CHAPTER 1

Mino-Mnaamodzawin
Achieving Indigenous Environmental Justice in Canada

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"To think that Indigenous concepts of justice do not exist is Eurocentric thought."
—Wenona Victor

Environmental justice (EJ) has several definitions but can generally be thought of as the equitable distribution of environmental burdens and benefits across racial, ethnic, and economic groups. Despite well-documented cases of environmental injustice in Canada, particularly involving Indigenous peoples (Agyeman et al. 2009; Dhillon and Young 2010; Draper and Mitchell 2001; Walkem 2007), the country lags significantly behind in scholarship and policy innovations on this issue compared with the United States (Haluza-Delay 2007). In the United States, an EJ policy framework, including a unique Indigenous and tribal component, has existed now for two decades. Having said this, US policies have thus far failed to adequately address environmental injustices in many instances, as aptly demonstrated in the case of the Dakota Access Pipeline project noted by Kyle Whyte (2017) and other contributors to this volume.

Criticisms and limitations of EJ efforts in the United States have been well documented by Indigenous peoples and other groups (Trainor et al. 2007). Various US tribes have asserted that their unique legal-political status affords them a set of considerations that are clearly not accommodated in the current EJ framework. The legal scholar Dean Suagee has

pointed out the limitations of EJ's application in a tribal context, noting the misunderstanding of both the source and nature of Indigenous sovereignty, laws, and governance in the US EJ context. He observes: "One of the key differences between Indian tribes and other 'communities of color' whose interests are championed under the banner of Environmental Justice, is that Indian tribes are sovereign governments. Unlike other communities of color, Indian tribes have the power to make and enforce their own laws" (1994: 471). Jace Weaver also writes that in contrast to the mainstream EJ discourse, "discussion of environmental justice from a Native perspective requires an analysis of sovereignty and the legal framework that governs environmental matters in Indian country" (1996: 107).

In looking toward a resolution of this situation, which in turn could have application in Canada and elsewhere, this article asks, "What is Indigenous environmental justice (IEJ)?" and furthermore, "What does IEJ look like once achieved?" In practical terms, will it be sufficient to adapt current EJ frameworks to accommodate and better reflect the context and experience of Indigenous peoples, or will the development of a novel and uniquely Indigenous framework be required?

In part, the IEJ scholarship is very much concerned with the documentation of injustices experienced by Indigenous peoples and their environments/homelands/territories. This is critical work with the goal of achieving redress and holding those responsible to account. Bodies of scholarship exist in this area, although much of it is not theoretically or methodologically Indigenous per se, despite Indigenous peoples' lands and issues often being of central concern. By "not Indigenous," I simply mean that Indigenous peoples have their own worldviews, theories, epistemologies, and methodologies, which can and should inform critical discussion related to IEJ. This assertion builds on international scholarship that has emerged in the Indigenous research area more generally, in which Indigenous theories and knowledge systems have become a required starting point for inquiry (L. T. Smith 1999; Wilson 2008). This approach avoids the all-too-common pitfall of scholarly endeavors that, while possibly intending to be constructive, end up undermining or otherwise causing significant harm to Indigenous epistemes and subsequently Indigenous peoples themselves through a lack of consideration and respect for Indigenous intellectual traditions (Kuokkanen 2007). Or, as the Indigenous scholar Sarah Hunt states, "Indigenous knowledge is rarely seen as legitimate on its own terms, but must be negotiated in relation to the pre-established mode of inquiry" (2014: 29). If we are to implement the more enlightened approach, in which Indigenous worldviews, philosophies, and theories form the basis of our understanding of IEJ, what might that look like?

We know from the existing scholarship that environmental (in)justice, as it pertains to Indigenous peoples, involves a unique set of considerations that necessitates the drawing of conceptions of Indigenous sovereignty, law, justice, and governance into the conversation (Westra 2008; Whyte 2011). It requires an examination not only of power relations among peoples (that tend to result in a disproportionate burden being shouldered by less dominant segments of society) but also of the colonial legacy that continues to play out in laws, court cases, and policies that systematically, institutionally, and structurally enable ongoing assaults on Indigenous lands and lives (Whyte 2017). In this article, I suggest that the scholarship can be extended even further to consider the worldviews, philosophies, and knowledges of Indigenous peoples as central tenets in defining Indigenous environmental justice concepts.

This article thus explores the rationale for developing distinct Indigenous EJ conceptual frameworks. This in turn requires that Indigenous conceptions and modes of achieving of justice, such as reconciliation, be made visible. There are many Indigenous theoretical and intellectual innovations to draw on, such as the recognition of Indigenous knowledge

systems in environmental governance and conservation (Kimmerer 2012; McGregor 2014; Whyte 2013), the increasingly distinct modes of Indigenous research inquiry (Craft 2017; Lambert 2014), the resurgence of Indigenous legal traditions (Borrows 2002, 2010; Craft 2014; Napoleon 2007), and the role of reconciliation in achieving justice. Reconciliation as conceptualized ontologically by Indigenous peoples (as distinct from state-conceived and -sponsored frameworks) requires reconciliation beyond the human dimension to include "relationships with the Earth and all living beings" (TRC 2015: 122).

As Indigenous legal traditions begin to receive greater attention in Canada and elsewhere, these traditions may become recognized for holding practical means for achieving Indigenous environmental justice. What role do Indigenous legal orders play in expressions of "injustice" and achieving "justice" in the environmental realm? There are also practical implications for defining Indigenous environmental justice/injustice from an Indigenous theoretical standpoint. There is the potential for Indigenous peoples to take the lead and develop their own laws, policies, and frameworks for EJ as part of realizing self-governance, self-determination, and sovereignty goals.

It is my argument that achieving Indigenous environmental justice will require more than simply incorporating Indigenous perspectives into existing EJ theoretical and methodological frameworks (as valuable as these are). Indigenous peoples must move beyond "Indigenizing" existing EJ frameworks and seek to develop distinct frameworks that are informed by Indigenous intellectual and traditions, knowledge systems, and laws. In so doing, we must remember that Indigenous nations themselves are diverse and distinct. No single IEJ framework will serve all contexts and situations, though there will be commonalities, as evidenced through various international environmental declarations prepared by Indigenous peoples over the past three decades (McGregor 2016). For the purposes of this article, it will be necessary to discuss IEJ traditions primarily in terms of these commonalities, although I will emphasize Anishinaabek perspectives, as these reflect my own culture and upbringing.

One of the major commonalities of Indigenous perspectives in relation to IEJ, and a key way in which Indigenous peoples differ markedly from their non-Indigenous counterparts, involves the conception of humanity's relationships with "other orders of beings" (King 2013), or what Melissa Nelson (2013) calls the "more-than human world." Indigenous knowledge systems (IKS) draw on a set of Indigenous metaphysical, ontological, and epistemological assumptions about the place of humanity in the world. In addition, they convey key ideas, concepts, and principles that constitute the foundation of Indigenous laws and codes of conduct, including specific direction on how people are to relate to all of Creation (Borrows 2010a). The instructions, protocols, laws, and ethics that are conveyed in IKS guide humanity in proper conduct, and these instructions often come directly from the natural world (water, plants, wind, animals, etc.). The Anishinabek, for example, take clan names (*dodem*) from among the first animals that are said to have died for the people and as such are considered "relatives" (Johnston 2006). Furthermore, many Anishinabek characterize Earth as a living entity with feelings, thoughts, and agency (ability to make choices) (Borrows 2010a; Johnston 2006). Exploration of such concepts will provide a much deeper understanding of environmental injustices facing Indigenous peoples and their relatives/teachers (McGregor 2009) and should lead to viable approaches to addressing such injustices. Such work will necessitate an articulation, from an Indigenous theoretical foundation, of the laws, norms, protocols, knowledges, and traditions that are essential for achieving Indigenous environmental justice. Of critical importance here is also what Indigenous peoples may hold as a vision for justice. What is the vision we are striving for? What does justice look like if other beings form a critical aspect of the process? I will

draw on the Anishinaabek concept of *mino-mnaamodzawin* (well-being) as a life goal common to many Indigenous peoples. For the Anishinabek, *mino-mnaamodzawin,* or "living well with the world," encompasses the well-being of other "persons" and is the ideal being sought, although there are many paths to achieving it (Borrows 2016: 6).

Mino-Mnaamodzawin considers the critical importance of mutually respectful and beneficial relationships among not only peoples but all our relations, which includes all living things and many entities not considered by Western society as living, such as water, rocks, and Earth itself (McGregor 2016). *Mino-mnaamodzawin* is a holistic concept, involving living on respectful and reciprocal terms with all of Creation on multiple planes (spiritual, intellectual, emotional, and physical) and scales (family, clan, nation, and universe) (Bell 2013). The main idea is that one is continually striving for balance (LaDuke 1997). The Anishinabek have not abandoned the goal of *mino-mnaamodzawin,* which has emerged in a variety of contexts, including health, environment, political, legal, and educational, and remains as relevant today as it has been for thousands of years (Borrows 2016). A critical aspect of a distinct IEJ theoretical conception is to envision a future that enables *mino-mnaamodzawin* to foster.

The concept of *mino-mnaamodzawin* is examined as a potential foundational contributor to a new ethical standard of conduct that will be required if broader society is to begin engaging in appropriate relationships with all of Creation, thereby establishing a sustainable and just world. In this way, some of the seemingly differing goals of Indigenous peoples (e.g., reconciliation, self-government, self-determination, and sovereignty) are seen as pathways to achieving *mino-mnaamodzawin.*

The EJ Context

The EJ movement emerged in part from a 1980s US grassroots movement aimed at preventing the state of North Carolina from dumping PCB into Warren County, an area with the highest number of African American citizens in the state. This was certainly not the first time hazardous waste deposits had been intentionally situated in close proximity to people of color and the poor, but the Warren Country protests brought national media attention to the issue and "triggered subsequent events that would increase the visibility and momentum of the environmental justice movement" (Mohai et al. 2009: 408). Initially, the EJ movement focused on people of color and the poor, and Indigenous peoples soon found a place within it to express similar inequalities (Agyeman et al. 2009; Haluza-Delay 2007; LaDuke 2005; Weaver 1996).

EJ scholars have been sympathetic to the concerns of Indigenous peoples, and rightly so (Scott 2015; Wiebe 2016). However, current EJ frameworks have not addressed some underlying and foundational justice issues. In Canada, three major public inquiries/commissions—the Royal Commission on Aboriginal Peoples (RCAP 1996), the Ipperwash Inquiry (Linden 2007), and the Truth and Reconciliation Commission (TRC 2015)—have confirmed that dominant Western political, structural, and legal systems do not often serve the interests of Indigenous peoples in Canada. It is also highly likely that the ongoing National Inquiry into Missing and Murdered Indigenous Women and Girls will reveal still further systemic and structural injustices (Ambler 2014). Such truth-telling reveals that the lack of recognition for Aboriginal and treaty rights and Indigenous sovereignty and self-determination is part of the broader context that has failed to prevent continued injustices being perpetrated on Indigenous peoples. The context and lived reality of Indigenous peoples in Canada, as revealed by former United Nations Special Rapporteur on the Rights of Indigenous Peoples James Anaya, points to continued environmental colonialism:

> One of the most dramatic contradictions indigenous peoples in Canada face is that so many live in abysmal conditions on traditional territories that are full of valuable and plentiful natural resources. These resources are in many cases targeted for extraction and development by non-indigenous interests. While indigenous peoples potentially have much to gain from resource development within their territories, they also face the highest risks to their health, economy, and cultural identity from any associated environmental degradation. Perhaps more importantly, indigenous nations' efforts to protect their long term interests in lands and resources often fit uneasily into the efforts by private non-indigenous companies, with the backing of the federal and provincial governments, to move forward with resource projects. (2014: 19)

More recently, the TRC of Canada has referred to a legacy that includes "intense racism and the systemic discrimination Aboriginal people regularly experience in this country. . . . The beliefs and attitudes that were used to justify the establishment of residential schools are not things of the past: they continue to animate official Aboriginal policy today" (2015: 103–104). The TRC's main finding in this regard was the intention of successive Canadian governments to carry out nothing less than the cultural genocide of Indigenous peoples in Canada in order to obtain lands and resources and get rid of the "Indian problem" (RCAP 1996: 1). Government and industry efforts to obtain access to and control over Indigenous peoples' lands and resources continue largely unabated. As the Anishinaabe legal scholar John Borrows declares, "Colonialism is not only a historic practice, it continues to be acted upon and reinvented in old and new forms to the detriment of Indigenous Peoples" (2016: 142). Within this context, it is reasonable to assume that continuing to rely on government and other non-Indigenous systems to resolve environmental injustices may not serve Indigenous peoples in the manner necessary and may in fact be to our detriment.

Existing analytical frameworks for examining injustice take various forms, such as distributive and procedural injustices (Dillon and Young 2010; Mascarenhas 2007), corrective justice, and recognition justice (Schlosberg 2004; Whyte 2011). Such frameworks identify, diagnose, analyze, and then seek recourse for environmental injustices facing disadvantaged and marginalized groups. While these frameworks remain relevant and important, they do not fully reflect Indigenous experiences or emerge out of Indigenous epistemologies. The need to reinvigorate the discourse that considers these realities persists, specifically in Canada, where EJ studies continue to evolve and further opportunities exist to shape the field theoretically, methodologically, and practically. These ideas are based on the worldview, philosophies, traditions, and values that govern Indigenous peoples' relationships with the natural world. Such perspectives will enrich the theoretical grounding and practice of environmental justice. Furthermore, if EJ studies and research are to benefit Indigenous communities, they must include knowledge, principles, and values already held and practiced by those communities. As the Stó:lō legal scholar Wenona Victor (2007: 17) observes:

> If we continue to simply equate justice with punishment and choose to continue to ignore our own Indigenous teachings and concepts of justice, then we are forced to remain dependent upon colonial institutions. These institutions have been built upon colonial ideologies of racism and eurocentrism that perpetuate discrimination and oppression. The end result therefore should not be surprising: the colonial power imbalances are maintained and colonial ideologies are legitimized and enforced. Our lived misery will continue.

Indigenous peoples need to frame environmental justice issues from their own fundamental worldviews and epistemological standpoints. As Victor points out, we cannot rely solely on Western colonial frameworks of justice to adequately address the concerns of

Indigenous peoples. In addition to worldviews, the unique historical, political, and legal status of Indigenous peoples must be recognized in any efforts to meet their goals and aspirations, such as those outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The UNDRIP itself, or at least parts of it, can be thought of as contributing to a vision of IEJ (McGregor 2016). For example, Article 32 states, "Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources" (UNGA 2007: 12). Through such directions, UNDRIP may serve as a useful guide for identifying environmental injustices and preventing some of them from occurring. It may also guide redress and restoration in places where injustices have already occurred. UNDRIP is limited, however, in that it relies on the will of nation-states for its implementation and, according to Article 46, does not challenge "the territorial integrity or political unity of sovereign and independent States" (UNGA 2007: 14).

The UN's human rights framework also offers a significant basis from which to pursue environmental justice. For example, the United Nations General Assembly established in 2010 a resolution recognizing "the human right to water and sanitation" (UNGA 2010). Recognition of the human right to water is unquestionably vital to human health and well-being, especially for Indigenous and other marginalized and oppressed peoples who currently lack readily available access to the water they need. From an Anishinaabek viewpoint, however, this recognition remains incomplete—and in the long run, unsustainable—in that it does not consider the well-being of other living entities (including water itself) as equally vital to the discussion (McGregor 2015). IEJ thus has the potential to expand existing Indigenous and human rights frameworks and further advance sustainability and justice.

Drawing on Indigenous Concepts of Justice and Reconciliation

Speaking as a member of the Stó:lō Nation in British Columbia, Wenona Victor tells us that in her culture, any conception of justice necessarily includes relationships with *all* one's relatives, "whether past, present or future as well our natural environment, plants, animals, trees, mountains, water, birds, rocks, etc. As all life is inter-related we are encouraged to strive for peace, balance and harmony" (2007: 22). Justice in this sense is not something that only humans seek, influence, or govern. Common to many (and perhaps all) Indigenous worldviews is the understanding that there are other "peoples" in the world who are deserving of justice or who can dispense justice if balance and interdependence are not respected. The Anishinaabek world, observes Theresa Smith, for example, is a "peopled cosmos," a "place literally crowded with 'people'" (1995: 44, 49). Many of these beings possess powers that influence the lives of humans. Thus, the Anishinaabek "always behaved toward phenomenon in the natural world as if he were dealing with his fellows" (60).

In this world, humans were heavily influenced by beings wielding greater powers than their own, and it was therefore imperative to respect the agency and will of these other beings. However, as Smith further notes, "Humans were not merely concerned with protecting their interests, for a system of interconnecting relationships led to a recognition of mutual responsibilities among all persons" (105). Borrows expands on the idea of mutual responsibility and obligations through the concept of *dibenindizowin* (the freedom to live well with others). *Dibenindizowin* "implies that a free person owns, is responsible for, and controls, how they interact with others" (2016: 7).

In the Anishinaabek worldview, inappropriate conduct toward each other and other nonhuman persons could result in an unbalanced world, a world that would be unjust

and dangerous. Making similar points, the Anishinaabe leader and activist Winona LaDuke (1997) refers to learning and practicing appropriate conduct as enacting "natural law"—law that is derived directly from observing and understanding the natural world. These laws governed human relationships with others and required vast environmental knowledge.

Human and Indigenous rights violations continue to occur on an all too frequent basis in Canada and elsewhere (Anaya 2014). To address the great imbalance in the relationship between Indigenous and non-Indigenous peoples in Canada, the TRC has called for a journey of reconciliation to be undertaken. However, limiting the discussion on reconciliation to relations between peoples exclusively is shortsighted, as is solely relying on a state-sponsored conception of reconciliation. Although justice inquiries and commissions have focused (and rightly so) on the Indigenous lived reality of oppression, dispossession, and violence, there is more to the story. Elder Reg Crowshoe explains:

> Reconciliation requires talking, but our conversations must be broader than Canada's conventional approaches. Reconciliation between Aboriginal and non-Aboriginal Canadians, from an Aboriginal perspective, also *requires reconciliation with the natural world. If human beings resolve problems between themselves but continue to destroy the natural world, then reconciliation remains incomplete.*
>
> This is a perspective that we as Commissioners have repeatedly heard: that reconciliation will never occur unless *we are also reconciled with the earth.* Mi'kmaq and other Indigenous laws stress that humans must journey through life in conversation and negotiation with all creation. Reciprocity and mutual respect help sustain our survival. (quoted in TRC 2015, emphasis added)

Speaking in a similar vein, the Mi'kmaw and Abenaki scholar Lori Lambert adds:

> Because we are the Indigenous people from a Place, healing the Place is just as critical as healing the community or the individual. The land has also been a victim of historical trauma; the lands, the waters, and the animals have swallowed the blood, bones, ashes, and screams of our ancestors. Healing the Land, the animals, and the waters is crucial. We heal the Place that makes us who we are; we heal ourselves; we heal the soul wounds that were inflicted on many of the Indigenous people of the earth. (2014: 46)

Indigenous conceptions of reconciliation as an expression of environmental justice extend beyond relationships between peoples. Returning these broader relationships to a balanced state may also help bring about reconciliation and healing in human society and with other orders of beings.

Some thought has been given to this premise in Indigenous EJ scholarship. In a previous article, "Honouring Our Relations: An Anishinabe Perspective on Environmental Justice" (McGregor 2009), I explain that environmental justice is not a new concept and that Indigenous peoples have highly developed ideas of justice that extend beyond the widely accepted conceptions of peoples and their relationships to environment. This exploratory work, based on Anishinaabek knowledge systems, demonstrated that Anishinaabek understandings of environmental justice include political, legal, and relational rights and responsibilities of "more-than-human" relatives (Nelson 2013). Furthermore, these responsibilities can be gender specific (Kermoal and Altamirano-Jiménez 2016; McGregor 2009). Utilizing Indigenous knowledge systems as a framework for analysis, it is argued that EJ applies to all "relatives" in Creation. EJ is not just about rights to a safe environment but also includes the duties and responsibilities of people to all beings, and, conversely, their responsibilities to people, that make up the concept. EJ is regarded as a question of balance and harmony, of reciprocity and respect, among all beings in Creation—not just between humans but among all "relatives."

Indigenous legal traditions have particular relevance in this realm. For example, Borrows affirms that, "Anishinaabek law provides guidance about how to theorize, practice, and order our associations with the Earth, and does so in a way that produces answers that are very different from those found in other sources" (2010aa: 269). In this sense, by grounding conceptions of Indigenous justice (and injustice) in Anishinaabek law, possibilities open up for creativity and innovation in the field. This may well be true where any Indigenous intellectual traditions are applied. In his work on Indigenous legal traditions, including, *Recovering Canada: The Resurgence of Indigenous Law* (2002), *Canada's Indigenous Constitution* (2010a), and *Drawing Out Law: A Spirit's Guide* (2010b), Borrows establishes that Indigenous laws exist and function in their own right; they are just not yet recognized alongside other legal traditions.

Indigenous conceptions of environmental justice certainly do exist, although they may be conceptualized and implemented quite differently than what we see in "conventional" systems. In this and other ways, Indigenous approaches move beyond the simple notion of Indigenous peoples as being the victims of environmental injustice and toward understanding them as active agents who will shape how EJ will be conceptualized and then addressed. Indigenous peoples can contribute to the further development of EJ deliberations from a different worldview and set of assumptions about the world. In this sense, Indigenous perspectives of justice, such as those of the Anishinabek, can make significant contributions by expanding the prevailing ideology of justice such as those articulated in UNDRIP and in international human rights frameworks. Such perspectives create space for other possibilities and new paths toward justice.

Indigenous Legal Traditions and Non-Human Orders of Beings

EJ scholars recognize that Indigenous peoples have rights that the state and others often fail to respect (Westra 2008). Recognition of, and respect for, Aboriginal and treaty rights in Canada is one avenue for ensuring movement toward a more just society (Walkem 2007). The focus on rights is necessary, yet often missed in the discussion of rights negotiated with the state is the recognition of Indigenous legal traditions that have existed for thousands of years and that emphasize a qualitatively different set of relationships requiring consideration. Indigenous laws flow from different sources (from the land, the Creator, the spiritual realm) and are embedded in Place-experienced as "the places we come from and call home, the places we care for and struggle over, the places that sustain us, the places we share" (Larson and Johnson 2017: 1). Although laws can be negotiated across nations and large geographic spaces, as seen in nation-to-nation treaties. Indigenous laws convey particular types of relationships with and responsibilities to each other as peoples, the natural world or environment, ancestors, the spirit world, and future generations (Borrows 2010a; Johnston 2006). These relationships are embedded in Place, as explained in the opening statement of the Gitksan and Wet'suwet'en peoples in the Supreme Court of British Columbia in 1989:

> For us, the ownership of territory is a marriage of the Chief and the land. Each Chief has an ancestor who encountered and acknowledged the life of the land. From such an encounter came power. The land, the plants, the animals and the people all have spirit—they all must be shown respect. This is the basis of our law.
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> The Chief is responsible for ensuring that all the people in his House respect the spirit in the land and in all living things. When a Chief directs his House properly and the laws are followed, then that original power can be recreated. . . .

> My power is carried in my House's histories, songs, dances and crests. It is recreated at the Feast when the histories are told, the songs and dances performed, and the crests displayed. With the wealth comes the respectful use of the territory, the House feeds the name of the Chief in the Feast Hall. In this way, the law, the Chief, the territory, and the Feast become one. The unity of the Chief's authority and his House's ownership of the territory are witnessed and thus affirmed by the other Chiefs at the Feast.
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> By following the law, the power flows from the land to the people through the Chief; by using the wealth of the territory. (quoted in Wa and Uukw 1989: 7–8)

In the words shared by Gisday Wa and Delgam Uukw, "The land, the plants, the animals and the people all have spirit—they all must be shown respect." This conveys a much broader range of justice considerations than currently exists in conventional legal systems. Respect for the spirit in all things is rooted in Indigenous legal orders. These other beings then are recipients of justice, just as humans are, and the hereditary chiefs are responsible for ensuring this justice is achieved for all living things under their authority.

The Anishinaabe Elder and educator Cecil King describes Anishinaabek legal traditions as "a code of conduct, a set of lessons, derived from the Law of the Orders. . . . They spoke of what was appropriate behavior, what was forbidden, and the responsibility ensuing from each. These laws pertained to the relationships among human beings as well as the awesome responsibilities of co-existence with members of the other orders" (2013: 5).

Inherent in Anishinaabek law are reciprocal responsibilities and obligations that are to be met in order to ensure harmonious relations. With rights come responsibilities. Responsibilities lie at the heart of Anishinaabek legal structure, according to Aimée Craft (2014). Anishinaabek legal obligations and responsibilities consider relationships among all our relations, including the spirit world, ancestors, those yet to come, and other powerful beings that inhabit the peopled cosmos. These legal considerations are supported by IKS, which emphasize not just the practice of acquiring knowledge and perhaps utilizing it, but also acquiring the knowledge needed to ensure harmonious and just relationships. The Anishinabek developed laws, protocols, and practices over time to ensure that relationships with other orders of beings remained in balance and that life would continue. In this sense, as knowledge can come directly from the Land (by this I mean all of Creation) and expressed by Indigenous scholar Sandra Styres and collaborator Dawn Zinga as "For us, this refers to land as a living entity providing the central underpinnings for all life, the understanding of interconnected relationships, and is underscored by her capitalization as a proper name" (Zinga and Styres 2011: 62) , all beings/entities/peoples have responsibilities to carry out in order to ensure the continuance of Creation.

The idea of Place / Land / Peopled Landscape is paramount in this theoretical framework. IKS and laws are read from the land (Borrows 2010a; Kimmerer 2013). The primary sources of Anishinaabek laws are experiences, living and observing the natural world / Creation (King 2013). Natural law comes from a natural, spiritual place (Craft 2014). Law, then, is all around us, if we know how to read it. In other words, properly understanding and enacting natural law requires vast knowledge of the natural world/environment, the more-than-human world, and how it functions in ensuring survival for all of Creation.

All beings and entities are affected by environmental injustices (Nelson 2013). Indigenous legal traditions inform a set of relationships, responsibilities, and obligations that extend far beyond relationships among peoples. Indigenous legal traditions reflect a set of reciprocal relationships and a coexistence with the natural world (McGregor 2015). In this justice context, balanced relationships are sought between humans and other entities in the natural world (animals, plants, birds, forests, waters, etc.) and other more powerful realms. Environmental injustice can be characterized not only as a lack of recognition of Aboriginal and treaty rights (including rights to self-governance, sovereignty, and self-

determination) but also as a profound lack of knowledge of, and/or respect for, Indigenous laws that ensure proper conduct and relations among humans and others. If these sets of laws remain invisible or unacknowledged, then how can Indigenous justice be achieved? These very same Indigenous laws may offer appropriate approaches to achieving the justice that is so desperately needed. There are significant implications for the practice of EJ should Indigenous legal traditions gain legitimacy and expression alongside other laws.

EJ discourse often places the responsibility for achieving injustice firmly with governments (which often have a fiduciary responsibility to Indigenous people). Yet, in most cases, justice has not been served in these arrangements. If such responsibilities remain solely with governments using dominant Western systems of law, then it is unlikely that justice will ever be served in any kind of consistent or satisfactory way. Governments at all levels have not proven themselves sustainable in terms of environmental decision-making. Relying solely on Western legal systems and governments will thus achieve neither sustainability nor justice in the way the Anishinabek or other Indigenous peoples may require.

Expecting justice to be achieved in a context based on a Western-derived separation between humans and the rest of Creation that continues to support the current world economic order is not likely to generate an alternative path. This assertion certainly does not absolve governments of any of the responsibilities they currently hold with respect to injustice and achieving justice, but this system has been shown to be insufficient when it comes to achieving IEJ (as evidenced by the widespread opposition to mining, pipelines, tar sands, and fracking projects, to name a few).

Indigenous legal traditions reveal insights into Indigenous ontologies regarding human/nature relationships. Humans alone may not be the focus or even the architects of laws; the universe can be seen as having innate laws for governing itself in moral and appropriate ways. In this view, humans alone do not create law, nor in some cases are they responsible for enforcing law. This did not mean that laws were fixed: they could transform to reflect the challenges and moral questions of the day; they were also deliberative (Borrows 2016).

For Indigenous peoples, the ontology of relationships with all beings and entities in Creation means that "environmental decisions" include more than just considering the impact on the environment or nature (as a "thing" distinct from humans). The current dominant paradigm of "environment," as codified in environmental protection laws, does not capture what is meant by "all our relations" or "a peopled cosmos." The prevailing concept of "environment" is a cultural, social, and political construct and does not reflect the Indigenous worldview of Earth. The Anishinaabe Elder and traditional teacher James Dumont observes, "The Earth herself is a living, breathing, conscious being, complete with heart/feeling, soul/spirit, and physical and organic life, as it is with all the relatives of Creation" (2006: 12). In moving toward an Indigenous view, the question of how to "protect the environment" becomes one of how all of Creation's entities will be affected by a decision that has implications for their well-being or their abilities to perform their duties. In this ontology of laws, Earth itself is related to as a living being and lawmaker. The Anishinabek knew, and continue to know, whom they were and how they related to everybody else in Creation through distinct ways of knowing. The Anishinabek also know whom the moon, sun, stars, waters, spirits, and ancestors are and how they ought to relate to them (through laws and codes of conduct).

As an aside, it is perhaps interesting to note that notions of "nonhuman agency" and Earth as a living being have emerged in Western thought, espoused by scholars such as James Lovelock and Lynn Margulis (1974) with their Gaia hypothesis—more recently discussed by Bruno Latour (2017)—and Philippe Descola's (2006) ontological scheme of animism/totemism derived from ethnographic research. These and other authors have indeed generated scholarship that seeks to further advance Western understandings of the relation-

ships among humans, other beings, and Earth and in so doing remain firmly ensconced in their own Western ontologies. As Hunt simply states, "Investigations into western ontological possibilities are bounded in ways that limit their ability to fully account for Indigenous worldviews" (2014: 27). She continues, observing, "Indigenous knowledge is rarely seen as legitimate on its own terms, but must be negotiated in relation to the pre-established mode of inquiry" (29). As Hunt further notes, this is by no means a new phenomenon in conventional Western scholarship and, where it remains unchecked, leads to "epistemic violence and dominance" (see also Agyeman et al. 2009). The need thus remains for the development of critical Indigenous modes of inquiry and theorizing if we are to make progress in moving outside conventional Western modes of thinking.

It is important to state here that we should not essentialize Indigenous ways of knowing or legal traditions (Borrows 2016; Napoleon 2007). As Val Napoleon warns, "There is no room for romantic notions or idealism. Romanticism will not enable us to govern ourselves and relate to others on the power of our own ability to govern ourselves. We have to apply the same critical thought to our Indigenous legal orders and laws as we do to western law" (2007: 14). In other words, we must remain as intellectually rigorous as our ancestors did to ensure our collective survival.

Indigenous Environmental Justice and Indigenous Knowledge Systems

Numerous terms have been used to describe the knowledge of Indigenous peoples, including traditional ecological knowledge (TEK), traditional knowledge (TK), Indigenous knowledge (IK), and ethnoscience. This article uses Indigenous knowledge systems in recognition of the broader operational framework that generates, reproduces, transmits, and transforms Indigenous knowledges. The inclusion of "systems" in the title acknowledges the educational, historical, and legal structures that exist in Indigenous societies and that both give rise to knowledge and ensure its functionality and continuity. "Indigenous knowledge" is not merely a body of information but rather encompasses all those systems that create, analyze, maintain, apply, and transmit the knowledge. These systems of knowledge creation and embodiment have supported Indigenous nations for countless generations.

The term IKS also reflects the diversity of the many Indigenous nations and cultures in the world. It reflects, as well, Indigenous understandings of humanity's relationships and responsibilities to the natural world and remains a central element of the conceptualizing of EJ. Much has been written over the past three decades on the value of Indigenous knowledge as a potentially important contributor to sustainable development. As part of this, IKS has formed an important part of international agreements and conventions.

The worldview underlying IKS of course differs from that of dominant Western understanding. This difference is epistemological in nature. The very nature of knowledge and understandings of how we come to know anything are seen quite differently in Indigenous and non-Indigenous cultures. Fundamental questions, such as "How do I know what is real?," "Where does knowledge come from?," "What is the nature of knowledge?," "How do we generate knowledge?," "How does it transform?," "How do we know when we know it?," and "What counts as knowledge?," generate substantially contrasting answers when addressed from each of these worldviews.

The fact that IKS yield discrepant answers to those of Western knowledge systems doesn't mean that IKS should continue to be scorned (in the knowledge-production framework within which universities, governments, and other agencies operate, IKS are often invisible, marginalized, unwelcome, and treated with hostility, if acknowledged at all). As we have seen, various international agencies have in fact called for a far more equitable

treatment of IKS, given that conventional Western systems have failed miserably in protecting our planet. How, then, do IKS support ethical, moral, and otherwise appropriate relationships with Earth and all its beings in a reenvisioned form of EJ?

As I have discussed, a major shift in approach to EJ arising from an IKS perspective is the vastly broadened understanding of who or what entities/beings are recipients and dispensers of justice. This understanding exists within a milieu of responsibilities based on mutual obligations and practice. Take the example of water justice. Ontologically, if water is a being, imbued with spirit and personality, then it is an entity that also deserves justice. In an Indigenous context, water is regarded as being fully alive (Craft 2014; Nelson 2013). "Water is not only understood to be alive in many Aboriginal cultures, but also sentient—having consciousness. Because it is 'spirit,' or carries spirit, water is capable of establishing relationships with other life forms" (Anderson et al. 2011: 14). What kinds of questions does Indigenous ontology raise about water and EJ? What does water justice look like? These questions again remind us of the limitations of conventional justice frameworks that seek to protect human (and Indigenous) rights yet continue to characterize other beings as resources, commodities, and private property.

Understanding water injustice from an Indigenous ontological and epistemological framework poses different questions and responses. An EJ framework based on IKS may reveal nuanced inequalities missed in conventional analysis. Further analysis from an IKS EJ framework reveals that Indigenous peoples are not just concerned about recognition of Indigenous and human *rights*, but also the ability to enact their *responsibilities* to the waters (as a relative). Furthermore, not only do people have rights and responsibilities in relation to water, but water also has responsibilities to peoples and other beings and entities in Creation that must also be fulfilled (Craft 2014; Lavalley 2006). If these reciprocal obligations and duties are enacted, then balance is achieved, and peoples and waters can continue their responsibilities. The responses then to environmental injustice can be framed in ways that extend environmental injustices to those experienced by the Earth itself. It is anticipated that applying an Indigenous EJ framework will bring forth more appropriate prescriptions than are currently in place or planned in Canada.

Mino-Mnaamodzawin: Achieving Indigenous Environmental Justice

Mino-mnaamodzawin (sometimes spelled *minobimaatisiiwin*), broadly speaking, can be understood as "living a good life" or "living well" and is considered the overriding goal of the Anishinabek, both individually and collectively. King (2013: 10) describes *mino-mnaamodzawin* as the "art of living well [which] forms the ideal that Anishinabek strive for." Living well requires maintaining good and balanced relations with each other as humans and "other than human persons" (T. S. Smith 1995). Although the practice of living well existed for thousands of years before the devastating onslaught of colonial and oppressive forces that undermined Indigenous life in every conceivable way (TRC 2015), the concept has recently emerged as part of the revitalization of Indigenous healing systems. Initially, *mino-mnaamodzawin* found in expression primarily in the Indigenous health, social work, and education fields in Canada (Bell 2013) until LaDuke (1997) began applying it to environmental justice issues two decades ago. LaDuke pointed out that *minobimaatisiiwin* (the spelling she uses) is a concept that is supported by Indigenous knowledge systems, legal orders, and in particular natural law.

"Bad" or inappropriate conduct (*madjiijwe baziwin*) involved "the failure to keep up one side of a healthy relationship" (T. S. Smith 1995: 105). Causing imbalance in the world is regarded as dangerous and problematic. Injustice occurs when humans and other per-

sons are not able to fulfill their obligations toward maintaining balance. As noted earlier, it is important not to romanticize or essentialize a way of life; striving for and achieving *mino-mnaamodzawin* was not an easy task. It was and remains an ongoing process, and there are many paths to guide the pursuit of *mino-mnaamodzawin* (Borrows 2016).

Abuses of power and subsequent harm did (and still do) occur, and thus investment in learning how to relate in good ways was paramount in Anishinaabek life. In fact, Indigenous legal orders or laws, as Craft points out, were meant to "*to allow for good relations* and ultimately for each living being to have Mino-Mnaamodzawin (2014: 19, emphasis added). Theresa Smith adds, "No one can live well all alone" (1995: 62). We, as humans, rely on the knowledge and skills of others to live well in a balanced way.

Mino-mnaamodzawin, then, does not apply to humanity alone. Seeking redress or restitution for humans only for environmental abuses, violations, and destruction will not result in balanced relationships. All beings have the potential to realize *mino-mnaamodzawin.* The purpose is to sustain life for all "relations." Moreover, the obligations to attain *mino-mnaamodzawin* are mutual, and other beings/entities have their own obligations and duties to perform. *Mino-mnaamodzawin* recognizes that other beings or entities in Creation also have their own laws (natural laws) that they must follow to ensure balance.

A commitment to *mino-mnaamodzawin* has the potential to reconfigure and reclaim appropriate relationships with other orders of beings. Reclaiming and revitalizing Indigenous knowledge systems and legal orders is of critical importance in supporting the vision of living well. It will be a process fraught with challenges, as dominant society will not happily embrace Indigenous knowledges and laws (at least not on the terms of Indigenous peoples). Yet, in order to move as a society toward a more positive future, it is vitally important that we undertake this process. Currently, we find ourselves in a situation where, as Napoleon observes, "Indigenous laws have been broken with no consequences (e.g., alienation of land and resources, violence, failed kinship obligations, etc.). When laws are broken with no recourse, the legal order begins to break down and this has been the experience of Indigenous peoples" (2007: 10). In short, the very foundations of the prevailing legal system, and dominant society itself, are standing on shaky ground due to the ongoing and often willful ignorance of natural laws. Through reconciliation among all peoples, including nonhuman "peoples," this trend must be reversed.

To many, this may sound like a far-fetched notion, implying as it does such a profound rethinking and reordering of how we conduct our society and ourselves. However, it is heartening to see that the work has already begun. In New Zealand, for example, the Whanganui River is now officially recognized in the country's legal system as having personhood and thus rights. The same is true for both the Ganga and Yamuna rivers in India. Acting on a grander scale, Bolivia has enacted a Law of the Rights of Mother Earth, and Indigenous peoples from across the globe have charted a renewed vision of sustainability that includes the concept of living well, or *vivir bien,* an idea that has regained prominence in Latin America (McGregor 2016). People from a variety of Places, then, are already implementing some desperately needed changes to existing paradigms. It seems only a matter of time, if we are to survive as a "peopled planet," before such paradigm changes will become commonplace.

Conclusion: Seeking Mino-Mnaamodzawin

> The seismic shock of dispossession and violence that colonialism employed to gain entry into and claims over Indigenous lands around the globe in the 15th, 16th, 17th, 18th, 19th centuries—this seismic shock kept rolling like a slinky—pressing and compacting

> in different ways in different places as colonialism spread outwards into homelands of self-determining peoples around the globe. This worked to compact and speed up time, laying waste to legal orders, languages, place-story in quick succession. The fleshy, violent loss of 50 million Indigenous peoples in the Americas is something we read as a "quickening" of space-time in a seismic sense. (David and Todd 2017: 772)

There are indeed significant challenges facing Indigenous peoples as they seek to "live well." The world's political and economic orders continue their onslaught of Earth, contributing at the same time to the undermining of Indigenous peoples' very existence (Whyte 2017). Heather Davis and Zoe Todd argue that it makes sense to set the start date for humanity's current ecologically disastrous trajectory as one that "coincides with colonialism in the Americas [as this] allows us to understand the current state of ecological crisis as inherently invested in a specific ideology defined by proto-capitalist logics based on extraction and accumulation through dispossession—logics that continue to shape the world we live in and that have produced our current era" (2017: 764). This situation characterizes the lived reality for Indigenous peoples, yet they "continue to work to foster and tend to strong relationships to humans, other-than-humans, and land today. Thus Indigenous resistance in the face of apocalypse, and the renewal and resurgence of Indigenous communities *in spite of* world-ending violence is something that Euro-Western thinkers should heed as we contend with the implications of the Imperial forces that set in motion the seismic upheaval of worlds back in 1492" (773). How can Indigenous legal orders and systems of knowledge influence the outcomes of such devastating and dominant ontologies?

Indigenous environmental justice, which can also be described as "living well with Earth," has gained some prominence at the global scale because of sustained efforts by Indigenous peoples over decades. It is from these efforts that developments such as the United Nations Declaration on the Rights of Indigenous Peoples, the Bolivian Rights of Mother Earth, and international human rights frameworks flow. Albeit constrained by various factors, such efforts do offer openings for further advancing Indigenous self-determination and well-being (Lightfoot 2016). As noted earlier, the challenges are immense, yet Indigenous knowledges continue to inform alternative futures and "should be productively engaged to disrupt and undo these universalizing and violent logics" (David and Todd 2017: 675).

At the nationhood level, Anishinaabek legal orders have served and safeguarded the survival of the Anishinabek for thousands of years, yet these laws have also interacted with the legal orders of other nations, including historical and present-day treaty partners. Anishinaabek legal traditions, for example, were respected by the newcomers in the early diplomatic relationships that resulted in nation-to-nation treaties such as the 1764 Treaty of Niagara (Borrows 1997). Nation-to-nation relationships create space for the expression of Anishinaabek laws and justice that in turn contribute to equitable and just relationships with other nations.

The reality is that Indigenous nations and their livelihoods remain under sustained threat from colonialism, capitalism, industrialization, and globalization—a rather dystopian situation, as Whyte (2017) points out. David and Todd add, "In a deliberate manner, the processes of colonization severed relations, because it was through this severing that dispossession and integration could take place. Therefore, the genocide of the Americas was also a genocide of all manner of kin: animals and plants alike" (2017: 771). The challenges are severe, centuries old, and unrelenting. However, Indigenous peoples continue to assert alternative visions, for example, the Universal Declaration of the Rights of Mother Earth, from the 2010 World People's Conference on Climate Change and Rights of Mother Earth in Cochabamba, Bolivia.

Indigenous peoples at the grassroots level require support in their efforts to imagine and seek alternative futures and facilitate their participation in matters of national and global

concern. The Anishinaabe concept of *mino-mnaamodzawin* is one expression of justice. While at a broad scale this concept can be said to be shared by many Indigenous peoples, at the detailed level there are as many visions of justice as there are Indigenous nations and societies, and their distinct legal, governance, and knowledge frameworks must be supported and afforded expression.

It is hoped that such interchange at all these levels and scales may result in innovative governance institutions and legal approaches, but this remains to be seen. As Whyte, as well as Davis and Todd, point out, it has taken more than five centuries to arrive at the place of reckoning we are at now, and it may well take as long to recover. What is sorely required to even envision alternative futures is to create space for Indigenous peoples to begin enacting a self-determined future so that they will again be empowered to inspire visions of living well with each other and with Earth.

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