

**Re: Northern Road Link Project**

**Environmental Law with Professor Scott**

**25 November 2023**

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## **THE WIINDIGO NORTHERN ROAD LINK**

The proposed road, “The Northern Link”, is an all-season road that will connect a remote mining region to the provincial highway system.

This road and the industrial work camp, or “man camp”, that will be built once the mine is in operation, presents major risks to Indigenous women and girls whose Nations have homelands in the region.

In this comment, I will outline those risks by examining the concept of the “Wiindigo” in Anishinaabe law.

In conclusion, the proposed road is infrastructure that has a consuming energy not only on the land but the women and girls who inhabit it. The Northern Link will bring with it man camps that present as Wiindigo spirit energy consuming the health and well-being of the Anishinaabe women and girls who live there.

### **Opening Summary:**

Extractive industries often introduce young, male and temporary workers who come from outside the region, outside the community.<sup>1</sup> This context manifests as “man camps” being set up. These camps pose human security threats to vulnerable women in the region.<sup>2</sup> The United Nations has identified these outside workers lead to an increase in sexual violence.<sup>3</sup> Crime rates against women escalate.<sup>4</sup> Women in such regions have voiced that they feel less secure and

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<sup>1</sup> Digging for Rights: How Can International Human Rights Law Better Protect Indigenous Women from Extractive Industries? Sarah Morales. Canadian Journal of Women and the Law, Volume 31, Number 1, 2019, pp. 58-89 (Article) Published by University of Toronto Press

<sup>2</sup> Digging for Rights

<sup>3</sup> Digging for Rights

<sup>4</sup> Digging for Rights

vulnerable to violence and intimidation.<sup>5</sup> Evidence shows an increase in sexual exploitation and human trafficking following the installation of such man camps.<sup>6</sup> In Canada, evidence shows dramatic increases in Royal Canadian Mounted Police (RCMP) responses to violence following mine camp openings.<sup>7</sup> This leads to a broad array of negative health impacts on communities affected such as sexually transmitted diseases and developmental delays in children.

In an area such as the Ring of Fire, in the homelands of many Indigenous nations, women, the “Rights to Health and Physical Well-being” of Indigenous peoples spelled out in the United Nations Declaration on the Rights of Indigenous Peoples is ideally paramount.<sup>8</sup> However, in similar circumstances involving extractive industries and man camps, UNDRIP is not working to decrease the amount of unhealthy and harmful effects levied against Indigenous women by corporate and government actors.<sup>9</sup> In the case of the Ring of Fire, the land is being turned over to a mining company. The notion of corporate and government actors as a Wiindigo is a well-known in Cree and Anishinabek law.. Furthermore, scholars have already identified that infrastructure is a method that corporate and government actors use to extend their reach and insatiable nature into Indigenous territories.<sup>10</sup> These are the territories of Indigenous Anishinaabe women. When Wiindigo Legal Principles are discussed from an Anishinaabe and Cree way of knowing, the Wiindigo is known for its tendency to commit unspeakable acts<sup>11</sup>. One unspeakable theme of the Wiindigo is sexual violence and victimizing the vulnerable<sup>12</sup>. The infrastructure of a man camp may be a Wiindigo itself, bringing with it individual Wiindigos, and unleashing cumulative harms on the communities to be impacted.

### **Obligations not met:**

As Sarah Morales, Indigenous law scholar at the University of Victoria, has argued:

“Both Canada and the United States have highly developed legal and regulatory systems; however, community members still face these types of security concerns when extractive projects open. Because business practices affect almost all human rights, including the right to a clean environment, personal security, and community security, government and corporate actors have an obligation to observe and respond to the impacts of development activities within a community. Without strict attention and adherence to international human rights standards, development projects can lead to violence and conflict.

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<sup>5</sup> Digging for Rights

<sup>6</sup> Digging for Rights

<sup>7</sup> Digging for Rights: How Can International Human Rights Law Better Protect Indigenous Women from Extractive Industries? Sarah Morales. *Canadian Journal of Women and the Law*, Volume 31, Number 1, 2019, pp. 58-89 (Article) Published by University of Toronto Press

<sup>8</sup> United Nations Declaration on the Rights of Indigenous Peoples, GA Res 295, UNGAOR, 61st Sess, UN Doc A/RES/61/295 (2007), art 18 [UNDRIP]

<sup>9</sup> Digging for Rights

<sup>10</sup> Beyond Wiindigo Infrastructure. Winona LaDuke and Deborah Cowen *The South Atlantic Quarterly* 119:2, April 2020 doi 10.1215/00382876-8177747 © 2020 Duke University Press

<sup>11</sup> Friedland, Hadley Louise, 2018. *The wetiko legal principles : Cree and Anishinabek responses to violence and victimization* / Hadley Louise Friedland.

<sup>12</sup> Friedland, Hadley Louise, 2018. *The wetiko legal principles : Cree and Anishinabek responses to violence and victimization* / Hadley Louise Friedland.

Oftentimes the most vulnerable or marginalized members of communities are faced with the worst of these negative impacts; therefore, it is imperative that strict attention is paid to the human rights situation of Indigenous women. However, one can see from the description above that Article 24 of the *UNDRIP* is currently not working to protect these rights.”<sup>13</sup>

In this case when the man camps are a product of decisions made by state actors that hold obligations to protect the vulnerable from violence, and those who have so little power comparatively are left to help, it amounts to an unspeakable context. An unspeakable context that is unfortunately too common against Indigenous Women and Girls.<sup>14</sup>

**The following are elements of Wiindigo Legal Principles that give rise to a likelihood of major risks posed by the Northern Road Link in the context of the mining Man Camp that will come**

**1. The Wiindigo can be a spirit that has suffered a trauma**

In situations where a Wiindigo occurs in a member already part of the community, such circumstances have been famine, happening in the context of colonial settlement, eliminating all the hunting game.<sup>15</sup> The trauma that occurs is one of starvation.”<sup>16</sup>

People need stability. People need relationships. Man camps introduce the community to a gathering of men from away: away from their homes, away from their communities and close relations.<sup>17</sup> Morales cites man camps as having the common factor of young isolated men comprising “binge alcohol and drug use”, away from “parental supervision”. These “resource sector workers”, “often male”, have “high disposable incomes” and are “experiencing social isolation in camps.”<sup>18</sup> It is possible the social isolation may present as a trauma to these men, making the emergence of Wiindigo spirit more likely and harmful. However this line of thinking should be taken with great caution as it opens the door for arguments of “himpathy” which is disproportionate sympathy shown towards male perpetrators of sexual violence and other misogynistic behaviour.<sup>19</sup> Wiindigo spirits feed on himpathy and other misogyny.

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<sup>13</sup> Digging for Rights: How Can International Human Rights Law Better Protect Indigenous Women from Extractive Industries? Sarah Morales. Canadian Journal of Women and the Law, Volume 31, Number 1, 2019, pp. 58-89 (Article)

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<sup>14</sup> Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Volume 1: [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf). Nienaber, G., (2013).

<sup>15</sup> The wetiko legal principles : Cree and Anishinabek responses to violence and victimization / Hadley Louise Friedland.

<sup>16</sup> The wetiko legal principles : Cree and Anishinabek responses to violence and victimization / Hadley Louise Friedland.

<sup>17</sup> Digging for Rights

<sup>18</sup> Digging for Rights

<sup>19</sup> Manne K. (2019). *Down girl: The logic of misogyny*. Oxford University Press.

## 2. The Windigo and preys on the vulnerable

“The overall principle is ensuring group safety and protection of the vulnerable.”<sup>22</sup>

Wiindigos have been known to use their powers to intimidate and force victims into a vulnerable position, in addition to their nature to already prey on the vulnerable.<sup>23</sup> In exactly none of the Wiindigo stories, is the Wiindigo “allowed to endlessly prey on the vulnerable.”<sup>24</sup> It is expected that those who can protect the vulnerable do so.<sup>25</sup> This comment aims to do just that through advocacy.

“The most consistent principle about legal obligations is that there is an obligation to help when possible and to protect the vulnerable from a Wiindigo. This responsibility is linked to the ability of the person in question. Where there is no ability to help or stop a Wiindigo, there is no expectation to do so. However, those who are able to protect others are expected to do so.”<sup>26</sup>

## 3. The Wiindigo commits unspeakable violence

The Wiindigo is a legal concept, subject to change slightly overtime, like a living tree.<sup>27</sup> The sex offence of luring a child from the internet did not exist 50 years ago, however the concept of a sex offender did.<sup>28</sup>

“Williston, North Dakota, is one contemporary example. When the oil fields opened, hundreds of mostly male workers flocked to the town and were housed in makeshift camps. Within 2 years of the oil fields opening, the overall crime rates increased by 7.2 per cent and included large numbers of “forcible rape[s] . . . prostitution, and ‘other’ sexual offenses.”<sup>29</sup>

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<sup>22</sup> The wetiko legal principles : Cree and Anishinabek responses to violence and victimization / Hadley Louise Friedland.

<sup>23</sup> Friedland, Hadley Louise, 2018. The wetiko legal principles : Cree and Anishinabek responses to violence and victimization / Hadley Louise Friedland.

<sup>24</sup> Friedland, Hadley Louise, 2018. The wetiko legal principles : Cree and Anishinabek responses to violence and victimization / Hadley Louise Friedland.

<sup>25</sup> Friedland, Hadley Louise, 2018. The wetiko legal principles : Cree and Anishinabek responses to violence and victimization / Hadley Louise Friedland.

<sup>26</sup> Friedland, Hadley Louise, 2018. The wetiko legal principles : Cree and Anishinabek responses to violence and victimization / Hadley Louise Friedland.

<sup>27</sup> Friedland, Hadley Louise, 2018. The wetiko legal principles : Cree and Anishinabek responses to violence and victimization / Hadley Louise Friedland.

<sup>28</sup> Friedland, Hadley Louise, 2018. The wetiko legal principles : Cree and Anishinabek responses to violence and victimization / Hadley Louise Friedland.

<sup>29</sup> Digging for Rights: How Can International Human Rights Law Better Protect Indigenous Women from Extractive Industries? Sarah Morales. Canadian Journal of Women and the Law, Volume 31, Number 1, 2019, pp. 58-89 (Article)

“Anaya, “Statement on Sexual Health” reported that Indigenous women living in communities near oil, gas, and mining operations are vulnerable to sexually transmitted diseases, including HIV/AIDS, which are often introduced by the outside workers brought into the territory.”<sup>30</sup>

#### **4. The Wiindigo’s spirit is never satiated:**

Once the road is built, it will pave the justification for more mines and the Wiindigo spirit will likely want even more mines and so on. Amounting to a consummation of the territory. This kind of overwhelming destruction is echoed in an article aptly titled “You spoil everything!”<sup>31</sup>

#### **5. The Wiindigo and its distorted thinking:**

One factor may be that the actors responsible for man camp set up may not see these women as human.

#### **Conclusion:**

State actors hold obligations to protect the vulnerable from violence. The infrastructure of a man camp allows for such violence and brings with it individual Wiindigos, unleashing cumulative harms on the communities to be impacted.

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<sup>30</sup> Digging for Rights: How Can International Human Rights Law Better Protect Indigenous Women from Extractive Industries? Sarah Morales. Canadian Journal of Women and the Law, Volume 31, Number 1, 2019, pp. 58-89 (Article)

<sup>31</sup> “You spoil everything!” Indigenous peoples and the consequences of industrial development in British Columbia. Environment, Development and Sustainability, 13(4), 685– 702.