

HOLDING THE LINE AT ATHLII GWAI:

An Assertion of Haida Sovereignty

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Abstract

In the fall of 1985, members of the Haida Nation took a stand against the destructive industrial logging practices ravaging Haida Gwaii, organizing a blockade on Athlii Gwaii (Lyell Island) to prevent timber company ITT Rayonier from accessing cut blocks. The blockade was not only meant to prevent unwanted logging but also to assert Haida title over Haida lands and resources. This paper will provide an overview of the events at Athlii Gwaii in relation to Erica Chenoweth's theory of civil resistance; ultimately, I argue that the 1985 blockade acted as an assertion of Haida sovereignty, refuting colonial claims of authority and jurisdiction over Haida lands and resources. When viewed as such, I contend that the framework of civil resistance theory as articulated by Chenoweth does not fully capture the complicated dynamics of conflicting legality and legitimacy at the heart of the conflict.

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Self-Location

I presently study and live as an uninvited guest on the traditional territories of the WSANEC and Lekwungen peoples, and have spent most of my life living as an uninvited settler on the traditional and unceded territories (the S'ólh Téméxw) of the Ts'elxwéyew Tribe, whose relationships with the land continue to this day. As I engage with research about the Haida Nation and Indigenous peoples more broadly, I would like to acknowledge that my positionality as a settler has inherently informed and limited my worldview and perspectives and that omissions and limitations to my understanding of the following content may arise in my research as a result.

Introduction

In the fall of 1985, after other avenues of resistance failed, members of the Haida Nation organized a blockade to prevent unwanted logging on Athlii Gwaii (Lyell Island). This paper begins by briefly situating the events at Athlii Gwaii within broader discourse contesting the legitimacy of Crown sovereignty over Indigenous peoples in Canada, particularly in British Columbia. Next, I discuss the failed legal avenues of resistance to logging that the Haida pursued in the years leading up to 1985, before exploring the events of the 1985 blockade. I then conclude with an analysis of the applicability of civil resistance theory to the

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events at Athlii Gwaii. Ultimately, I argue that the 1985 blockade acted as an assertion of Haida sovereignty, refuting colonial claims of authority and jurisdiction over Haida lands and resources. When viewed as such, I contend that the framework of civil resistance theory does not fully capture the complicated dynamics of conflicting legality and legitimacy at the heart of the conflict.

Contested Jurisdiction and ‘Sovereignty’s Alchemy’

Although the legal origins of the Canadian state are complex, Indigenous legal scholar John Borrows’ term ‘sovereignty’s alchemy’ provides a useful metaphor to describe the way in which the Crown assumed jurisdictional authority over Indigenous peoples and territories in British Columbia—the vast majority of which was never conquered by force or ceded by treaty.¹ Indigenous peoples’ rights and title to their traditional, unceded territories—stemming from thousands of years of continued use, occupation, and stewardship—have historically been framed by the Canadian Supreme Court as subject to the Crown’s “underlying title,” which is said to have been acquired when the Crown first asserted sovereignty over the lands and waters that are now considered Canada.² However, Borrows asks, “[h]ow can lands possessed by Aboriginal peoples for centuries be undermined by another nation’s assertion of sovereignty? What alchemy transmutes the basis of Aboriginal possession into the golden bedrock of Crown title?”³ This repudiation of colonial authority over Indigenous lands

¹ See, John Borrows, “Sovereignty’s Alchemy: An Analysis of *Delgamuukw v. British Columbia*,” *Osgoode Hall Law Journal* 37, no. 3 (1999): 558-563, <https://doi.org/10.60082/2817-5069.1522>.

² *Ibid.*, 562.

³ *Ibid.*, 558.

heavily informed the Athlii Gwaii protests. Colin Richardson, son of Miles Richardson Sr., Hereditary Raven Chief of T'aanuu and a prominent Haida actor during the logging blockade, explains how the Athlii Gwaii protests were a “time to stand up as a Nation and exercise the authority we had never given up. No one has ever taken this land from us, no one has ever beat us in a war and we have never signed a treaty. These islands belong to the Haida Nation and that’s just how it is.”⁴ Furthermore, Miles Richardson Sr. explains how an acceptance of responsibility for stewardship of Haida Gwaii and an understanding of interdependence with all of creation form the basis of Haida Hereditary Title, a title which “equates to sovereignty, ownership, and jurisdiction” in Western terms.⁵

Failed Legal Avenues of Resistance

Haida Gwaii, which translates to “Islands of the People,” is an isolated archipelago off the west coast of British Columbia that has been home to the Haida Nation for more than 10,000 years.⁶ The islands are incredibly biodiverse, sustaining dozens of rare flora and fauna found nowhere else on earth, and have been termed the “Galapagos of the North.”⁷ In turn, Haida culture is deeply

⁴ Jisgang Nika Collison, *Athlii Gwaii: Upholding Haida Law at Lyell Island* (Locarno Press, 2018), 51.

⁵ *Ibid.*, 13.

⁶ Ian Gill, *All That We Say Is Ours: Guujaaw and the Reawakening of the Haida Nation* (Douglas & McIntyre, 2009), 19-21.

⁷ Benjamin Isitt, “Standoffs at Meares and Lyell Islands: Protest, Injunctions, and the Indigenous Land Question in British Columbia, 1984-5,” in *Canadian State Trials, Volume v: World War, Cold War, and Challenges to Sovereignty, 1939-1990*, eds. Barry Wright, Susan Binnie, and Eric Tucker (University of Toronto Press, 2022), 392, <https://www.jstor.org/stable/10.3138/j.ctv31nzk4b.16>.

rooted in a responsibility to the natural world; in the constitution of the Haida Nation, it is explained that Haida culture “is born of respect for and intimacy with the land and sea and the air around us...We owe our existence to Haida Gwaii.”⁸ However, industrial logging companies took a much different approach to the ecological abundance of Haida Gwaii; the ancient old-growth forests were seen as resources to be (over)exploited and extracted through timber licenses granted by the provincial government.⁹ The mid-1970s saw the beginning of a movement to prevent clear-cut logging in a southern area of Haida Gwaii called Gwaii Haanas (which includes Athlii Gwaii), whose old-growth forests had largely remained intact up until this point.¹⁰ In 1979, the license that granted timber company ITT Rayonier the rights to log Gwaii Haanas was set to be renewed by the Ministry of Forests, and a group of Haida activists petitioned the provincial courts to prevent the renewal. The activists argued that the license had been grossly mismanaged with no consideration of the resulting environmental devastation of bad logging practices, and therefore should not be renewed.¹¹ However, despite multiple appeals from the Haida, the license was ultimately renewed and logging continued—in large part because the provincial government was “totally allied to the industry” and benefited economically from the overlogging.¹²

Holding the Line at Athlii Gwaii

After failing to protect Gwaii Haanas through the Canadian legal system, the Haida turned to direct

⁸ Collison, *Athlii Gwaii*, viii.

⁹ Gill, *All That We Say is Ours*, 121.

¹⁰ Ibid., 121; Isitt, “Standoffs at Mearres and Lyell Islands,” 393.

¹¹ Collison, *Athlii Gwaii*, 11; Gill, *All That We Say Is Ours*, 95.

¹² Gill, *All That We Say is Ours*, 72, 103.

nonviolent action to physically prevent unwanted logging on their territories. As Miles Richardson Jr. explains, “our fundamental premise had been to exhaust all due process with the province before putting our bodies on the line to defend Gwaii Haanas. Now we knew we had a responsibility to protect our lifesource by going to Athlii Gwaii and stopping the logging ourselves.”¹³ In October of 1985, days after new cut blocks covering 87 hectares of Athlii Gwaii were announced by the province, the Haida blockaded a logging road to prevent Western Forest Products (previously ITT Rayonier) and their contractor, Frank Beban Logging Company, from harvesting.¹⁴ Importantly, it was made clear from the beginning that it was not the loggers themselves with whom the Haida took issue, but rather the provincial government’s assertion of jurisdiction over Haida Gwaii and its forests—along with the destructive “methodology of logging” that this precipitated.¹⁵ The broader Haida community quickly mobilized in support of the blockade, helping to organize food supplies, media coverage, and transportation to and from Athlii Gwaii. In response to the blockade, Beban’s logging company and Western Forest Products applied for injunctions to bar the Haida from blocking logging operations—which the Supreme Court granted.¹⁶

The Haida did not back down, and continued to hold the line at Athlii Gwaii. In the words of Miles Richardson Jr., “we were not going to let an injunction stop us from honouring our responsibility to Haida Gwaii.”¹⁷ With this act, the Haida undermined one of the provincial

¹³ Collison, *Athlii Gwaii*, 16.

¹⁴ Isitt, “Standoffs at Meares and Lyell Islands,” 395.

¹⁵ Collison, *Athlii Gwaii*, 63, 83.

¹⁶ *Ibid.*, 16, 19.

¹⁷ *Ibid.*, 19.

government's 'sources of power': the enforcement of obedience through the threat of punishment, in this case in the form of arrests.¹⁸ On November 16th, the Royal Canadian Mounted Police (RCMP) began to enforce the injunction and three Haida elders—one of whom was eighty years old—decided to be arrested first. This symbolic move showcased the dignity, strength, and commitment of the Haida and further validated the movement.¹⁹ In the weeks that followed, a total of 72 people were arrested for holding the line at Athlii Gwaii.²⁰ In the eyes of the Canadian state, the Haida had broken the law; in the eyes of the Haida, holding the line at Athlii Gwaii upheld Haida law, of which the state was the violator.

The nonviolent blockade continued into the winter and brought positive national attention to the Haida's fight for protection of Gwaii Haanas, garnering support from across Canada.²¹ In the spring of 1986, the trans-national 'Save South Moresby Caravan' travelled via rail from St. John's, Newfoundland westward across Canada to raise media attention for the blockade on Athlii Gwaii.²² The caravan ended in Vancouver, BC, where a rally of approximately two thousand people took place.²³ Pressure mounted on the provincial government to come to an agreement with the Haida over Gwaii Haanas, and in the

¹⁸ Hardy Merriman, "Theory and Dynamics of Nonviolent Action," in *Civilian Jihad*, ed. Maria J. Stephan (Palgrave Macmillan US, 2009), 20, https://doi.org/10.1057/9780230101753_2.

¹⁹ Collison, *Athlii Gwaii*, 44; Gill, *All That We Say Is Ours*, 131.

²⁰ Isitt, "Standoffs at Meares and Lyell Islands," 397.

²¹ David A. Rossiter, "The Nature of a Blockade: Environmental Politics and the Haida Action on Lyell Island, British Columbia," in *Blockades or Breakthroughs? Aboriginal Peoples Confront the Canadian State*, ed. by Yale D. Belanger and P. Whitney Lackenbauer (McGill-Queen's University Press, 2014), 80-82; Collison, *Athlii Gwaii*, 89.

²² South Moresby is the English name for Gwaii Haanas.

²³ Gill, *All That We Say Is Ours*, 144.

summer of 1987, a Memorandum of Understanding was signed by the federal and provincial governments that imposed a permanent moratorium on logging in Gwaii Haanas.²⁴ Negotiations between the Haida and the Canadian government continued, and in 1993 the nation-to-nation Gwaii Haanas Agreement was signed, establishing the Gwaii Haanas National Park Reserve and Haida Heritage Site under the co-management of the Haida Nation and Canada.²⁵

Athlii Gwaii and Civil Resistance Theory: An Inadequate Framing

Following Erica Chenoweth's definition of civil resistance as a nonviolent technique that "actively promotes conflict, creating disruption and amassing power to affect, alter, or transform the status quo," Athlii Gwaii can certainly be examined as a case study of civil resistance.²⁶ However, it is important to recognize that not all aspects of civil resistance theory are universally applicable to diverse forms of nonviolent action; as Chabot and Vinthagen point out, "a reduction of civil resistance to a singular grand narrative" is troublesome and should be avoided because it "denies the possibility of *many different stories* of civil resistance by subjugated groups."²⁷ The blockade at Athlii Gwaii is an example of a particular story of resistance, within a particular settler-colonial context—and therefore brings with it distinct considerations of sovereignty, legality, and legitimacy that deserve to be addressed by a

²⁴ Isitt, "Standoffs at Meares and Lyell Islands," 403.

²⁵ Collison, *Athlii Gwaii*, 26.

²⁶ Erica Chenoweth, *Civil Resistance: What Everyone Needs to Know* (Oxford University Press, 2021), 2.

²⁷ Sean Chabot and Stellan Vinthagen, "Decolonizing Civil Resistance," *Mobilization: An International Quarterly* 20, no. 4 (2015): 517, <https://doi.org/10.17813/1086-671x-20-4-517>.

9 more specifically decolonial framework than civil resistance theory alone offers.

For example, perhaps one of the most important characteristics of civil resistance movements according to Chenoweth's particular articulation of civil resistance theory²⁸ is the use of deliberately disobedient "noninstitutional actions" that take place outside or in defiance of "existing institutions, laws, and larger systems."²⁹ Two things are troubling here in a colonial context: the notion of disobedience and of non-institutional actions. While the events of Athlii Gwaii were no doubt disobedient and non-institutional from the viewpoint of the Canadian settler-colonial legal system, this is not a legal system that has ever had legitimate jurisdiction over Haida Gwaii, considering how Canadian sovereignty came to be asserted over Indigenous territories. Rather, the blockade upheld the institution of Haida law and the central legal principle of *yahguudang* (respect).³⁰ In other words, "the boldness [of the blockade] was not that of defiance...the boldness was upholding Haida laws flowing from the land and sea."³¹ In this way, the case of Athlii Gwaii was not just a matter of subverting existing institutions and building new ones, as is described in Chenoweth's articulation of civil resistance theory, but rather of asserting Haida authority through institutions that had existed thousands of years before the Canadian state came into being.³² Taking this colonial context into account, it is more accurate and

²⁸ This paper draws only on Chenoweth's articulation of civil resistance theory as a leading scholar in the field.

²⁹ Chenoweth, *Civil Resistance*, 3.

³⁰ Michaela McGuire, "Visions of Tll Yahda," *International Journal of Critical Indigenous Studies* 12, no. 2 (2019): 21, <https://doi.org/10.5204/ijcis.v12i1.1231>.

³¹ Collison, *Athlii Gwaii*, 139.

³² McGuire, *Visions of Tll Yahda*, 28.

useful to frame Athlii Gwaii as an assertion of Indigenous sovereignty; framing the blockade purely through the lens of civil resistance theory does not give proper weight to the colonial dynamics and the conflicting legal orders underpinning the conflict.

Conclusion

This paper has presented an overview of the 1985 blockade at Athlii Gwaii (Lyell Island), during which the Haida Nation rejected the provincial government's authority to control resource extraction on Haida Gwaii, asserting Haida sovereignty and upholding Haida law to protect the area from logging. Haida culture is fundamentally tied to land; as Guujaaw, former president of the Haida Nation explains, "[i]f they cut the trees down, we'll still be here. But then we won't be Haida anymore."³³ The blockade and the broader movement that it sparked ultimately stopped logging in Gwaii Haanas and led to the area's permanent protection in the form of the Gwaii Haanas National Park Reserve and Haida Heritage Site, the first co-management agreement of its kind. The blockade's success reverberated across British Columbia and inspired other Indigenous nations to assert their rights and obstruct access to unceded Indigenous territories and resources in the 1980s and 1990s.³⁴ However, the Haida Nation also had a secondary goal beyond the protection of Gwaii Haanas: to "gain other governments' respect for Haida title."³⁵ While the Gwaii Haanas agreement did not address the underlying question of Haida Title, it nonetheless set an important precedent (albeit within the problematic framework of recognition politics) by recognizing the Haida Nation on

³³ Gill, *All That We Say Is Ours*, 112.

³⁴ Isitt, "Standoffs at Meares and Lyell Islands," 404.

³⁵ Collison, *Athlii Gwaii*, 16.

- 11 equal negotiating terms with the Canadian state.³⁶ This agreement was pivotal in the trajectory of the state's relationship with the Haida Nation—a trajectory that has led to the present political moment where, in April of 2024, the Gaayhllxid/Gíhlagalgang “Rising Tide” Haida Title Lands Agreement was signed. In the agreement, the BC government officially recognized Haida Aboriginal Title in Haida Gwaii, shifting land ownership and jurisdiction from the Crown to the Haida Nation and affirming under Canadian settler-colonial law what the Haida have always asserted—Haida title over Haida lands and waters.

³⁶ Glen Coulthard, “The Politics of Recognition in Colonial Contexts,” in *Red Skin, White Masks* (University of Minnesota Press, 2014).

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