UCLA

American Indian Culture and Research Journal

Title

Mining, the Environment, and Indigenous Development Conflicts. By Saleem H. Ali.

Permalink

https://escholarship.org/uc/item/65h34876

Journal

American Indian Culture and Research Journal, 28(3)

ISSN

0161-6463

Author

Robbins, Lynn

Publication Date

2004-06-01

DOI

10.17953

Copyright Information

This work is made available under the terms of a Creative Commons Attribution-NonCommercial License, available at https://creativecommons.org/licenses/by-nc/4.0/

histories, choices about whether to work for local, regional, and/or national recognition—and the latter, Miller suggests, is not always the best solution. Indeed, Miller's work confirms Elizabeth Povinelli's articulation of the situation of Aboriginal Australians (*The Cunning of Recognition* [2002]): they end up having to perform their alterity in a way that is just different enough but not too culturally abhorrent as to be unacceptable to the state. Miller has put together an impressive descriptive array of various scenarios throughout the world, and the devil, as they say, is in the details—details that, as I've said, remain a tad out of focus. But Miller's ultimate point is simply that the story of the invisible indigenes deserves attention—and more comparative research and analysis. Indigenous peoples "test our understandings of what an ethnic group or indigenous group is, and it is [such groups] that most clearly reveal the limits of state authority and state capacity and will to contribute to its citizenry" (219). And this, of course, has implications for every citizen of every nation in the world.

Sara-Larus Tolley University of California, Berkeley

Mining, the Environment, and Indigenous Development Conflicts. By Saleem H. Ali. Tucson: University of Arizona Press, 2003. 254 pages. \$50.00 cloth.

Saleem H. Ali's *Mining, the Environment, and Indigenous Development Conflicts* makes an important contribution to the literature on mineral development, indigenous peoples' sovereignty, the environmental movement on indigenous lands, and national policies on Native peoples in Canada and the United States. There are other books, academic journal articles, and visual and print media productions on mineral development, but none, to my knowledge, has the breadth of subject matters and analysis contained in this volume. Ali states, "To understand why resistance arises, [and] conversely, why it may not arise despite provocative circumstances, I am arguing for an approach that transcends scientific or economic determinism about environmental factors in understanding tribal resistance. Rather, my argument focuses on the effectuation of sovereignty as the prime frame of reference for understanding contemporary resistance movements among native communities in North America" (173).

Ali has several goals: to help stakeholders plan for development projects in remote communities in an environmentally sound and economically efficient way, to explain why there is resistance from indigenous people to mineral development on their lands, to account for the role of indigenous sovereignty in the resistance from indigenous people, and to examine the indigenous people's concern for environmental protection in their resistance to mineral development. He is careful to conduct his analyses with a conscious effort to avoid ideological bias. He succeeds in this goal.

Ali analyzes four case studies (two in the United States and two in Canada): coal mining in the Four Corners region on Black Mesa, involving the Hopi and Navajo tribes; the Crandon mine in Wisconsin, where the Mole

Reviews 157

Lake Chippewa were involved; the Saskatchewan uranium mines, involving the Chipewyan Inuit, Dene, and Cree bands; and the Voisey's Bay Project (nickel, copper, and cobalt) in Labrador, on Innu and Inuit lands. Ali occasionally includes case studies from other continents to illustrate certain points about indigenous peoples' resistance to mineral development.

Ali compares the political authority of indigenous communities in Canada and the United States and its role in mineral developments. He summarizes Justice Marshall's famous mid-nineteenth-century "Marshall Trilogy," which established the principles of "domestic dependent nations," "trust responsibility," and a "guardian-ward" relationship between the federal government and treaty tribes. This was clarified somewhat in the 1905 Supreme Court case *United States v. Winans* (198 Sup. Ct. 662), which declared that treaty tribes "reserved rights" to their homelands and polities. The US courts have interpreted these principles and rulings with considerable variation.

The Constitution of Canada affirms preexisting treaty rights for First Nations. The Federal Indian Oil and Gas Act (1974) recognizes the right of indigenous peoples to negotiate oil and gas benefits in those areas in which land claims have not been settled. Thus indigenous peoples in the United States and Canada have reserved rights, the authority to engage in mineral developments and the rights to royalties from the sale of mineral resources. The national governments have abused their responsibility to indigenous peoples in mineral leases favoring mining companies, although these abuses have declined as tribal communities have learned to pursue their interests.

The author examines the nature and importance of indigenous peoples' sovereignty in Canada and the United States. He observes that planners and corporate negotiators do not fully appreciate this aspect of mineral development. Instead they frequently focus on simplistic economic effects such as employment and royalty income or mitigation of anticipated environmental impacts to mollify and persuade Native communities to give their consent to projects. Tribal communities want to understand and evaluate developments and their complexities. They want the power to decide on their own. They want self-determination. They want to build institutions and power structures to promote their goals. Ali cites tribes in the United States with casinos as examples of the indigenous peoples' quest for developing the capacity to pursue self-determination. He brings a great deal of knowledge and insight into the technical, financial, and regulatory aspects of mineral development on Native lands from his case studies and from other sources.

As well, the appendixes contain the suggestions and principles of mineral leasing and its negotiations for developments on Native lands. Appendix 4 comprises Charles Lipton's insightful and informed eighteen points on mineral leasing. Appendix 5 presents Marjane Ambler's suggestions on Aboriginal negotiations for the mineral industry. These two documents are the products of the extensive experience and expertise of the two major experts on mineral development on indigenous peoples' lands. Ali includes an equally helpful appendix, his own, on advice for stakeholders who plan for sustainable development. Three of the appendixes contain documents summarizing the highlights of the Nunavut land claims agreement, technical concerns regard-

ing the Voisey's Bay Project, and the mining practices to which activists object at the Peabody Coal Company mine on Black Mesa.

Mining, the Environment, and Indigenous Development Conflicts cites, applies, and compares most of the pertinent US and Canadian environmental laws to mining developments. This gives the reader a particularly important perspective on ways indigenous people are assisted and limited by major statutes. The author includes information on the immense consumption of mined materials in the United States and the pressing demand for them.

Ali discusses the role of non-Native, nongovernmental environmental organizations in conflicts over mineral developments on and near Native lands. He demonstrates the points at which these organizations become involved in conflicts, the extent of their contribution to the interests of Native peoples, and where in the sequence of events in the case studies the quest for self-determination takes center stage. This analysis is extremely important. It explains that these organizations build alliances with indigenous people through their support for tribal environmental laws. In Canada the "tribal primacy" principle based on Canada's Constitution and the US "treatment-asa-state" policy followed by federal agencies provide the legal basis for environmental groups to work with tribes to protect the environment and human health.

The book is organized conveniently and coherently. There are sixteen tables, some of which are very useful and informative on the Canadian First Nation reserves with mineral activity and mining and remediation projects in Canadian and US Native communities. The figures are helpful in illustrating the stakeholders and factors involved in mining projects and the degree to which the interests of indigenous peoples, companies, nongovernmental environmental organizations, and national governments overlap. All of the chapters are well annotated, the bibliography is comprehensive, and the glossary of abbreviations and acronyms is useful.

There are a few flaws in *Mining, the Environment, and Indigenous Development Conflicts*. There is no mention of the US National Environmental Policy Act (NEPA) and its application to projects on and near Native lands. This law has provided Native Americans with important information about getting involved in the NEPA process. Indeed, this law has prompted some tribes to establish tribal environmental policy acts (TEPAs) under the authority of their governments. The US Endangered Species Act (ESA) is also omitted. This US statute, to cite one example, has been crucial in attempts by tribes and others to protect salmon in the Pacific Northwest on and off Indian reserves. Activists invoke the ESA to restrict or prevent mining where salmon and other fish protected under the act would be threatened. This book is more than well worth the time of anyone interested in the subjects it covers.

*Lynn Robbins*Western Washington University

Reviews 159

On the Bloody Road to Jesus: Christianity and the Chiricahua Apaches. By H. Henrietta Stockel. Albuquerque: University of New Mexico Press, 2004. 314 pages. \$29.95 cloth.

The relationship between Christianity and indigenous peoples throughout the Americas has always been problematic, especially given the extent to which Christianity not only served the needs of European colonialism but was an effective instrument of cultural imperialism. Stockel's use of the words *bloody road* in the title to her work is an apt descriptor for what she believes to be an enduring struggle of the Chiricahua Apaches with Christianity, a history that extends from the Spanish conquest of Mexico to the present. How much of traditional Chiricahua religious and cultural traditions remains after centuries of varying attempts to transform and restructure every aspect of Chiricahua life is still a matter of conjecture, but what is not a matter of speculation is the lasting impact that Christianity has had on the Chiricahua people. At the same time, there are important historical differences, not only in Catholic and Protestant missionary tactics and goals but in the successive empire-building strategies employed by the Spanish, Mexican, and American invaders.

Stockel begins her study with an overview of the sacred traditions, ceremonies, and life-giving stories that gave meaning to the Chiricahua people and tied them to their land, the southwestern part of the United States and northern Mexico. For a people whose lives were anything but sedentary, the Chiricahuas' encounter with the Spanish merging of Christianity and empire, as embodied in Jesuit and, later, Franciscan missionaries, was first and foremost a conflict over basic cultural, social, and religious values. It was also clear from the outset that it was essential, on the part of the agents of empire, to reorganize Chiricahua life, through the creation of a mission system that could more easily integrate the Apache into the developing needs of a colonial system.

The Jesuit colonial venture, among the Chiricahuas, lasted about one hundred years, from the latter part of the seventeenth century to the eighteenth. It was a period marked by the ebb and flow of a small mission population, disease, and resistance. The failure of the Jesuits to "civilize" and "Christianize" large numbers of Chiricahuas was due to their inability to either entice or capture them, based on the belief that this was the only way to thoroughly indoctrinate an obstinate people. Instead the Chiricahuas continued their nomadic existence, with an intact kinship system that used the raiding of Spanish colonialists to supply necessary food and livestock. Before the implementation of plans that would shift Spanish policy from cultural to physical genocide, focusing particularly on the removal of Chiricahua children, the Jesuits were expelled from northern Mexico in 1767, only to be replaced by Franciscans.

The Franciscans who replaced the Jesuits in 1768 continued to encounter Chiricahua raiding and resistance, to which the Spanish governing authorities, in 1786, enacted a "peace policy" that offered the Apaches either their destruction by the military force or "peace," if they settled around presidios or missions. Two "peace establishments" were created: one in Bacoachi, Sonora, and the other in Janos, Chihuahua. Both communities, Stockel