

A Request of the BC Legal Community: Call for Donations to the Unist'ot'en Legal Fund

January 2020

Dear fellow lawyers, legal advocates, and other members of the legal community,

We are writing to ask that you join us in making an immediate donation to the [Unist'ot'en Legal Fund](#). Each lawyer at Pivot Legal Society has committed to donating between \$50 - \$100 by Friday, January 24 and we invite you to do the same, or to give more if you have the means to do so.

We direct this request specifically at our peers – settlers who are members of the legal profession. We recognize that this is a complex issue within Indigenous communities and that there is no unified perspective. Nonetheless, for the reasons that follow, we support Unist'ot'en, along with the other hereditary clans and house groups existing under traditional Wet'suwet'en governance, and we ask that you do the same.

We recognize there are many causes competing for your time and dollars, but the circumstances unfolding on the territory of the Wet'suwet'en Nation implicate us all. As members of the legal profession, we directly benefit from a colonial legal system. Even those of us who are deeply committed to pro bono work and who consider ourselves “social justice lawyers” are embedded in the very legal order that was founded on denying Indigenous peoples their lands and personhood – the same legal order that continues to be used to seize Indigenous children, occupy Indigenous lands, and undermine Indigenous law and sovereignty today. Any “ethical lawyering” in the region now known as “British Columbia” must recognize and actively engage in this tension: we profit through colonial law on unceded lands.

It is in this context that we call on our colleagues to support the Unist'ot'en Legal Fund. As their [resources on solidarity](#) request, we do this not as an act of guilt “but rather out of a genuine interest in challenging the larger oppressive power [structures](#).” We also do this because “[a]s people within communities that maintain and benefit from colonization, we are intimately positioned to do this [work](#).”

The Wet'suwet'en Nation remains on the frontlines of an unfolding battle over Indigenous sovereignty, resource development, and the meaning of reconciliation. The Unist'ot'en are affiliated with one of thirteen hereditary house groups under five clans within the [Wet'suwet'en Nation](#), which is located in what is now known as northern British Columbia. Corporate and government justifications for the use of violent force against land defenders are predicated on divide and conquer tactics as old as colonialism itself: pitting leadership that derives its authority from imposed colonial law against Indigenous systems of governance that derive their authority from Indigenous law.

This is not a new fight. The [Delgamuukw case](#) was a momentous case brought in the 1990s, stewarded by Wet'suwet'en and Gitksan Hereditary Chiefs. In *Delgamuukw* the Supreme Court of Canada confirmed that Aboriginal title exists in Canada and those rights were never extinguished for the Wet'suwet'en. Furthermore, the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP) was recently recognized in [B.C. colonial law](#). UNDRIP requires free, prior, and informed consent for any project affecting Indigenous peoples' lands, something the Wet'suwet'en, through their system of governance and pursuant to their law, have never provided.

Despite these legal realities, Coastal Gaslink has been granted an injunction for the forceful removal of Wet'suwet'en people from their traditional territories. We anticipate a *second* militarized raid on these unceded lands in the near future. Based on our own work on police accountability, we are deeply concerned about the potential police

misconduct and brutality if and when this occurs. A 2019 Guardian investigation by Jaskiran Dhillon and Will Parrish revealed that officers were prepared to use [lethal force](#) during their raids last year.

As the Unist'ot'en have noted, they are "facing mounting legal fees" as they strive to protect their territory: "To date, more than \$400K has been spent on the injunction proceedings and a related Judicial Review. Funds are needed for upcoming legal costs to see the Judicial Review to completion and advance other legal challenges."

Defending Aboriginal rights including title is extremely expensive - the ability of Indigenous peoples to adequately represent themselves within the colonial legal system has significant implications not just for the people of Unist'ot'en, but through legal precedent, for the rights of Indigenous peoples across what is now known as Canada. Legal funds may also be used to assist land defenders in obtaining bail and fighting civil and criminal charges.

This call for donations mirrors our commitment to supporting the traditional governance structure of the Wet'suwet'en Nation and recognizing that Wet'suwet'en Hereditary Chiefs have maintained use and occupancy of their lands and hereditary governance system. We support Unist'ot'en and affirm Hereditary Chiefs' jurisdiction and their inherent right to both give and refuse consent on their territory.

If you wish to donate there are specific platforms that have been sanctioned by the hereditary leadership (which can be found below). The Unist'ot'en Legal Fund is currently the best way for settler legal professionals to contribute to the Wet'suwet'en peoples legal defense specifically.

Please join us in supporting the Wet'suwet'en people.

Sincerely,

Pivot Legal Society

Other ways to show support:

Please visit the following websites to find out how to provide other support including: sending supplies, drafting a solidarity statement, organizing a fundraiser, and general donations:

- [Unist'ot'en](#)
- [Gidimt'en](#)
- [Likht'samisyu](#)

Further Reading on Indigenous and Wet'suwet'en Law

(source: <http://unistoten.camp/supportertoolkit2020/>)

- The Unist'ot'en stand-off: How Canada's "prove-it" mentality [undermines reconciliation](#).
- [Law is on the side of Indigenous group](#) in pipeline dispute, say legal experts.
- The Unist'ot'en Movement, Not the RCMP, Has the [Law on Its Side](#).
- [UBC Faculty of Law](#) on Canadian Law on Aboriginal and Treaty Rights.
- At the [core of the Wet'suwet'en](#) conflict: How should resource development be governed?
- Making Space for [Indigenous Law](#).
- [Video](#) explaining Wet'suwet'en governance and why the Hereditary Chiefs oppose pipelines
- Corporations don't seem to understand [Indigenous jurisdiction](#).