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The Role of the “Noble Savage” in Environmental Social Activism

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Context of discussion:

Enbridge Northern Gateway Pipelines Project

This blog is to discuss what I call the “The Role of the Noble Savage” in the pursuit of environmental justice through social activism. I will use the Enbridge Northern Gateway Pipelines Project to provide context.

Enbridge is a thirty-one billion dollar corporation based out of Calgary, Alberta. Enbridge owns and operates the world's longest crude oil and liquids pipeline system. This system transports more than 2 million barrels per day of crude oil and liquids, and provides natural gas to 1.9 million customers in Canada and the United States.

Northern Gateway is the marketing term for a proposed oil and gas pipeline to construct twin 1200 km pipelines running from Bruderheim, Alberta, to Kitimat, British Columbia. The eastbound pipeline would import natural gas condensate, and the westbound pipeline would export crude oil and bitumen from the Athabasca oil sands to the new marine terminal in Kitimat. From there, loaded oil tankers will be dispatched to markets along the Pacific Rim. The project will create 3000 construction jobs and 104 permanent jobs in British Columbia and Alberta.

But there is opposition from many quarters, especially environmental NGO's, biologists, aboriginal communities, British Columbia towns and villages and large American environmental philanthropists. Among the numerous parties who are against the proposal, my focus today is on indigenous groups. Indeed, the bulk of the media focus in Canada has been on the indigenous opposition to the project, through the rationale for why this is so, is unclear. I will argue that while seemingly benign, the focus on the indigenous opposition demonstrates an underlying racial bias that can be harmful to First Nations and other indigenous peoples at the same time it is a strategically effective device to put the environmental issues before the public.

The pipeline has been criticized by indigenous groups because it crosses much of their traditional lands and threatens the habitat of wild salmon and other wild life upon which they rely for sustenance. Groups like the [Yinka Dene Alliance](#) have organized to campaign against the project. In December 2010, 61 First Nations bands, including many along the proposed pipeline route, signed the [Save the Fraser Declaration](#) in opposition to the project.

More compelling is the fact that opposition remains despite the offer by Enbridge to grant all First Nation communities within 50 miles of the line a 10% equity stake in the project. The offer has not resolved the impasse even though some bands have indicated they will take up the offer,

especially those whose lands are farthest away from the proposed pipeline and will likely not be affected if there is a spill someday.

Given the history of leaks and spills with other Enbridge projects, the concerns of the aboriginal bands whose lands border on the pipeline route are well-founded. For example, in 2010 an Enbridge pipeline in Michigan ruptured, resulting in 3 million litres of oil leaking into the wetlands, Talmadge creek and the Kalamazoo River. Three years after the spill cleanup is still ongoing and costs are now being projected to be one billion dollars, 350 million dollars more than Enbridge's insurance policy coverage (see [Globe and Mail article, March 20, 2013](#)). Also in 2010, 2000 gallons of oil seeped from a pipeline in the middle of a Chicago suburb. One fireman told the Huffington Post that "it looked like the Beverly Hillbillies in the opening scene when the crude is bubbling up from the ground" (see [Huffington Post, September 9, 2010](#)). The Wisconsin spill in 2012 resulted in 190,000 litres of spillage. In a 2008 pipeline installation in Wisconsin, over 500 regulatory violations were incurred in just a year of construction. The Kamloops Daily News pointed out in 2011 that since 1998 Enbridge has registered over 800 leaks and ruptures. According to a [study](#) by Sean Kheraj, an environmental history professor at York University, pipelines carrying oil or other liquids have experienced more than 1,600 failures between 2006 and 2010, spilling 174,213 barrels of oil in mostly rural locations in Alberta (see [here](#)).

Despite these glaring environmental disasters, media attention has focussed less on the obvious technical and engineering shortcomings of the company's operations, and more on re-framing the debate to create a narrow narrative that says the First Nations oppose the pipeline because they do not want their "primitive naturalist lifestyle" to be interrupted by industrial progress and prosperity. While this is not an accurate portrayal of the ambition of First Nations and other indigenous groups in Canada, their stance on sustainable development and environmental protection allows both sides to use narrow stereotypes to advance their side of the debate and create leverage to win public support.

Although the history of colonialism and aboriginal oppression is beyond the scope of this discussion, the image that grounds my perspective today is rooted in it. In the 1960s, a group called Keep America Beautiful (or KAB) partnered a non-profit public interest organization to launch an anti-pollution campaign. Its objective was to dramatize the injurious effects of litter and other forms of pollution on the environment, and encourage individuals to take responsibility to protect it.

On Earth Day in 1971, KAB released its most notorious Public Service Announcement ever (see [here](#) for a critique of 'corporate greening'). In it, a Native American (depicted by an Italian-American actor) is seen paddling his canoe down a beautiful river at dawn. The idyllic scene begins to transform as we see a newspaper floating by. Then a wide angle shot reveals the background - an industrial port with huge cranes and cargo ships dominating the skyline. As the music and the drumbeats build, the canoe paddling Indian fades into a backdrop of smoking factories.

As he gets out of his canoe on the riverbank, the Indian sees bottles, cans, and other rubbish strewn everywhere. The narration then starts talking about the beauty of the natural environment. The Indian looks up where he sees cars on a freeway. A passenger tosses out a bag of fast-food trash that explodes at his feet. A close-up of his face shows him sadly looking down at the garbage and then up to the camera. The camera zooms in just as a tear rolls down his cheek. The narrator then intones in a deep voice, "Some people have a deep, abiding respect for the natural

beauty that was once this country, and some people don't." Then comes the memorable slogan: "People Start Pollution. People Can Stop It." To see the video, go to [here](#)

This caricature was nothing new for the times, but what it did was transplant an otherwise racist image of the primitive Indian onto a social imperative for keeping streets clean. That is, the polluting habits of the motorists were so shocking to the Indian that it drove him to tears. Don't make this simple, grown man cry, the commercial implied, do not pollute! In the decades since, this image has never really disappeared from our public discourse. The genius of the "Crying Indian" ad is the feelings of guilt that it generates. It reminds the viewer that we are destroying the land and the Indians know it, because we did it to them, too. The underlying stereotype is that Indians are markers of loss. Their inevitable disappearance is the price we pay for progress. The 'Crying Indian' or the 'Ecological Indian' symbol is an updated version of a much older symbol, that of the 'Noble Savage,' which was also used to express nostalgic feelings for a 'Golden Age' of innocence and pre-industrial simplicity. As a literary and artistic device, colonizers have used the 'Noble Savage' for over 400 years to justify domination of a dying, exotic civilization. The [Gradual Civilization Act](#) of 1857 and the residential schools policy designed to "kill the Indian in the Child" of the early 1900's fed off these perceptions, justifying their extremely damaging projects of assimilation and cultural genocide.

Mark Twain (the [Galaxy, September, 1870](#)) described the noble red man as follows, and which is depicted almost to a tee in the Crying Indian commercial:

He is tall and tawny, muscular, straight and of kingly presence; he has a beaked nose and an eagle eye. His hair is glossy, and as black as the raven's wing; out of its massed richness springs a sheaf of brilliant feathers; on his arms and wrists and ankles are broad silver bands and bracelets; his buckskin hunting suit is gallantly fringed, and the belt and the moccasins wonderfully flowered with colored beads; he is a being to fall down and worship.

The word 'Savage' generates a powerful effect. Savagery is just another form of barbarism; of primitivism; of ignorance and even violence. Savages need to be civilised. 'Nobility,' on the other hand, is gracefulness. It is serenity, sophistication, even enlightenment. The 'Noble Savage' is innocent of his own shortcomings. And so, absent any malice, he deserves the chance to be welcomed into the Christian brotherhood and obtain salvation.

The 'Noble Savage' stereotype of the North American indigenous is a different type of creature than, say, stereotypical portrayals of Arabs or Africans, who are supposedly savage savages. The 'Noble Savage' in North America has a profound connection to nature. His primeval relationship with the land, water, and wildlife illustrates his innocence and reveals an authenticity of sorts. His desire for a clean environment is pure. His existence is not infiltrated by commerce, industry, learning, or any other complex machination of modern life. When he speaks of the environment, or, rather, when he sheds a tear for the environment, we should listen intently.

In the Canadian context, these stereotypes are being used advantageously by some First Nation activists against both the Gateway Pipeline and the Alberta oil sands, even though they have a much broader agenda. Their strategy is to seek the support of other nations to exert pressure on Canada so that their otherwise ignored concerns, are heard. By exploiting the 'Ecological Indian' or 'Noble Savage' stereotype, they tap into the special fascination many European and other countries have for North American indigenous populations, seeing them as objects of reverence and fascination.

In pursuit of this objective is the tireless Dene Elder Francois Paulette, whose battles with Ottawa a generation ago, launched the era of modern land claims. Paulette, who easily fits Twain's physical description of the "noble red man," has travelled around the world taking full advantage of orientalist attitudes in gaining access to leaders who, to put it colloquially, are far above his pay grade. This photo of Elder Paulette paddling British Royalty in his canoe on Blatchford Lake in the N.W.T. speaks eloquently to the stereotype.



When the G20 was held in Toronto for example, Paulette showed up to make his case for the cancer affected aboriginal residents downstream from various oil sands projects. Resplendent in braids, beads and a fringed buckskin vest, he was followed by television cameras wherever he went. Before the end of the proceedings, he miraculously gained access to several European heads of state when he was invited to dine with them. This was especially interesting, as our own Prime Minister did not have the time of day for Mr. Paulette and no other NGO or scientists received such attention. The meeting may have been shrugged off by the Canadian politicians as a publicity stunt, but, a year later, as the European Union contemplated introducing trade restrictions on the import of Canadian Oil Sands oil, suddenly Prime Minister Harper was on full alert, attempting to counter the claims made by Paulette and his aboriginal and non-aboriginal supporters.

Paulette's speech to the UN climate change conference in Durban is another example, where he evoked the stereotypical images of the 'Ecological Indian' very effectively (see [YouTube video clip from 5:29 to 9:07](#)).

Although these interventions gain exposure to the environmental issues, they are also potentially problematic. If aboriginal peoples are reduced to caricatures, two kinds of effects are generated. On one hand, when First Nations groups protest on environmental issues their concerns are taken seriously, as Mr. Paulette's reception internationally attests. After all, being at one with nature is the most important aspect of a native person's existence, is it not? The stereotype gives positive credibility to the speaker, but while his words get the attention the issue requires, the one dimensional characterisation can carry a potentially large price tag. If Aboriginal advocacy on the environment gets attention only because of the racist view that indigenous people are

inherently limited this narrow area of expertise, then virtually any other issue is relegated to secondary status, for example, their advocacy for other critical issues such as improved health care, resource revenue sharing, economic development, education or self government.

Even within the environmental sphere, an infantilized conception of environmental protection can be generated by the ‘Noble Savage’ or ‘Ecological Indian’ stereotype, one that denies that indigenous people are sufficiently able to contemplate the social, political, and economic complexities that engage any real discussion of environment. After all, the implication is, what do these naturalists know about industry? The pipeline will generate hundreds of millions of dollars and creates thousands of jobs. Their protest is ignorant of such weighty concerns, or so it is said. Surely, no rational person could value a few caribou, swamps and trees over the massive economic wealth these projects would create for our country.

It is these childlike simplifications promoted by the media and the oil companies that make serious advocacy difficult for indigenous groups in Canada. Their demands are taken seriously in one specific sphere, but are rendered insignificant in others that are vitally connected to it.

This narrow reframing also ignores or trivializes a deeper issue. The regulatory process surrounding the Gateway Pipeline has followed an impoverished understanding of the duty to consult, a requirement declared by the Supreme Court of Canada as a necessary step in development projects on aboriginal lands. Under the common law, if any project approved by the federal government infringes the property or constitutional rights of Canadian indigenous peoples, a consultation process must be conducted that seeks to understand and assuage the concerns of those affected.

The problem in Canada is that this duty is without any serious legal requirements, nor is the ultimate consent of the affected parties required so long as the federal government approves the project. Many First Nations opposed to the Gateway Pipeline construction have publically stated their dissatisfaction with the consultation process.

It is important to mention that the duty to consult is not merely the invention of Canada’s indigenous peoples. It is, in fact, rooted in a powerful collective statement of international law, the [*United Nations Declaration on the Rights of Indigenous Peoples*](#), which our country initially opposed. Canada was a part of a group of four of the richest countries on earth, namely Australia, New Zealand, and the United States, who decided that indigenous populations did not merit the protections in the Declaration. In 2010, Canada officially endorsed the Declaration, though we continue to struggle with how Article 19 will fit into our constitutional framework.

Specifically, Article 19 requires that states shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them. The Northern Gateway project will affect over 50 First Nation communities in the most profound of ways, yet the major complaint is a lack of meaningful consultation.

Recently, Dene National Chief Bill Erasmus wrote the Premier of Alberta to express the Dene Nation’s concerns about recent pipeline failures and oil spills in the province. He states in the press release, “We are concerned that Dene communities have not been notified of some spills, nor have Dene communities been consulted or updated on spill remediation. Dene communities are impacted by these spills, and there must be communication between the Dene Nation, Dene

communities, and Alberta's government when spills occur," Erasmus said (see [Media Release, June 15, 2012](#)).

So, what does all of this imply for the pursuit of environmental justice in the future?

There are no easy answers, though some lessons can be drawn. The 'othering' of aboriginal peoples in Canadian discourse are presently being met with two avenues of response, both of which are very limited.

First, in seeking to preserve the integrity and preservation of their land and ecology, aboriginal groups engage in political advocacy. It is not complicated but it requires money and influence over the right people. Just as other special interest groups have done, a well-funded lobby can do wonders for virtually any political cause. This assumes, however, that there is money available to pay for the high cost of lobbying and that those being lobbied will listen and be persuaded. The problems of stereotyping and racial bias discussed above, can compromise lobbying efforts even when funds are available.

The second approach is a legal one. Both the beauty and tragedy of our positivist legal structures in the West rests in their internal consistency and responsiveness to rules and procedure. The legal rules that do exist can be utilized by affected groups to some effect. Indigenous groups after all, have the lasting power in this dispute. As the thinking goes, corporate executives under pressure from shareholders with short time horizons are much more likely to buckle than the indigenous inhabitants of land who have put up with such encroachment for 500 years.

A few well-placed injunctions and well thought-out statements of claim could stall the proposed pipeline for years while the courts deliberate but the ultimate result is still a gamble and the result may be counterproductive to the original goals of the litigation.

The challenge of achieving environmental justice goes beyond lobbying and litigation, it goes to the root of our legal concepts. The fundamental rationale for disregarding indigenous protests about land use rests in the Locke's concept of private property. Over the centuries, discrete parcels of the natural environment have come to be viewed by non-indigenous peoples and the legal system as commodities upon which its owner may exert whatever form of rational wealth-maximization he sees fit to the extent that he sees fit.

Comparatively, indigenous theories of property revolve around the concept of custodianship, or trusteeship, which find support in Rousseau's philosophy. That is, those who possess the land in effect hold it in trust for its true owner. While the true owner is often understood in transcendental terms, a secular analysis would replace divine justifications with intergenerational loyalty.

My proposal asks whether the pursuit of environmental justice would have better outcomes if a theory of property ownership that took indigenous values into account, were used. Property law based on trusteeship or custodianship rather than the temporally impoverished idea of the fee simple estate, would require an entirely different analysis when environmental issues arise. Such an approach would at least partially remove racial and ethnic bias from the law by including the values and cultural reality of the first occupiers. The present analysis starts from the assumption that unused space, if not utilized towards some economic end, is inherently valueless. It becomes a dichotomy of the value of 'doing something' versus the value of 'doing nothing.'

A reframing of the debate to take indigenous values into account would ask, why must an open space be understood as having no value? Do oil company executives not have backyards? Do they not own cottages by untouched lakes to which they rush on summer weekends? Why have grass at all? Why not pave it all over?

When the argument is put this way, even the staunchest capitalist would agree there is no question that open space left open, can have value. Indigenous priorities, however, take it one step farther. They calculate value not from within a specific time frame but rather on the notion that open space that provides sustainable sustenance and shelter can do so for all time. A large amount of wealth for a period of less than one generation is of little weight in this calculus. After all, how much longer will the oil sands last? While indigenous values do not preclude development, they do not endorse development at all costs. This is why the duty to consult is so very important so that all views can be heard and that consent to development on traditional lands is genuine.

In conclusion, my aim in developing this discussion has been to suggest that there are inherent biases, racial stereotypes and systemic discrimination against indigenous peoples that have informed the law and the thinking of people on both sides of the environment debate generally and the Gateway Pipeline debate in particular. Although stereotypes of the “Ecological Indian” or the “Noble Savage” can cut both ways and even assist in accomplishing some environmental goals of the indigenous population and other environmental activists in Canada, they can have a net negative effect on the perpetuation of inequality in the long run. For the indigenous population to take their rightful and equal place in Canada, they must be able to fully participate in the broad range of decisions that affect them and be able to see all their values and needs - not just those pertaining to the environment - reflected in the law from a philosophical place as well as jurisprudentially. Before this can happen, the fundamental concept of property law must be rethought by developers, judges and politicians, at least to the extent that it affects indigenous lands. Furthermore, there must be an expansion of understanding of the centrality of the land to all other aspects of indigenous life, including resource revenue sharing through planned and sustainable development projects. In the meantime, as systemic racism continues to exist in our society against indigenous peoples, its victims should take advantage of any positive opportunities that may arise that could create leverage for change. If these opportunities can be exploited by the indigenous peoples to derive some benefit while educating the public as to their multifaceted realities, then the “noble savage” may eventually fade into obscurity where he belongs.

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