, projects like the TMX pipeline cannot proceed at the cost of the environment (and Indigenous Peoples) despite the possible economic benefits it may create (para. 14). Overselling fossil fuels, overfishing salmon, and disrupting whales with big tankers has an effect on the immediate area, but also globally (para. 13).

Clifford asks the NEB to shift their focus from profiting off the land to living in harmony. A fair decision thinks about all the beings in the area of the project, not just the settlers, or the Indigenous peoples, but the relationships between the land, water, plants and animals too (para. 14).



Caption: Image from NDRC article by Josh Axelrod published in 2019

**Works Cited:**

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