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Lyell Island (Athlii Gwaii) Case Study: Social Innovation by the Haida Nation

Suzanne von der Porten

INTRODUCTION

November 2010 marked the twenty-fifth anniversary of Haida Nation's struggle for Lyell Island, or Athlii Gwaii. As part of the celebration, hundreds of people gathered in a community hall in Haida Gwaii for the singing of the national anthem.¹ These commemorative quarter-century celebrations instigated reflection by Haida people and others on this key milestone, which represented not only a success for the Haida and their collective identity, but also a pivotal shift for First Nations in British Columbia and Canada. This Haida Nation-led blockade was part of a larger series of events that marked an important time in the assertion of control over logging practices on Haida Gwaii, an archipelago of islands off the north coast of British Columbia (BC) formerly known as the Queen Charlotte Islands. The Haida were asserting that their traditional territory was not to be exploited in a way that was incongruent with their visions of stewardship of their land. At the time, the Haida people were struggling within a patriarchal-colonial relationship with the state that had endured for several generations.

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The struggle was the result of the culmination of tensions over forestry practices and Aboriginal legal rights that ultimately led to three transformative social impacts. First, it changed the way indigenous nations asserted their rights to make decisions about their traditional territory. Second, it set the stage for legal action by the Haida in the years that followed regarding the duty to consult as well as rights and title. This legal action was part of an escalating number of Aboriginal legal cases in Canada. Third, it changed how environmental campaigns would be approached and conducted thereafter.

Located approximately 50 kilometers off the coast of BC and across the Hecate Strait, Haida Gwaii is an archipelago of islands that has been inhabited by the Haida people for thousands of years.² South Moresby makes up about one-third of Haida Gwaii and is about 145,000 hectares.³ Lyell Island (fig. 1) is a large island located on the east coast of Haida Gwaii, and is now part of the Gwaii Haanas National Park Reserve. These are all part of the Haida's traditional territory; the Haida have never surrendered their title.⁴

Respectful Relations

The events that culminated in 1985 at Lyell Island were not unlike those of other groundbreaking social innovations.⁵ It involved not only the whole community of First Nations and non-First Nations living on Haida Gwaii, but also multiple, overlapping networks of citizens, organizations, politicians, and environmentalists in BC, Canada, and beyond. The following quotations demonstrate this collaboration:

No matter where you stood on the issue at the time, it is generally agreed a quarter century later that the political and geographic map changed in large part due to Lyell Island. Not just on the Queen Charlotte Islands—now officially known as Haida Gwaii—but throughout the B.C. coast in terms of the move toward more sustainable logging practices and assertion of aboriginal rights.⁶

The Haida led a protest that was a whole new way. They were assertive about what they wanted, but set a tone of respect for all parties involved.⁷

The stage for the blockade at Lyell Island was set after more than two decades of increasingly intensive logging in the province and on Haida Gwaii. First Nations people in general were growing tired of watching their lands being irreversibly altered without their consent. A massive effort of lobbying and networking to protect Lyell Island began, but the tensions culminated when a prominent logging company was issued permission by the BC government to log on Lyell Island. Haida people were led by Haida leaders and elders to blockade any further commercial logging on the island. The blockade at Lyell Island was known for being led in a strong but respectful manner,

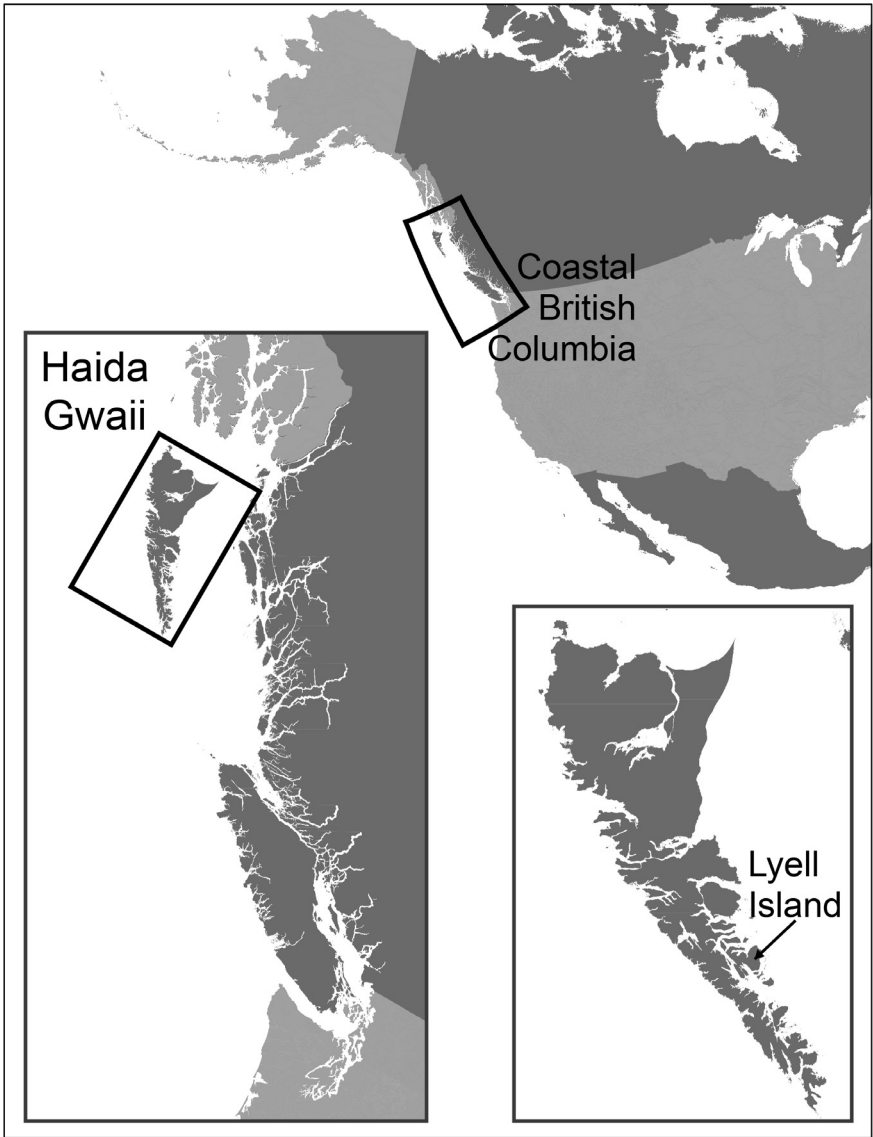


FIGURE 1. Southern Haida Gwaii. Map courtesy of the author.

in which the Haida showed what they wanted with regards to their land, but also took actions such as holding a feast to welcome parties on both sides of the blockade line. According to one Haida respondent, the Haida “showed up the Crown” by demonstrating how respectful relations could be conducted.

First Nations Leadership

While many residents of Haida Gwaii, citizens of BC, and non-indigenous people were deeply involved in the success of the protection of Lyell Island, it was the Haida who led and pushed the issue of the ultimate protection of Gwaii Haanas National Park Reserve.⁸ This leadership is apparent in a reflection by Guujaaw, now president of the Council of the Haida Nation and then one of the leaders of the blockade at Lyell Island, that "At the time, our people had very little influence over anything. That's what it took to shake it up and change things. It was our fight. . . . It was pretty much unknown ground at that time. It wasn't known what the response of the loggers would be or what the response of the courts would be."⁹

In the mid-1980s, the Haida were struggling with a level of political disempowerment largely unchanged from the rest of their colonial history. This state of disenfranchisement was the dominant experience for other First Nations in BC as well. Rates of commercial logging in the 1980s in Haida Gwaii were higher than in previous decades, and were premised on the conversion of all economically operable forest to plantation within the span of a few decades. Resource decision-making and revenue collection was centralized in Victoria, the capital of BC. Harvesting rights were dominated by a few large corporations. At the time, the public was only beginning to become engaged in these issues.¹⁰ Given these sociopolitical circumstances, the move by the Haida people to engage in direct action over their land was bold and innovative. The dissatisfaction felt by indigenous people at the time is articulated by Georges Erasmus, former national chief of the Assembly of First Nations in Canada:

Frustrated by the racist double-standards being applied to our people across Canada, our assembly [Assembly of First Nations] decided that the time had come to move to direct action. This was not an idle threat, but a solemn decision to create the kind of pressures that we hope will bring Canadian governments back to the negotiating table. Since that time we have had a series of confrontations between First Nations and the political and law enforcement authorities of the dominant society. In these confrontations our people have discovered that non-violent actions of civil disobedience not only generate enthusiasm and solidarity among our own people, not only bring more attention to grievances and attract considerable public support outside our own communities, but also have the desired effect of forcing governments, under pressure of public opinion, to take us more seriously, and even to resume negotiations.¹¹

According to locals on Haida Gwaii, the tension that ultimately culminated in the direct action at Lyell Island dates back to the early 1970s, when large-scale industrial and commercial clear-cut logging was becoming common practice both in Haida Gwaii and BC in general. At the time several of the Haida chiefs,

influential elders, and leaders began to voice their worries about what marine and forest resources would be left for their grandchildren. With many Haida people employed by the commercial logging industry, there were mixed views on social, economic, environmental, and cultural sustainability as it related to forest extraction, a diversity made apparent by the following recollections:

On the one hand the logging was good . . . our [Haida] people were making good money even though it meant cutting down the trees. Some were really big ones too—like 900-year-old trees. But with all the cutting [down of trees], I started to think there was going to be no trees left for us for weaving.¹²

We never ever said we would stop logging, we never once said that. We just wanted controlled logging. A lot of our [Haida] people are loggers, and there's no way that we would ever stop that.¹³

In 1974, the Skidegate Band Councils objected to a five-year logging plan for Haida Gwaii that commercial logging companies presented to the BC Ministry of Forests. At the time, BC Premier Barrett made a verbal commitment to impose a logging moratorium on some small traditional food-gathering areas. That year, the Council of the Haida Nation was formed. In 1975, commercial logging began on Lyell Island. Three years later, Chief T'aanuu (Nathan Young) and Guujaaw took the minister of forests and the logging company Rayonier to court and were granted standing. Negotiation between the province and the Haidas followed, after which the logging license for Lyell Island was renewed.

In 1981, Haida citizens began traveling down into what is now Gwaii Haanas Reserve to watch over ancient Haida village sites as volunteers, the beginning of what is now the Haida Watchmen program. The Haida officially began the Watchmen program in 1985, in which Haida people serve as guardians of designated cultural sites in Gwaii Haanas Reserve from spring to autumn every year.¹⁴ In 1983, a feast was held to declare the newly Haida-designated Duu Guusd Tribal Park on the west coast of Haida Gwaii, and the Haida sent an emissary to Japan to request, in person, that the owners of the logging company CIPA Industries, Ltd. cease their operations in Duu Guusd.

In 1984, the Council of the Haida Nation, headed at the time by Miles Richardson, held a series of meetings with provincial government ministers to try and come to a decision regarding commercial logging on Lyell and South Moresby.¹⁵ Miles Richardson explains that leadership was building: "By the early 1980s, the Council of the Haida Nation had been formed and was stepping to the forefront of expressing the Haida's political agenda as a nation. Athlii Gwaii was about Haidas taking responsibility for and protecting our land."¹⁶ Tensions then began to build as the minister of forests announced that logging would

continue on Lyell Island.¹⁷ The Council of the Haida Nation responded that they would consider continued logging to be an act of aggression.

One community leader recalls that

The Ministry of Forests was in a difficult position and under fire from many directions. One was the pressure to continue logging development which was central to the provincial economy at the time. But the Ministry also had environmentalists and logging companies protesting and lobbying them. Not to mention the Aboriginal rights and title issues which were beginning to become very contentious, and which overlapped into Provincial and Federal jurisdictions as well. It would have been tough to manage that role as the Minister at that time.¹⁸

That October, the cabinet ruled that logging would resume on Lyell Island. Miles Richardson's statements demonstrate the tone and the tension:

I remember the phone call from the Provincial Minister of the Environment Austin Pelton at that time. He was apologetic and said, "Miles, I am sorry, I got overruled by cabinet. We issued a cut permit that crossed the line drawn by the Haida." . . . [The Council of the Haida Nation] sent out a press release to say that we were going to stop the logging. We got more attention than we expected to. No one really knew about Haida Gwaii at that time. We were surprised at the amount of media that showed up to our press conference in downtown Vancouver. The Haida really began to develop a presence at that time.¹⁹

Once that ruling came down from the minister of forests, the Haida Nation set up the first camp for Haida demonstrators at a logging camp on Lyell Island.²⁰ This would soon become an internationally watched landmark event.

A Turning Point

Soon after the establishment of that Haida camp, the Haida blockaded a logging road on Lyell Island. According to researcher Catherine Shapcott,

Perhaps the most dramatic and publicized example of Haida process and practice took place at the court hearing at which a logging company, Western Forest Products, sought an injunction to stop the Haida from blockading loggers on Lyell Island. British Columbia Supreme Court Justice Harry McKay waived many rules of procedure, explaining that he wanted to give the Haida an opportunity to vent their frustrations. The Haida proceeded without counsel, because as Miles Richardson explained, "we don't want to create an illusion of justice." The "testimony" was classic Haida: a woman sang a song from the witness box, and there were powerful, heartfelt testimonials attesting to their intimate link to the land.²¹

The provincial courts then granted Western Forest Products an injunction against the blockaders.²² On the first day following the injunction, the Haida

followed the court injunction, allowing the loggers to pass.²³ November 16, 1985 was a day that some Haida people say they will never forget: some of the Haida elders who had come all the way down to the blockade on Lyell Island were arrested. The following series of recollections illustrate this memorable event:

I remember that many of the elders insisted that they be taken to the blockade. I tried to discourage a couple of them because they were so old and not very strong anymore. But they insisted and wanted in fact to be the first who were arrested.²⁴

The arrests of the elders made national news right away. Canadians watched as these very elderly Haidas, wearing their full regalia, were led off by [Royal Canadian Mounted Police] officers to the helicopter. Boy, did that ever get people revved up.²⁵

It was unbelievable watching these little old ladies getting arrested by these big RCMP officers. It became like a soap opera on the national news.²⁶

One of the RCMP officers was a Haida. That was a really, really hard day for him. He had tears in his eyes as he led one of the female Haida elders to the helicopter. It was a really emotional day for everyone. There was so much at stake.²⁷

Following the arrests of Haida leaders, elders, and others, the BC Supreme Court authorized mischief charges and contempt of court against seventeen Haida people arrested at Lyell Island. Ten of those arrested had their charges of contempt upheld and were denied access to Lyell Island. Those who were arrested were part of the struggle to protect Haida homelands, rights, and title:

One of the things that really changed during Athlii Gwaii was that it shifted from being something . . . about the environment, into something that was about Haida rights and title. By having only Haida people at the blockade, and because of our strategies, we rebranded this from an environmental issue to a Haida issue—that is, one of protecting our homeland based on Haida title. We were building on the substantial environmental momentum. We were making a change to the economic status quo. This was about protecting our land, our life source.²⁸

Soon after the arrests, Jim Fulton, a member of parliament in BC, raised the issues of Aboriginal rights and title, which were debated in the House of Commons in the following weeks. Benefit concerts by Pete Seeger and Bruce Cockburn raised further national attention and funds. The following interview statements recall the widespread support for the Haida:

Everyone jumped on this. We had 150,000–200,000 letters of support from all over Canada and beyond. There were individual First Nations and First Nations organizations like the Union of BC Indian Chiefs showing their support. . . . The

Hopi people in Arizona and Maori in New Zealand were all lending their support to us as well. The elders from those communities were watching our struggle.²⁹

All of a sudden, the Haida were on the world stage.³⁰

Award-winning Victoria journalist and author Terry Glavin covered Lyell Island for The Vancouver Sun and described the blockade as a “seminal event” in terms of aboriginal people asserting their rights. “It was heavily charged with import,” he said. “You had the great iconic images of little women in button blankets and grey hair against the forces of the forest industry and the police.” It seemed to gather together in one remote logging road confrontation all these epochal, global conflicts over sustainable resource use, old-growth forest depletion, conflicts between the assertion of aboriginal rights and title against Crown sovereignty and the industrial development of Canada.³¹

Many of these events and actions were backed by changes in the overarching political, economic, and social structures that occurred in the years leading up to the events at Lyell Island. These included the creation of strategic networks between Haida people, environmentalists, First Nations organizations, media, and politicians. These networks contributed to the building of national awareness of the Haida people and Haida Gwaii by means of publications and political lobbying. According to one Haida respondent, in the month or so leading up to the blockades on Lyell Island, the Skidegate (south Haida village) and Masset (north Haida village) bands began working together for the first time in more than a century, and “everybody was of the same mind . . . up to that point [the Haida] were struggling as a nation. Lyell Island was the Haida taking responsibility for Haida Gwaii again and letting the world know it.”³²

In March 1986, a supporters’ “South Moresby Caravan” began its journey from Newfoundland to Haida Gwaii to raise money for the protection of South Moresby. That year, the Haida also began a historic 600-mile journey paddling the canoe *Loo Taas* from Vancouver harbor to Haida Gwaii.³³

This big, traditional Haida-carved canoe began in False Creek [Vancouver]. It was the first time in 100 years that a Haida canoe had done that trip. It was amazing. The Canadian federal boats even escorted the *Loo Taas* on its way out of Vancouver to show support for them. In the final leg of the journey paddled by Haidas back up to [Haida Gwaii], they crossed the Hecate Strait by moonlight. This was incredible because normally the Hecate [Strait] is a very dangerous and rough body of water. The paddlers arrived just in time for the celebratory feast and there was rapturous cheering when they arrived.³⁴

The arrival of the *Loo Taas* in Skidegate fell on the same day that BC Minister of Environment Tom MacMillan made a historic announcement that would forever change life on Haida Gwaii. Long, intense negotiations had finally

broken the gridlock between Prime Minister Mulroney and Premier van der Zalm and an agreement designating South Moresby as a National Park Reserve for the first time had been signed in Victoria that day.³⁵ That night there was a celebratory feast in Skidegate with local people, elders, supporters, and the paddlers of the *Loo Taas*.

IMPLICATIONS OF LYELL ISLAND

The Lyell Island event served as a means for the Haida to assert that the governments of BC and Canada alike must recognize both their legal and moral rights to their land. What was distinctive about this event was that the Haida, by many accounts, were on the world stage. As the result of Haida elders being arrested on national television, the attention drawn to this remote island exerted pressure that was undeniable by the Canadian government.

The Council of the Haida Nation were really clear on strategies and objectives. That was key to our success. And how we prioritized those objectives was also important. The first was to protect Gwaii Haanas in its natural state in perpetuity, and the second was [seeking] recognition and respect for Haida title. It was important that the objectives were in that order.³⁶

According to one long-time Haida Gwaii resident, “the Haida knew instinctively that they were leading this protest and would not let non-Haida people hijack the actual protest lines. One of the reasons for this was so that the significance of the protest was clear, it was led by the Haida.” Another respondent offered that keeping the front line of that actual blockade lines on Lyell Island “all-Haida” meant there were stronger lines of accountability by members of the Haida Nation and by their leaders within that community.³⁷

However, many non-Haida people supported the event and the cause on a multitude of different levels, as illustrated in the following remarks:

One of the key elements [of the success of the protest] was that the Haida built a whole new conceptual dimension and energy around it. . . . They asserted that this was the honorable way to be the world and that we had to be respectful of other people. And that became contagious for many of us. At that same time, they were requesting that Canada recognize the [Haida] legal and moral rights to the land. It was sure a lot more powerful than any Twitter campaign.³⁸

There comes a time when a people got to do what a people got to do and when the stakes are your land and your culture . . . losing is not an option . . . a people armed with the truth are a people with conviction that overrides fear . . . a generation at a crossroad chose to stand.³⁹

In my lifetime, Athlii Gwaii was the most substantial manifestation of the Haida asserting ourselves as a nation. . . . Ultimately, it gave us increased opportunities to express our culture and broader acceptance generally of our nationhood.⁴⁰

The direct action taken by the Haida was grounded on the assumption that all of Haida Gwaii was theirs, and that the land had never been ceded to the colonial government(s). The Haida Nation showed leadership by demanding that unsolicited resource extraction on First Nations land had to stop and they gathered momentum for this by building a deliberate network of supporters well beyond the shores of the island. Lyell Island was much more than a demonstration or blockade. It was the Haida people taking responsibility to look after their own lives and land. In this way it was a pure victory. Support for the Haida came from non-indigenous Canadians across the country and indigenous groups in the United States and New Zealand.

In the resulting negotiations that immediately followed the events on Lyell Island, the province signed an agreement which named the Haida as equal partners in the co-management of Gwaii Haanas National Park Reserve—a park reserve that was a direct result of the Haida's success at Lyell Island. However, this agreement remains a colonial solution since the government does not view the co-managed land as being under Haida title.

After Lyell

Following the Lyell Island event in the late 1980s and early 1990s, in BC there was a marked shift in public opinion, environmental campaigns, and the social makeup of Haida Gwaii:

[C]ourt cases, blockades, and public opinion [in the 1980s] began turning against the [BC] provincial government's entrenched position. The public was becoming aware of and concerned about the environmental damage brought on by resource exploitation and was beginning to make the link between treatment of the land and treatment of the people who were attempting to stop the exploitation. The public demanded fair treatment of First Nations so that these issues would not continue for the next generations.⁴¹

Jeff King bought the community newspaper the *Observer*, just as the logging protests began on Lyell Island. "It was more story than I wanted on my front yard for my first week," he said from Queen Charlotte City. King recalled how the protest pitted different factions against each other on the islands, even within the Haida community. "Many of the people who made their living as loggers on these islands then were Haida," he said. "I'm sure it divided Haida families. It certainly divided the communities along [the lines of] those who supported and did not support the protests." It took some time for the bitterness to subside, he said, and the social makeup of Haida Gwaii to change.⁴²

TABLE 1
POST-LYELL ISLAND SUCCESSES FOR THE COUNCIL OF THE HAIDA NATION
(CHN)

Year	Event	Significance
1988	South Moresby Agreement	Designates Gwaii Haanas as a National Park Reserve; Federal government gives \$36 million to Haida Gwaii as a community development fund
1993	Gwaii Haanas Agreement	Signed by CHN and Canada; lays out a government-to-government arrangement for management of Gwaii Haanas
1994	Gwaii Trust	Trust created out of \$36 million community development fund to support cultural diversity, the environment, and economy on the islands.
1997	Delgamuukw decision	(Non-Haida related) Acknowledged indigenous ownership of the land and the right; gave greater weight to indigenous oral history
1998	Haida Accord	CHN creates and signs a Haida constitution
2000	<i>Haida v. BC Case</i>	CHN launches legal case against the Minister of Forests with regards to Tree Farm License 39
2001	<i>Haida v. BC Case Upheld</i>	Ruling that the Crown has the duty to consult and accommodate “Aboriginal Peoples prior to making decisions that might adversely affect their as yet unproven Aboriginal rights and title claims”*
2007	Land Use Management Agreement	Signed by CHN and Province; plan protects 50% of Haida Gwaii and subjects the rest to ecosystem-based management
2009	Kunst’aa Guu–Kunst’aayah Reconciliation Protocol	Signed by CHN and Province; outlines process of reconciling Haida and Crown titles
2010	Gwaii Haanas Marine Agreement “Haida Gwaii”	Signed by CHN and Canada; Gwaii Haanas National Marine Conservation Area Reserve and Haida Heritage Site is formally established. Haida Gwaii is officially renamed and is no longer the “Queen Charlotte Islands”

* *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73, 2. Source: Adapted from *Haida Laas*, “Athlii Gwaii 25 Years Down the Road,” 2010.

These changes were the result of leadership by the Haida people, and they had broad and lasting impact on the sociopolitical climate in Canada. In the decades following the Haida Nation’s beginning of the protection of Gwaii Haanas in 1985, the Haida have built upon this with many successful legal and political negotiations, summarized in table 1.

The struggle surrounding Lyell Island was a success for the Haida Nation in that it put more land-related control and decision-making power back into their hands. This decision-making includes logging as it is practiced today; for example, Taan Forest, Inc., created by the Haida Nation under Haida Enterprise Corporation, manages 270,000 acres of forests on Haida Gwaii.

Social Innovation and Lyell Island

The Lyell Island event and the actions by the Haida Nation are a clear case of First Nations-led social innovation that had wide and lasting effects on the way indigenous governance was practiced and re-asserted thereafter, as well as on the approach to environmental campaigns by environmental groups.

Looking at these events and actors through the lens of social innovation gives clarity on what made them so transformative.

In the case of Lyell Island, the individual agents involved were instrumental in changing the domination within the sociopolitical system at the time. There were clear changes in authority; most significantly, Haida and other indigenous groups in Canada gained greater decision-making and governance authority, but also the influence and authority of environmental groups working in BC increased. According to one Haida respondent, “this protest and process were a pivotal part of the Haida asserting ‘We come from here. We have always lived here. This is our land.’”⁴³ Given the political climate of the 1980s, this assertion of authority was very important to the reemergence of indigenous governance over traditional territories in BC and beyond.

The BC Provincial government, in conjunction with the corporations that lobbied for and carried out the logging operations, no longer had a unilateral hand in land-use management in BC. An incremental but powerful step had been made toward the increased authority of the Haida and other First Nations governments over their lands, which had a ripple effect in the years to come. According to one respondent, “following Lyell Island there was a renaissance of First Nations up and down the [BC] coast. Of course there were, and still are, many bitter and expensive fights for these traditional territories. But things changed.”⁴⁴ The Haida used the direct action at Lyell Island to transform beliefs, authority flows, and behaviors that previously had been in place between First Nations and non-indigenous people and institutions. Now the Council of the Haida Nation was the key decision-maker with regard to lands, some marine resources, economic development, and policy-making.

The following quotation by Guujaaw demonstrates the importance of Haida identity and culture as it relates to place.

[At Lyell Island] we wanted to make it real clear that our culture is our relationship to the land, that’s where our songs come from, where our language comes from, and the dances are all about the creatures that we share this land with. And so we brought the song back to the land to express exactly who we are in relationship to the land.⁴⁵

In regard to the direct action taken by the Haida on Lyell Island, in 1986 well-known Haida artist Bill Reid stated,

I’ve spent most of my life with a feeling of identity with the Haida people—always, of course, at a safe distance in some urban location. Recently, however, I have finally had to face up to what it really means to be Haida in the latter part of the twentieth century, and at the last minute I am taking a few steps along the road to becoming one.⁴⁶

Reid saw Lyell Island as a heartening display of Haida unity where the people successfully stood up against the representatives of authority and paper-based legality. He viewed the Haida as “coming alive again after a century or more.”⁴⁷

According to several respondents, First Nations values, knowledge, and assertions were naturalized into social norms, at least within BC in the mid-1980s, in large part due to the success at Lyell Island. It became understood generally—and recognized through direct political agreements between the province and the Haida—that First Nations had a significant relationship to their traditional lands and therefore should have decision-making power in how those lands should be used.

During the Lyell Island blockade, many events occurred which gave a sense of higher meaning to those involved. This was through the symbols and stories about how the events played out. Some examples of this symbolism are described as follows:

An [indigenous] group in Arizona sent crystals that were to be buried on Lyell in a certain direction by [the Haida] while they prayed for us. . . . A year later, after Lyell Island, they called us down there to visit them and their circle of traditional healers . . . their Elders said that whatever happened at Lyell Island was symbolic of what would happen to the rest of the world.⁴⁸

We got the right leaders at the right time . . . for the Haida before the Lyell Island protest it was like we were sleeping.⁴⁹

One of the most powerful moments was the Haida Elders being arrested at the [Lyell Island] blockade. It was so symbolic having a Haida RCMP officer doing the arresting. . . . he had tears in his eyes as he helped a Haida Elder that he knew well walk with him to the helicopter. This was all caught on national television and it was powerful. . . . It came to a point where we didn't know what was strategy and what was magic.⁵⁰

The collective interpretation of these events for those “on the ground” profoundly affected the signification on protection of Lyell Island, as well as on the many supporters watching from afar. This meaning extended beyond Haida Gwaii as well. In the mid-1980s, South Moresby had achieved symbolic importance to people in Canada.⁵¹

Riding a Wave

According to respondents, thousands of people joined in support of the Haida and the protection of Lyell Island who had never been to Haida Gwaii or even BC. This support continued to increase both the national-level involvement of non-Haida people and the political tension around the issue.

There was a whole pile of synchronicity with donations from all over Europe and letters from support from all over. The whole thing just took off with its own momentum. It was sexy.⁵²

The [Haida] Elders took over [the blockade], it wasn't part of the plan.⁵³

I remember when the Elders insisted on coming down to the blockade. We said no because we didn't want anything to happen to them. But I remember they said to us, "all our lives we've been on the sidelines watching our islands get destroyed . . . this is our chance to do something about it." Well how could you deny that? We had to honour that.⁵⁴

The momentum was fueled by the engagement of organizations in the blockade as well as other indigenous nations, non-governmental organizations, and environmental groups. This momentum was further fueled by the Canadian Broadcasting Corporation (CBC), which ran shows about Lyell Island on the popular Canadian *Nature of Things* national television program. With the first show running in 1982, the CBC was seminal in creating national awareness of the issues and furthering the buildup of interest that pressured provincial and federal politicians to pay attention to Haida Gwaii. In one of the shows called *Windy Bay*, host David Suzuki—a well-known Canadian environmentalist—likened South Moresby, the southern third of Haida Gwaii (fig. 1) to the Galapagos Islands, thus bringing global significance to the archipelago of Haida Gwaii. Leaders of the Lyell Island event likened this momentum to "a calling," "riding a wave," and "the feeling that there were green lights everywhere." One leader described it as the "multifaceted coalescing of moral principles . . . there was no choice, this is what was happening and that was life."⁵⁵

Change to Legal and Political Systems

Lyell Island had lasting effects on the social system, agents, legal, and social institutions. This is demonstrated in part by respondents' comments:

Lyell Island changed the system . . . a paradigm was demolished . . . the post-war imperial Crown capital model of how business was done was fundamentally changed . . . Haida Gwaii was taken out of that system. It was totally game changing in that Aboriginal title became very important.⁵⁶

At the time there was not much recognition or respect of our view of who we are as Haida.⁵⁷

The Haida began to feel good about who they were again.⁵⁸

For the first time in Canadian history, the Haida stood in defiance of the law . . . this action would have all kinds of unexpected consequences.⁵⁹

The year following the protest [three of us Haida leaders] were invited by a First Nations community in Alberta to advise them on how we did it and how we had so much success . . . today we still get visitors to Gwaii Haanas who want to know how we came to the co-management agreement in the Park Reserve.⁶⁰

The impact of the Lyell Island event on social systems had multiple-scale effects. The direct action at Lyell Island impacted both the fundamental distribution of power and resources in BC, as well as some of the basic understandings about who makes environmental, economic, and political decisions. These changes occurred in part because this action at Lyell challenged the existing social system and legal-political institutions that govern the conduct of agents within it.

Although the Haida were not successful in stopping the injunction against their initial blockade of the logging road, the blockades and the court case that resulted provided the impetus for a movement towards greater recognition of the legitimacy of Aboriginal authority with respect to land-use decision-making processes, culminating in the Supreme Court of Canada's decision in *Haida Nation v. Minister of Forests*.⁶¹ This occurred almost two decades after Lyell Island, which finally confirmed, in the eyes of the courts, that First Nations do not have to prove their rights before the Crown has a legal duty to meaningfully consult Aboriginal peoples when making decisions which could have an adverse effect on Aboriginal rights and title. The Haida in some respects have paved the way for other First Nations, with many precedent-setting agreements and novel relationships with various Crown agencies.⁶²

Following Lyell Island, it was no longer the state that had the unilateral say on how the land was managed in Haida Gwaii. Rather, the Council of the Haida Nation reasserted their position on the islands as the decision-makers of that land, with a clear message to society-at-large that Haida rights and responsibilities to that land had never ceased. This event strengthened the impetus for a legal case known as the *Haida Nation and Taku River Tlingit Decisions (Haida Taku)*, which was important to clarifying Aboriginal consultation and accommodation in Canada.⁶³ This case clearly imposed upon the Crown the duty to consult First Nations.⁶⁴ To the Haida this was a very important case: for more than one hundred years, the Haida have claimed title to the islands of Haida Gwaii, including the surrounding waters, but that title has not yet been legally recognized. The *Haida Taku* case challenged the transfer of Tree Farm License 39 to logging company Weyerhaeuser because it was made without the consent of the Haida.⁶⁵ The chambers judge found that the Crown had a moral duty to negotiate with the Haida.⁶⁶ This case created the precedent that the Haida, Tlingit, and other First Nations must

be consulted by the government on decisions that might adversely affect their Aboriginal rights and title claims.

While this ruling was important to the Haida and other First Nations at that time, it also contributed to the broader movement of legal Aboriginal rulings in Canada with regard to the duty to consult. In 1982, Canada's Constitution Act introduced Section 35(1), which recognizes the rights of Aboriginal peoples of Canada.⁶⁷ However, Section 35(1) does not define the term "aboriginal rights" nor clarify the Aboriginal right to self-government. The courts have played a major role in clarifying these issues, including the duty to consult. The duty to consult originates in the fiduciary duty imposed by the Supreme Court of Canada in 1984 regarding the Crown's responsibility for Aboriginal peoples in the *Guerin v. The Queen* case.⁶⁸ The well-known *R. v. Sparrow* case in 1990 then spelled out a test for the Crown whereby the courts must look at whether the Crown can justify a given infringement on the Aboriginal group.⁶⁹ The case *R. v. Gladstone* in 1996 then laid out a broad range of legislative objectives that justify the infringement of Aboriginal title including development of mining, general economic development, and forestry.⁷⁰ The *Delgamuukw v. British Columbia* decision of 1997 then became significant to the legal concept of duty to consult via the ruling on Aboriginal title.⁷¹ This case was important because the judges made statements about Aboriginal rights and title, saying that title is a right to the land that had not been ruled in a Canadian court at that time.⁷² In the *Haida Taku* case, the *Delgamuukw* decision would become relevant in that it clarified that the duty to consult, if discharged, is "an element among the circumstances that would justify a prima facie infringement."⁷³ Other cases, such as the *Halfway River First Nation v. B.C. Ministry of Forests* in 1999, reinforced the lack of justification for infringement on Aboriginal groups where the Crown failed in its duty to consult.⁷⁴ By the year 2000, when the Haida launched their case against the Minister of Forests, they were well-poised to build on this movement of Aboriginal legal precedents.

Scale of Change

The scale of the change that occurred at Lyell Island made the event much more significant than the success of a single demonstration or blockade. Not only was the disputed area of Lyell Island protected from industrial logging, but also innumerable enduring changes resulted from the event. According to one Haida respondent, "things never went back to the way they were before Lyell Island . . . the Haida changed the system by coming together. . . . First People's voices were being heard more and [indigenous-led] blockades were

TABLE 2
INDIGENOUS BLOCKADES AND EVENTS OF SIGNIFICANCE OCCURRING IN
CANADA IN THE LATE 1980S

Year	Event
1988	Gitksan and Wet'suwet'en First Nations blockade logging operations in their territory
1988	Innu Nation protest NATO Weapons Training Centre in their territory
1988	Teme-Augama Anishnabe First Nations blockade logging operations in their territory
1988	Lubicon First Nation blockade roads in protest of industrial exploration in their territory
1989	Algonquin First Nations blockade logging operations in their territory
1989	Mi'kmaq Nations summit and Declaration of Mi'kmaq Nations Rights

Source: Adapted from George Erasmus, "Twenty Years of Disappointed Hopes," in *Drum Beat: Anger and Renewal in Indian Country*, 1–15.

popping up all over Canada." Indigenous demonstrations and blockades occurring across the country are summarized in table 2.

New Paradigm for Environmental Campaigns

The direct action at Lyell Island was a deliberate effort to change the ground rules of the broader social context. According to Tara Cullis, president and cofounder of the David Suzuki Foundation, the events at Lyell Island, in conjunction with the Stein Valley advocacy, also marked the beginning of successful environmental campaigns in collaboration with First Nations in BC.⁷⁵ Another activist notes, "It was a total game changer for the Haida . . . and for other Aboriginal groups as well. They asserted their role and rights more."⁷⁶ The new paradigm of environmental campaigns was for environmentalists to join First Nations on the environmental work that those nations were already focused on, and to support them in the way they saw their traditional lands being used. This shift, made by some environmental groups after Lyell Island, was a pivotal turning point in how environmental campaigns were negotiated and won, as articulated by Tara Cullis:

For the [David Suzuki Foundation], Lyell Island set a tactical precedent for how environmental campaigns should be fought. And that was that they should always be approached with First Nations already at the helm. This idea applied to many of our organization's environmental campaigns in Canada as well as internationally like in the Amazon, Japan and Tibet. . . . The protest set a precedent for other First Nations to show that they could win. The most important criterion now is that the [environmental campaigns] must be indigenous-led. . . . At Lyell Island, the Haida had a huge part in making it all so meaningful and important. It was a combination of the way they spoke about the interconnections of things in nature and in the world, the music and the ceremony, and also the ethical/historical/legal claims to land that made the whole thing so pivotal and so meaningful.⁷⁷

Networks and strategies were replicated in two realms: (1) environmental groups in Canada modeled strategies after the success at Lyell as they began to partner closely with First Nations; and (2) indigenous nations pushed to reassert their rights to self-determination. The Great Bear Rainforest and Elaho Valley forestry campaigns in BC were examples of such environmental-First Nation partnerships that occurred in the years following Lyell Island. Joe Foy of the Western Canada Wilderness Committee and a leading advocate for ending old-growth logging in the province, credits the Lyell Island blockade with helping to “set the mould for the unique way forest protection played out in B.C. over the following decades.”⁷⁸ According to one Haida respondent, the model used to create the Gwaii Haanas National Park via the Lyell Island event “played out in every national park reserve and provincial park in Canada. The Maori came from New Zealand to look at the Haida model, the Gwaii Haanas agreement and the creation of the Council of the Haida Nation.”⁷⁹

CONCLUSION

During the blockade and demonstration at Lyell Island and years leading up to it, the Haida people made it clear that they must make decisions on how their land is cared for, and, by doing so, created a precedent for cooperation with indigenous people in the many environmental campaigns that played out in the years to come. Social innovation of this kind is particularly important because (1) it fundamentally challenged the social systems and social institutions which directly affect indigenous governance in Canada; (2) it shifted the distribution of powers and resources within the realms of both forestry practices and indigenous governance; and (3) environmental campaigns were conducted differently thereafter by organizations such as the David Suzuki Foundation—that is, with First Nations at the helm. This case has described Lyell Island as an example of a social innovation that was, and continues to be, led by First Nations, and that has had lasting effects in British Columbia, Canada, and beyond.

Acknowledgements

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NOTES

1. During the Lyell Island blockade, a Haida song known as the *Coming into the House Paddle* was adopted in 2010 as the national anthem of the Haida Nation. Caitlyn Vernon, "We Gathered to Say Haw'aa," *The Tyee*, November 25, 2010, theyee.ca/Life/2010/11/25/SayHawaa.
2. Brett McGillivray, *Geography of British Columbia: People and Landscapes in Transition*, 2nd edition (Vancouver: University of British Columbia Press, 2005).
3. Jeremy Wilson, *Talk and Log: Wilderness Politics in British Columbia* (Vancouver: University of British Columbia Press, 1998).
4. Wilson, *Talk and Log*.
5. Social innovation is defined as an "initiative, product, process or program that profoundly changes the basic routines, resource and authority flows or beliefs of any social system." The Waterloo Institute for Social Innovation and Resilience, *About The Waterloo Institute for Social Innovation and Resilience*, sig.uwaterloo.ca/about-the-waterloo-institute-for-social-innovation-and-resilience-wisir#About (2011), 1.
6. Larry Pynn, "Lyell Island: 25 Years Later," *Vancouver Sun*, November 13, 2010, www.vancouver.sun.com/story_print.html?id=3822087&sponsor, 2010, 1.
7. Anonymous non-indigenous Haida Gwaii resident, personal communication, 2011. Information in this study in part comes from interviews conducted in 2011, as well as from published sources and accounts of the 1985 Lyell Island blockade and creation of the Gwaii Haanas National Park Reserve. Where requested, names of interview subjects have been kept anonymous.
8. Paul George, *Big Trees Not Big Stumps: 25 Years of Campaigning to Save Wilderness with the Wilderness Committee* (Vancouver: Western Canada Wilderness Committee, 2006).
9. Guujaaw, quoted in Pynn, "Lyell Island: 25 Years Later," 1.
10. George, *Big Trees Not Big Stumps*; Wilson, *Talk and Log*.
11. Georges Erasmus, "Twenty Years of Disappointed Hopes," in *Drum Beat: Anger and Renewal in Indian Country*, ed. Robert Brent Richardson (Toronto: Summerhill Press, 1989), 1–15, 7.
12. Anonymous Haida elder, personal communication, 2011.
13. Tom Green speaking in *Loggers Confront Haida Blockade* (Canadian Broadcasting Corporation Digital Archives videorecording, 1985), archives.cbc.ca/politics/federal_politics/clips/6854.
14. Parks Canada, *The Haida Gwaii Watchmen Program*, <http://www.pc.gc.ca/eng/pn-np/bc/gwaiihaanas/natcul/natcul6.aspx>.
15. "Athlii Gwaii 25 Years Down the Road," *Haida Laas* (November 2010 special issue), http://www.haidanation.ca/Pages/haida_laas/pdfs/journals/jl_nov.10.pdf.
16. Miles Richardson, former president of the Council of the Haida Nation, personal communication, July 11, 2011.
17. "Athlii Gwaii 25 Years Down the Road," 5.
18. Anonymous Haida community leader, personal communication, 2011.
19. Richardson, personal communication, 2011.
20. Haida Laas, *Athlii Gwaii 25 Years Down the Road*, 2010.
21. Catherine Shapcott, *Environmental Impact Assessment and Resource Management, A Haida Case Study: Implications for Native People of the North*, funded by Canadian Environmental Research Council, nd, 67. Shapcott goes on to say "The Haida lost the court case, but in the wider arena of social justice, won respect and support. The Lyell Island blockade and hearings dramatically illustrated the differences between the Haida and the rest of Canadian society. Such differences were viewed not as reasons to celebrate, or as opportunities for learning, but as obstacles." Ultimately, the Haida defendants were precluded from defending against the injunction that the logging company sought on the basis of their aboriginal title: "If the Haidas wish to pursue the question of aboriginal

title to the Queen Charlotte Islands, or any portion thereof, through the courts, then they must do so in a properly constituted action against the Crown Provincial." *Western Forest Products v. Collinson*, [1985] B.C.W.L.D 4340, subsequent proceedings [1986] B.C.W.L.D. 609; [1986] B.C.W.L.D. 2365 (S.C.).

22. *Western Forest Products v. Collinson*, [1985] B.C.W.L.D 4340, subsequent proceedings [1986] B.C.W.L.D. 609; [1986] B.C.W.L.D. 2365 (S.C.).

23. "Athlii Gwaii 25 Years Down the Road."

24. Anonymous Haida Leader, personal communication, 2011.

25. Ibid.

26. Anonymous non-indigenous Haida Gwaii Resident, personal communication, 2011.

27. Anonymous Haida Leader, personal communication, 2011.

28. Richardson, personal communication, 2011.

29. Anonymous Haida Leader, personal communication, 2011.

30. Anonymous non-indigenous Lyell Island activist, personal communication, 2011.

31. Pynn, "Lyell Island: 25 Years Later", 1.

32. Anonymous Haida community leader, personal communication, 2011.

33. "Athlii Gwaii 25 Years Down the Road."

34. Tara Cullis, President of the David Suzuki Foundation, personal communication, May 4, 2011.

35. "Athlii Gwaii 25 Years Down the Road."

36. Richardson, personal communication, 2011.

37. Anonymous non-Haida Lyell Island activist/environmentalist, personal communication, 2011.

38. Anonymous non-Haida Lyell Island activist/environmentalist, personal communication, 2011.

39. Guujaaw, President of the Council of the Haida Nation, "Athlii Gwaii 25 Years Down the Road."

40. Richardson, personal communication, 2011.

41. McGillivray, *Geography of British Columbia: People and Landscapes in Transition*, 84.

42. Pynn, "Lyell Island: 25 Years Later", 2. Feasts were held by the Haida in Queen Charlotte City to help to mitigate these divisions

43. Anonymous Haida community leader, personal communication, 2011.

44. Anonymous non-Haida Lyell Island activist/environmentalist, personal communication, 2011.

45. Guujaaw, president of the Council of the Haida Nation, speaking in: Jeff Bear and Marianne Jones, *Athlii Gwaii: The Line at Lyell*, videorecording, Ravens and Eagles Series, Vancouver: Urban Rez Productions.

46. Bill Reid, Haida artist, quoted in Chaseten Remillard, "Framing Reid: Agency, Discourse, and the Meaning of Bill Reid's Artistic Identity and Works," *Journal of Canadian Studies* 45, no. 2, (2011): 162-81.

47. Doris Shadbolt, *Bill Reid* (Vancouver: Douglas & McIntyre, 1986), 177.

48. Anonymous Haida leader, personal communication, 2011.

49. Ibid.

50. Anonymous non-indigenous Haida Gwaii resident, personal communication, 2011.

51. Wilson, *Talk and Log*.

52. Anonymous non-indigenous Lyell Island Activist, personal communication, 2011.

53. Anonymous Haida leader, personal communication, 2011.

54. Richardson, personal communication, 2011.

55. Anonymous non-Haida Lyell Island activist/environmentalist, personal communication, 2011.
56. Anonymous non-indigenous Lyell Island activist, personal communication, 2011.
57. Anonymous Haida leader, personal communication, 2011.
58. Ibid.
59. Bear and Jones, *The Line at Lyell*.
60. Anonymous Haida Leader, personal communication, 2011.
61. *Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3 S.C.R. 511, 2004 SCC 73.
62. It should be noted, however, that the Haida's success is due at least in part to their extraordinarily strong *prima facie* claim to Section 35(1) rights. It was ruled in the *Haida* case that the Crown's duty to consult lies on a spectrum: the stronger the claim, and the more potential for adverse impact, the deeper the duty of consultation and where relevant, accommodation.
63. *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, 2004 SCC 74.
64. Paul Brackstone, "Duty to Consult with First Nations" (Victoria, BC: University of Victoria Environmental Law Centre, 2002), <http://www.elc.uvic.ca/projects/2002-03/2002-03-01.pdf>.
65. *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, 2004 SCC 74.
66. *Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3 S.C.R. 511, 2004 SCC 73.
67. Canadian Constitution [1982] 2 S.C.R. 793.
68. *Guerin v. The Queen*, [1984] 2 S.C.R. 335
69. *R. v. Sparrow*, [1990] 1 S.C.R. 1075
70. *R. v. Gladstone*, [1996] 2 S.C.R. 723 at 768; Brackstone, *Duty to Consult with First Nations*, 2002.
71. *Delgamuukw v. British Columbia*, [1997] 3 S.C.R. 1010.
72. British Columbia Treaty Commission, *A Lay Person's Guide to Delgamuukw*, Vancouver: BC Treaty Commission, 1999.
73. Brackstone, *Duty to Consult*, 2.
74. *Halfway River First Nation v. B.C. (Ministry of Forests)*, (1999) 178 D.L.R. (4th) 666 (BCCA) at 691, aff'g *Halfway River First Nation v. British Columbia (Ministry of Forests)*, (1997), 39 B.C.L.R. (3d) 227 (SC) ("Halfway SC"); Brackstone, *Duty to Consult*, 2.
75. Cullis, personal communication, 2011.
76. Anonymous non-indigenous Lyell Island activist, personal communication, 2011.
77. Cullis, personal communication, 2011.
78. Pynn, "Lyell Island: 25 Years Later", 1.
79. Anonymous Haida Leader, personal communication, 2011.

