

Decolonising Water— Decolonising Personhood— Decolonising Knowledge: A Tlingit and Tagish perspective

Eleanor Hayman (Carcross/Tagish First Nation, Carcross, Yukon Territory, Canada). In collaboration with Colleen James / Gooch Tláa (Dakl'aweidí Clan of the Wolf moiety) and Mark Wedge / Aan Gooshú (Deisheetaan Clan of the Crow moiety, both Carcross/Tagish First Nation, Yukon Territory, Canada)¹

“When our ancient people talked about water, what the Western world calls H₂O, they would say *Haa daséigu a too yéi yatee*: Our Life is in the water ... Our

A different version of this article is published online as chapter 6 in Dr. Eleanor Hayman's PhD thesis “Héen Aawashaayi Shaawat/ Marrying the Water: The Tlingit, the Tagish, and the Making of Place” on the dissertation platform of the LMU Munich: https://edoc.ub.uni-muenchen.de/22368/1/Hayman_Eleanor_R.pdf.

breath is in the water” (Coastal Tlingit Elder David Katzeek/Kingeisti, Per.Comm. 2013).

“There are other entities in the world that we think of as animate such as the mountains and glaciers. Yet the Tlingit thought of these two peoples with intelligence and with moral values [...] they [the people of the trees] had wars with us, they threatened us, they gave their lives to us. The Tlingit people did not think they were resources to be managed.” (Coastal Tlingit Elder Elaine Abraham, presentation at the Traditional and Scientific Ecological Knowledge in the Pacific Coastal Temperate Rainforest conference, University of Alaska Southeast, 19 April 2012)

“Modern knowledge and modern law represent the most accomplished manifestations of abyssal thinking” (De Sousa Santos 2007, 46).

“First, the understanding of the world by far exceeds the Western understanding of the world. Second, there is no global social justice without global cognitive justice. Third, the emancipatory transformations in the world may follow grammars and scripts other than those developed by Western-centric critical theory, and such diversity should be valorized” (De Sousa Santos 2015, viii)

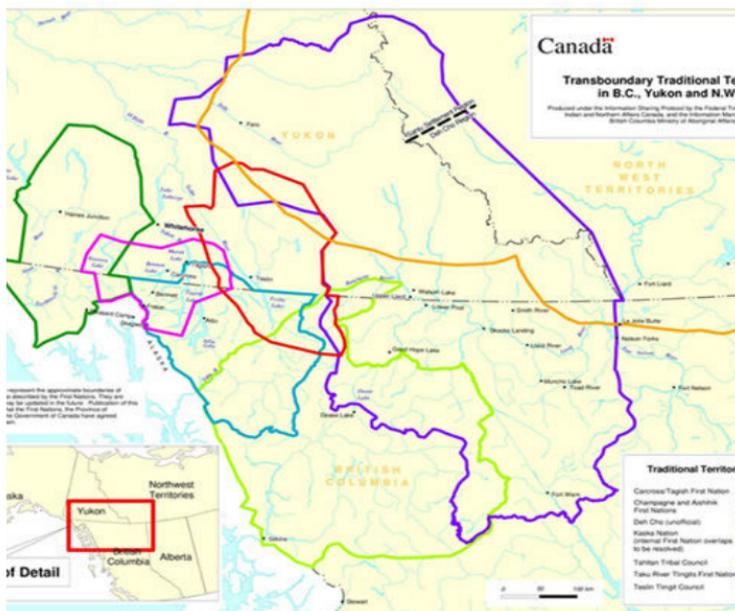
Introduction

This article explores notions of decolonising personhood and decolonising water, and aims to expand the

tenets of decolonising knowledge. Drawing on current collaborative water research with the inland Tlingit and Tagish peoples of the circumpolar north, Carcross/Tagish First Nation (CTFN) community consultants Colleen James and Mark Wedge, together we evaluate what decolonising strategies might mean within a CTFN context through the evolution of water legislation rooted within a Tlingit and Tagish worldview. This resonates globally with the powerful and evolving “Rights of Nature” international legislative discourse(s) as well as the evolution of the global “Water Ethics” charter.

CTFN is one of eleven self-governing First Nations in the Yukon Territory, Canada, whose traditional territory embraces the headwaters and Southern Yukon Lakes of the 3,000 km Yukon River. By signing the Final Agreement with the Yukon and Canadian Governments in October 2005, CTFN is legally responsible for lands, resources, governance and programs for over 1,000 citizens within its traditional territory. Furthermore, by formally re-establishing the traditional Tlingit system of governance through the Wolf and Crow moiety structure, CTFN’s nuanced self-determination project challenges modern Western-styled systems of governance, adding a significant voice to decolonial theory and practice by developing the first Indigenous water legislation in the region. This water legislation will be rooted in a Tlingit and Tagish philosophy, evolved from traditional oral histories, toponyms and cultural practices. To date

a Tlingit and Tagish water declaration, and four first-of-its-kind counter-maps have been produced, providing baselines for legal discussions, and cultural revitalisation.

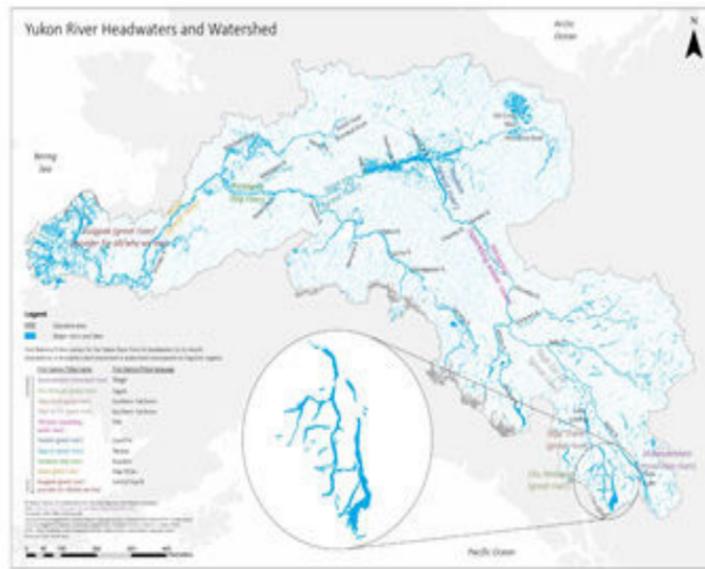


Location of CTFNs traditional territory straddling the Yukon Territory and British Columbia border

© Yukon Government, Canada

While the Tlingit legislative model and forthcoming water legislation may very well set a precedent in contemporary Canadian legal history, there are grave concerns that to be fully functional and operational, this Indigenous Water Act must work seamlessly within a Western systemic worldview coupled with its neo-liberal rhetoric.

ric that emphasises the “individual”, “ownership” and “resources” that need to be “managed”. Former Chief Judge of the Territorial Court of the Yukon, Barry Stuart, made these concerns very clear in a discussion with the CTFN government at the CTFN government offices in Carcross, Yukon Territory, in September 2014, where he recognised that First Nations often fall into the trap of utilising Western-styled legal rhetoric to have their voices heard.



Counter-map of the Yukon River Watershed including enlarged map of the headwaters (First Nations and Tribes' place names for the Yukon River)

© Eleanor Hayman¹

Ecological Epistemic (In)Justice

These discussions and concerns are not new. Scholars of postcolonial, feminist, Indigenous and border thinking theories, from Western academic institutions to First Nation and Tribal community governments, are aware of these issues and have been highlighting the bias and privilege afforded to Western-styled thinking, rhetoric, and value-systems for some time (Said 1978; Code 1995, 2006; Smith 1999; Mignolo 2001, 2013; Mignolo and Escobar 2007, 2010; De Sousa Santos 2007; Bennett 2007). All are united in their commitment to de-centring, de-stabilising and de-familiarising the mono-culture of knowledge. Various terms have been employed to profile this strategy. From “cognitive justice” (De Sousa Santos 2007) to a “knowledge democracy” (Global Assembly for Knowledge Democracy 2017), to a “pluriversality” (Mignolo 2007). In fact, in the last ten years there has been a concerted effort to appreciate and legally recognise non-European forms of knowledge(s), driven by the publication of Western scientific papers that focus on environmental “tipping points” or “thresholds”, now known as “planetary boundaries”, that all implicitly or explicitly link (mainly Anglo-American) human behavioural patterns with various forms of “ecocide”. Specifically in this article we focus on “aquacide”. We relate this to Indigenous legal scholar Boaventura de Sousa Santos’ term “epistemicide” which

he describes as a “predatory discourse” which silences and swallows up other forms of knowledge (De Sousa Santos 2007, 46).

International institutions such as the United Nations (UN), the World Water Forum (WWF), and a plethora of Non-Governmental Organisations (NGO) since the latter end of the 20th century have been engaged with not only general water-related issues in an attempt to meet millennium development and sustainability goals (Garrik et al. 2017), but are now coupling water stress with gender discrimination, poverty, livelihoods, and human rights. The last decade has seen water issues enjoy and benefit from an emerging theoretical and activist legal revision of the way nature is perceived at the constitutional level. The “Rights of Nature”, or “Earth Jurisprudence” movement gives recognition and legal standing to ancient wisdom, Indigenous knowledges and ontologies. In August 2016, the United Nations resolution on “Harmony with Nature” attempted to align human-governance systems with an earth-centered perspective to inspire and achieve UN sustainable development goals with the report titled *Harmony with Nature* (UN General Assembly 2016).

Critical for the relevance, timing and application of this article is the United Nations General Assembly’s unanimous resolution that determined 2018-2028 is the “Decade for Action on Water for Sustainable Devel-

opment". This article contributes to conversations not only concerning the UN water decade, but also the Canadian project to explore water governance within First Nations' customary law which will run from 2018-2026. Following the Truth and Reconciliation Commission's final report on the genocide inflicted on First Peoples in Canada (2016), the attention paid to Indigenous customary laws and practices is increasingly sensitised. To complement these subtle changes in international legislation, the International Labour Organization's Indigenous and Tribal Peoples' Convention (ILO convention Number 169, 1989) has been ratified by 22 countries and is the most important element of international law protecting Indigenous peoples' rights (SIWI 2017). The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP 2007) is a development of the ILO convention and like the ILO is a comprehensive treatise on the rights of Indigenous people, including the rights to their lands and waters. UNDRIP was endorsed by the Canadian government in May 2016 and has sought to align federal policy with the legal and normative implications of UNDRIP's content. UNDRIP is highly relevant for the future of Canadian water practically, ethically, and epistemically, especially as First Nations in Canada face increasing water insecurity (Askew et al. 2017, 14).

However, one characteristic and still dominant feature of the mono-cultural imaginary is the narrow anthropocentric definition of nature's value embedded in many

approaches to environmental protection and conservation, particularly the ecosystem service model. This so-called “neo-liberalisation of nature”, or treatment of nature as a form of capital or commodity, is exemplified globally by the privatisation of water and the recent trend in carbon accounting used in the Paris Conference of the Parties or the United Nations Climate Change Conference in December 2015. This not only privileges a particular way of thinking, understanding and describing the world but even predetermines solutions and answers (Kill 2015). In contrast, a Tlingit and Tagish relationship with nature (water) is based on a fundamental reciprocal and respectful relationship. This is showcased most powerfully by oral histories and toponyms, and not simply by economic evaluations. When for example the hydro-electric dam was built in Whitehorse (Yukon Territory, Canada) to provide cheap electricity to the region, it effectively disrupted salmon spawning in the Southern Yukon Lakes. As the Tlingit and Tagish cultures have depended on this key stone species for thousands of years, not just as a food source but also for its huge cultural and spiritual significance, the decision to build the dam can be seen as a form of cultural, humanitarian, and epistemic injustice. The next section shall briefly comment on the shift in thinking about water from what we call “Tlingit waters” to colonial or “modern water(s)” (Linton 2010).

Modern Water and Its Gendered Narratives

Geographer Jamie Linton (2010) argues that over the last one hundred years water has been framed as an abstraction, resulting in the creation of a new kind of water that he calls “modern water”. Modern water is a reduction, a narrow, essentialised chemical formula—H₂O with new meanings of social and cultural access and control. This concept of modern water is further abstracted through terms such as “water footprints” and “virtual water”, which attempt to make water economically visible on the one hand, but on the other, destroy and exclude other notions of water’s meaning and value, so-called alternative water knowledges. This is characteristic of De Sousa Santos’ epistemicide—modern water exemplifies the attitude that “we can only manage what we can quantify numerically” (Kill 2015). However modern water is, in addition, an extremely complex blend of gendered and historical narratives that have been persuasive, violently or otherwise, in defining and influencing at the global level, discourses about water control, management, and governance. Water became increasingly invisible and abstracted with the technological manipulation of water and urban water infrastructure provision in Western European cities in the 19th century (Illich 1986; Linton 2010). Ecofeminist Greta Gaard (2001) makes a further link between the positions and treatment of women and the treatment of nature (water) in Western culture.

In “Environmental Orientalism’s” anthropologists Suzana Sawyer and Arum Agrawal trace how this thinking further exposes a form of labelling within the colonial imagination, which ossifies the gender/water/race nexus when they write “native topographies and peoples [were labelled] as feminine spaces to be violated, and thereby instantiated a sexual/racial hierarchy between colonizer and colonized” (Sawyer and Agrawal 2000, 72). Environmental historian Donald Worster’s concept of “imperial water” illuminates the hydrological violence (Hayman 2012; Hayman with Wedge and James 2015) imposed on pre-modern waters in the form of the Western hydrological discourse (Worster 2006, 5-17). Imperial water is intimately linked to Sawyer and Agrawal’s narrative of gendered and sexualized “virgin waters”, and highlights, through a reading of both water and gender, fractures across new lines of race, class, and ethnicity. One could describe this as hydro-orientalism (Hayman 2012). By bringing colonial waters under a Western epistemological and material control, colonial powers forced the development and diffusion of the ontology of modern water on lands and waters they “discovered” (Linton 2010). In the following sections, we illustrate the impact of modern water on the Yukon River watershed.

Decolonising personhood and the “rights of nature” discourse(s)

“Decolonisation is a process which engages with imperialism and colonialism at multiple levels. For re-

searchers, one of those levels is concerned with having a more critical understanding of the underlying assumptions, motivations and values which inform research practices” (Tuhiwai Smith 1999, 20)

At its heart decolonialism is about shifting, unsettling, and interrupting assumed, normalised patterns of usually exploitive behaviour and thinking. It directly challenges the mono-cultural imaginary, and the marginalising or silencing of alternative voices. Shifting the geography of reason works on a number of complex levels and as Latin American scholar Nelson Maldonado-Torres makes clear “decolonising knowledge necessitates shifting the geography of reason, which means opening reason beyond Eurocentric and provincial horizons, as well as producing knowledge beyond strict disciplinary impositions” (Maldonado-Torres 2011, 10 in Radcliffe 2017, 330). However, as Indigenous scholars Eve Tuck and Wayne Yang point out, decolonisation is not necessarily about taking an activist stance, although many forms of activism can be powerful (Hayman et al. 2015). For Tuck and Yang “decolonisation offers a different perspective to human and civil rights based approaches to justice, an unsettling one, rather than a complementary one” (Tuck and Yang 2012, 36). Human geographer Karsten Schulz on the other hand starts from the premise that “there is no western modernity and progress without coloniality and its exploitative relations” (Schulz 2017, 129), asking for a closer analysis of the patterns, rhetoric, and now standardised systems of power and control at local and

global scales. It is against this background that we unpack what decolonising personhood might look like for the fraught relationships between international law and the current dominant understanding of nature.

Recent political and activist action in Ecuador (2008) and Bolivia (2011) attempts to displace a constructed neo-liberal economic value of nature (water) and instil a very different notion of value. One option is the legal value of “personhood” usually attributed to humans and corporations within Western-driven assumptions of international law. By extending the moral concept of personhood to broader earth communities that include forests, rivers, mountains, and whole ecosystems, and therefore attributing rights to these “earth communities”, the “Rights of Nature” or earth jurisprudence movement(s) can be understood as a powerful decolonising strategy at both the institutional and constitutional level.

In New Zealand, having campaigned for the legal status of the Whanganui River to hold the same rights as a person since 1873, the Māori won their legal battle on March 15, 2017. The Whanganui River Claims Settlement Bill marks a unique moment in New Zealand’s legal history, not only for the Māori who claim that “I am the river, and the river is me”. Equally, Mount Taranaki (a sacred dormant volcano in New Zealand) has similarly been granted a legal personality and will remain un-

der the guardianship of eight Māori tribes (2017). From a legal perspective both the physical and metaphysical properties of the Whanganui River and Mount Taranaki are protected as a collective, integrated whole—a much expanded definition of personhood under New Zealand law. Although there is as yet nothing similar in Canada, the fundamental philosophy and premises of the way the Māori understand the world are very similar to the Tlingit and Tagish, who consider themselves “part of the land, part of the water”. On August 2, 2018 Māori Chief Jamie Tutta and five other Māori knowledge keepers were hosted on CTFNs traditional territory for a workshop precisely on these pressing themes. At the end of the workshop, the Māori, the Tlingit and the Tagish all joined together on the shores of *T’aslay Mené* which is the Tagish name for Nares Lake, for a water ceremony led by Colleen James and Mark Wedge. It is clear that decolonising water and personhood takes on many forms and works on multiple levels as Tuhiwai Smith suggests in her epitaph at the beginning of this section.

Anthropologist Erin Fitz-Henry (2014) charts shifts in consciousness about personhood within the “Rights of Nature” discourse within Ecuadorian constitutional change in 2012. However, she critically asks what kind of decolonisation is actually taking place. Fitz-Henry’s concern lies with the tension between different understandings of decolonisation. She suggests that the gap between understandings of decolonisation of Indige-

nous and radical environmentalists and others bent on an aggressive anti-neoliberalism, or what anthropologist Arturo Escobar has called “alternative modernisation” (2001), can have damaging and paralysing consequences. Earth jurisprudence allies well here with feminist and post-colonial epistemological projects by collaboratively exposing blind spots within the dominant mono-cultural imaginary, as well as the tensions between Western science and other knowledges. In *Rhetorical Spaces* (1995) for example, feminist philosopher Lorraine Code argues that feminist epistemological projects have been less concerned with advocating a “different voice” and more concerned with revealing whose voices have been muffled, marginalised, or even silenced. However, Code importantly highlights that telling the stories of the experiences that produce various knowledges “locates epistemology within the lives and projects of specifically situated, embodied and gendered knowers” (1995, 155). Taking up Code’s call to “reveal muffled voices” exposes a very different set of responsibilities when the voices are the more-than-human world. Within a Western worldview, nature is generally perceived as “an insignificant other, a homogenized, voiceless, blank state of existence” (Hall 2011, 1-3), the imaginary of which is intimately bound up with a capitalist mentality. Collaborative water research with the inland Tlingit and Tagish peoples of the circumpolar north reveals a fundamentally different understanding and epistemology of “nature”, and in particular water. Empirically grounded

water research with CTFN situates Tlingit and Tagish oral histories and oral narratives firmly within the decolonising (water) project, and suggests that shifts in dominant understandings of personhood can be accelerated by evolving and then involving Indigenous (water) legislation in global water debates.

In contrast to Western worldviews, the inland Tlingit and Tagish aqua-centric, ecological philosophy centres relationships and even kinship with a sentient nature. Many Tlingit and Tagish oral narratives speak of human marriages with all of the non-human world, for example bears, spruce trees, and fire sparks (Swanton 1909; De Laguna 2007; McClellan 2007). The idea of “marrying” in this context has the express function of gaining alternative visions of reality through the eyes of the Salmon People or the Tree People. Precise empirical scientific knowledge about various bodies of water, including human relationships with sentient glaciers, is preserved in many of these oral narratives (see also Armstrong 1998, 2009). This not only explodes narrow Western perceptions of the agency of water (in all of its forms), but more importantly challenges the narrow definition of personhood in Western legal thought.

A core concern for Western environmental philosophers engaged with the moral consideration of humans and non-humans has been the question of who gets to define “sentience” (Singer 1975; Callicott 1997). West-

ern thought is rooted in a hierarchical style of thinking based on the premise of exclusion. What is categorised as “alive” or “dead”, sentient or not, determines action in all sectors of current Western society, be it economic, political, medical or legal. Taking the lead now on debates about the nature of sentience are the academic fields of animal studies and plant neuro-biology. These have already impacted legal shifts in the definition of pain, critical for animal husbandry practices, that now is also extended to industrial fish farming. Also within Western discourse, there were moral considerations of nature; the first serious argument for non-human personhood began with legal scholar and lawyer Christopher Stone’s paper “Should Trees Have Standing: Toward Legal Rights for Natural Objects” (1972). As a highly significant contribution to environmental law, Stone generated a critical intellectual, legal, and moral dialogue for a seemingly voiceless nature within Western environmental legislation. Arguing that corporations have legal rights, so why not nature (trees), Stone advocated a reconsideration of personhood within the context of justice for future generations of humans, paving the way for earth jurisprudence discourses where nature has agency, and corresponding legal rights.

Within the rhetoric of Indigenous challenges to Western legal thought there is often little or no common ground. The Western legal concept of “rights” is contested on a number of levels. James F. Weiner, for example, is worth

quoting at length, as his analysis highlights the problematic “rights” issues (Western notions of individuality) with far older “respect and reciprocity” issues (Tlingit and Tagish notions of “law”):

I suggest we also see evidence for the attributing of specifically Western forms of subjectivity, individuality and autonomy not just to indigenous persons but to the entire domain of contemporary indigenous action, intention, deliberation and production, forms which may very well be in marked contrast to the pre-Western manner in which indigenous people revealed aspects of the world to themselves. Even as anthropological involvement with indigenous people is becoming more and more linked to global political movements for indigenous rights—that is, as the notion of the Western legal persona increasingly underwrites the global political discourse of indigenous autonomy and survival—politicians and legalists seem to assess the task of describing non-Western forms of personhood, intention and subjectivity as less important than contriving arguments in support of such global legislation. (Weiner 2008, 80)

As Weiner highlights, Western forms of individuality and autonomy are bound up in the notion of a Western conception of rights, something that is contested by CTFN community consultants Mark Wedge and Colleen James. Equally, Indigenous scholars and lawyers Virginia Marshall (*Wiradjuri Nyemba*) and Aimee Craft (*Anishinabee*)

advocate powerful decolonising positions regarding First People's conceptualisations and valuing of water, the intersections with Indigenous customary law and practice, and settler state epistemic violence. Marshall (2015) and Craft (2014) focus on Australian and Canadian colonial water models respectively, revealing through their work the inherent social and ecological injustices of settler colonialism through superimposed legal frameworks that marginalise or even silence First People's ancestral water rights and heritage. Based in an entirely different First Peoples' ontology perspective and relationships with water and water bodies in both Australia and Canada, they reveal that Indigenous water rights and heritage are not yet conceptualised within Western water governance strategies or water management models. Craft's collaborative research in understanding *Anishinaabe nibi inaaonigewin* (water law) is particularly concerned with the use of the word "rights" that prompts alternative wording in the Anishinaabe water report². This report echoes a Tlingit and Tagish cosmology where respect, responsibility, and reciprocity are key words that reflect a very different approach and understanding of water within a far older conception of Indigenous water legislation embedded in traditional oral histories, and respectful relationships.

In the circumpolar north, there is no attempt as yet to put any sort of earth jurisprudence into action at the Western governmental level. However, many Indige-

nous governance systems, as illustrated, have always recognised nature as sentient. Remarkably, CTFN may well be one of the first Yukon, even Canadian, First Nations to challenge Western notions of personhood. Alternative visions of moral consideration for the non-human are for example both implicit and explicit in the evolution of the forthcoming CTFN Water Act. The concept of “perspectivism” is useful to introduce at this point to illustrate these alternative visions of moral consideration. The anthropologist Viveiros de Castro’s perspectivism and multinaturalism has been picked up by anthropologists such as Philippe Descola (2013), Descola and Bruno Latour (2013) and Julie Cruikshank (2012), and we too use it to better showcase the Tlingit and Tagish ontology and relationship with water within a wider Indigenous context. Indigenous perspectivism aims to dissolve or go beyond the dichotomies of nature and culture. Eduardo Viveiros de Castro’s definition of perspectivism is worth quoting at length. Perspectivism is

the conception according to which the universe is inhabited by different sorts of persons, human and nonhuman, which apprehend reality from distinct points of view. This conception was shown to be associated to some others, namely:

- 1) The original common condition of both humans and animals is not animality, but rather humanity;
- 2) Many animal species, as well as other types of ‘nonhuman’ beings, have a spiritual component

which qualifies them as ‘people’; furthermore, these beings see themselves as humans in appearance and in culture, while seeing humans as animals or as spirits;

3) The visible body of animals is an appearance that hides this anthropomorphic invisible ‘essence’, and that can be put on and taken off as a dress or garment;

4) Interspecific metamorphosis is a fact of ‘nature’.

5) Lastly, the notion of animality as a unified domain, globally opposed to that of humanity, seems to be absent from Amerindian cosmologies. (Viveiros de Castro 2015, 229-230).

Perspectivism is a good concept to employ within this water research. It works on an ontologically plural level without privileging one ontology. Western science and philosophy have extraordinary merits, but so too do the Tlingit and Tagish cultures. Perspectivism is about acknowledging worlds, and not worldviews, but it also supports the sort of shapeshifting understanding connected with water so often articulated in Tlingit and Tagish oral narratives. A Tlingit ontology for example acknowledges four ways that refer to “spirit”. According to coastal Tlingit Elders, one of them *Yakgwahéiyagu*, is “the living spirit inside of all things (human, nonhuman, inanimate) that senses and feels the world around them” (Katzeek in Twitchell 2017). The title of geographer Eleanor Hayman’s PhD thesis (2018) “Marrying the Water” honours these ideas of perspectivism within the Tlingit ontolo-

gy. In many Tlingit and Tagish oral narratives, humans shapeshift into other animals as much as animals disguise themselves as humans. What occurs frequently in these narratives is that humans marry bears, spruce trees and fire sparks. This is so that humans through “marriage” might have the opportunity to experience and understand other worlds. These marriages are grounded in listening, sensitivity, and place-based pedagogy (see Hayman, James, Wedge & Katzeek, 2017). Something very different to the forms of epistemic violence often experienced today. The metaphor of marriage works powerfully within a decolonial context, appealing to the storytelling imaginary which opens up spaces to reimagine who gets to define “rights”, and within which contexts. The next section looks closely at hydrological violence within a decolonial context in the Yukon Territory.

Hydrological Violence

The inland Tlingit and Tagish citizens of Carcross/Tagish First Nation live, trap and hunt on, in, and among the Southern Yukon Lakes—the headwaters of the Yukon River. The colonisation of these waters has taken many forms over the last century, something that we call “hydrological violence” (Hayman, James and Wedge, 2017). This hydrological colonisation is revealed through a variety of geographical contexts and aquatic discourses. These include the superimposition of Euro-American place names denoting male military and

academic figures on ancient Tlingit and Tagish place names, over 75 % of which are water related and containing precise hydrological and cultural knowledge (see Hayman, James and Wedge 2015, 2017, 2018.) For example Bennett Lake is *Shaanakbeeni* (waters that come from the mountains) in Tlingit. It was renamed in 1883 by Frederick Schwatka, US Army officer and explorer, after James Gordon Bennett Jr. (1841–1918) sponsor of Schwatka’s Franklin search expedition and editor of the *New York Herald*. Equally Nares Mountain is *Watsix Shaayi* (Caribou Mountain) in Tlingit, but was renamed after Admiral Sir George Nares, British naval officer and Arctic explorer (1831–1915). The river and lake at the base of the mountain are also named after Admiral Nares.

As previously mentioned, the most damaging to the Tlingit and Tagish salmon culture has been the hydro-electric driven damming of the Yukon River just south of the capital Whitehorse, which prevents salmon from returning to the Southern Lakes to spawn³. Secondly the local energy provider Yukon Energy is proposing to artificially keep the level of Southern Yukon Lakes (CTFNs traditional territory) raised during the autumn to provide extra hydro-electricity for the winter months. However environmental impact assessments have predicted further disruptions of local ecologies such as the muskrat and frog, and increased bank erosion for First Nation graveyards and homes. Lastly, in the relentless

quest for energy sovereignty that “strategically” trumps all other considerations, there is increasing pressure from the Canadian government to frack for liquid natural gas within CTFNs traditional territory. All aspects of this hydrological violence have been and continue to be accomplished by framing water as an abstraction, as discussed earlier. This rhetoric of Western-idealised water management approaches has effectively silenced “Tlingit and Tagish” understandings of water.

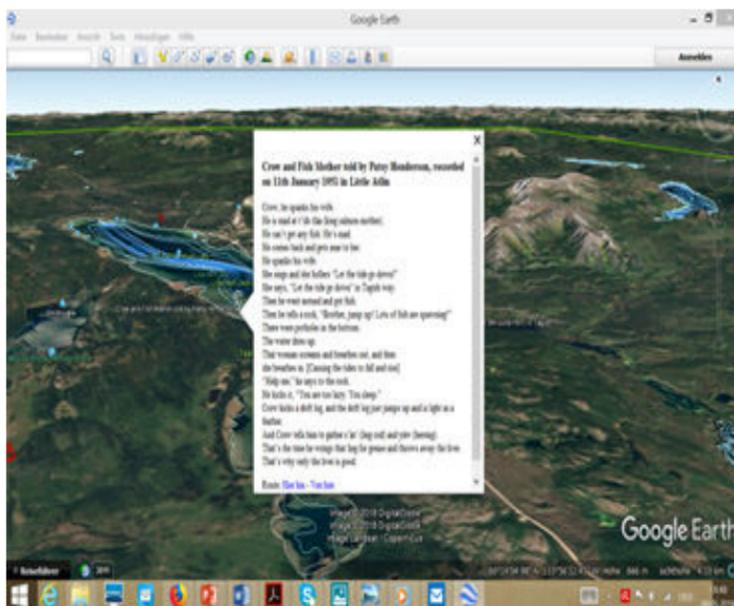
Resistance to such colonial philosophy and systems of law that allow hydrological violence⁴ on this scale is part of the decolonising research these authors are undertaking through the evolution of CTFN water legislation. By opening up new, fertile, and living legislative spaces, Tlingit customary laws have the potential, and hopefully serious opportunity, to occupy these spaces and flip the script of dominant legislative and water imaginaries. As has already been suggested, modern environmental laws with the philosophical basis that nature (water) is only valued as servile, as capital (wealth), and resource to be controlled, bought, and sold as object and property, is highly destructive for long-term planetary health and indeed the survival of not just the human species, but many life-forms. In the so called 6th mass extinction, creating opportunities and spaces for a multi-species future is critical for planetary (water) health. Therefore connecting Tlingit and Tagish principles and relationships with the more-than-human world within water

legislation shifts dominant water imaginaries and supports a ‘new’ (re-*newed* in Indigenous terms) global water consciousness.

Practically, decolonial shifting of water imaginaries is being achieved through participatory action research with the CTFN community with various endeavours such as counter-mapping or re-mapping projects that focus on re-membling and revitalising Tlingit and Tagish place-names, for example the toponym counter map “*Haa saaxú, haa latseení* (our names, our strength)” below. Applications to the Yukon Geographical Place Name Board for Tlingit and Tagish toponym recognition are currently pending, whilst the formulation of a Tlingit and Tagish Water Declaration rooted in Tlingit and Tagish oral histories and traditional oral narratives is evolving. Finally, a Water Sampling Initiative (Hayman with Wedge and James 2017) of the Southern Yukon Lakes puts CTFN hydrological baselines into conversation with the hydrological power embedded within Tlingit and Tagish toponyms and traditional oral narratives. This has been achieved utilising a Google Earth platform, allowing for a greater democracy of water knowledges (Hayman with Wedge and James 2017).

Screenshot of the “Deep Chart” on the Google Earth platform showcasing CTFN water knowledges

© Eleanor Hayman



tic, cultural practice, and storytelling perspective, water behaves and acts as a cultural, even ethical model for CTFN. Secondly, water is both a physical and metaphorical medium that offers profound connections in an inter-generational context. Water carries the debris and DNA of past civilisations and species, as well as the seeds of future civilisations and ecologies yet to come. Ethically and legally, there is a complex range of inter-generational responsibilities. As the source of life on the planet and the element that physically connects all things with the deep past and a possible deep future, aqua-centric thinking may well prove a vital and fluid framework for imagining inclusive legislative futures. Indeed aqua-centric thinking is an empirically grounded approach that is beginning to have purchase in (Canadian) water policy circles. “Watersheds 2018” is the most recent publication by the POLIS Institute and focuses exclusively on Canadian watersheds in terms of governance, conceptual basis, and collaborative management (Brandes et al. 2018). Thinking *like* a watershed encourages holistic thought, but more importantly privileges the hydrological and biological sciences that show water as the foundational and ultimate matrix of life on this planet. As the search for water at the interplanetary scale becomes increasingly serious (the moon, Mars etc.), foregrounding policies on earth that recognise the critical significance of how all bodies are networked, symbiotically or otherwise, combats hydrological violence and supports serious forms of hydro citizenship.

Conclusion: Multifaceted Chartings—Multiepistemic Fluencies—Multiepistemic Literacies

In summary, this article showcases the evolution of Tlingit water legislation, the first of its kind in the Yukon Territory, Canada. In so doing, this water research provides arguments and builds into conversations that re-imagine the mono-cultural imaginary, whether it relates to legal notions of personhood or dominant neo-liberal perceptions of nature (water).

The evolution of CTFN water legislation can be seen as applied postcolonial theory, but must proceed with caution in light of tensions between different cultural constructions of water in addition to debates and negotiations surrounding different notions of personhood. As Canada's as well as global water consciousness is increasingly sensitised "There is also growing recognition of the need to comprehensively examine Indigenous relationships to water at a broader scale, and to address Indigenous water governance" (Askew et al. 2017, 4). However, the process and practice of the evolution of a Tlingit- and Tagish-based water law can only support the necessary movement to fundamentally transform the ways in which water (nature) is imagined. This is in itself embedded into the broader call for a decolonisation of knowledge.

Notes:

1. PDF version available online at https://www.dropbox.com/s/ja3jgclxizc2jbd/Yukon%20Water-shed_17_11_600dpi.pdf?dl=0 and http://documents.routledge-interactive.s3.amazonaws.com/9781138204294/13_Figure1_Yukon_Water-shed_18_11.pdf.
2. For further reference on Anishinaabe nibi inakonigewin see Craft 2014.
3. The broader philosophy of the practice of erecting dams has led to over 142 salmon stock extinctions in British Columbia and the Yukon combined (Slaney et al. 1996, 20)
4. The concept of hydrological violence expands and develops environmental scholar Rob Nixon's "slow violence" (2013). Hydrological violence is clarified in Hayman et al 2017.
5. https://www.dropbox.com/s/aty0262uryivafz/CTFNposter_03_02_600dpi.pdf?dl=0 and http://documents.routledge-interactive.s3.amazonaws.com/9781138204294/13_Figure2_CTFNposter_03_02_600dpi.pdf.

Works Cited

- Abraham, Elaine. 2012. *Presentation at the Traditional and Scientific Ecological Knowledge in the Pacific Coastal Temperate Rainforest conference, University of Alaska Southeast*. YouTube recording, 42:00 min. Accessed October 2, 2015. <https://www.youtube.com/watch?v=jgfH-77HvaHQ>.
- Armstrong, Jeanette. 1998. "Land Speaking." In *Speaking for the Generations: Native Writers on Writing*, edited by Simon Ortiz, 175-194. Tucson: University of Arizona Press.
- Armstrong, Jeanette. 2009. "Constructing Indigeneity: Syilk Okanagan Orality and tmix^wcentrism." PhD diss. University of Greifswald. Accessed January 3, 2017. <https://d-nb.info/1027188737/34>.
- Askew, Hannah, Corey Snelgrove, Kelsey R. Wrightson, Don Courturier, Alisa Koebel, Linda Nowlan, and Karen Bakker. 2017. "Between Law and Action: Assessing the State of Knowledge on Indigenous Law, UNDRIP, and Free, Prior and Informed Consent with Reference to Fresh Water Resources." *West Coast Environmental Law* (Decolonising Water). Accessed November 20, 2017. <https://www.wcel.org/sites/default/files/publications/betweenlawandaction-undrip-fpic-freshwater-report-wcel-ubc.pdf>.

- Bennett, Karen. 2007. "Epistemicide! The Tale of a Predatory Discourse." *The Translator: Special Issue Translation and Ideology: Encounters and Clashes* 13 (2): 151-169.
- Brandes, Oliver M. et al. 2018. Watersheds 2018: Planning for Success, New thinking for Land Use and Water Governance. *A Forum for water practitioners, watershed groups, First Nations, and other decision makers*. POLIS. Accessed June 24, 2018. <https://poliswaterproject.org/files/2018/04/Watersheds-2018-Workbook-and-Resource-Package.pdf>.
- Callicott, J. Baird. 1997. *Earth's Insights: A Multicultural Survey of Ecological Ethics from the Mediterranean Basin to the Australian Outback*. Oakland: University of California Press.
- Carcross/Tagish First Nation. 2006. *Final Agreement in Building the Future: Yukon First Nation Self-Government*. Accessed October 17, 2015. <http://www.aadnc-aandc.gc.ca/eng/1316214942825/1316215019710>.
- Craft, Aimée, with students. 2014. *Anishinaabe Nibi Inaakonigewin Report*. University of Manitoba's Centre for Human Rights Research (CHRR) and the Public Interest Law Centre (PILC). Accessed June 24, 2018. http://create-h2o.ca/pages/annual_conference/presentations/2014/ANI_Gathering_Report_-_June24.pdf

- Code, Lorraine. 1995. *Rhetorical Spaces: Essays on Gendered Locations*. New York: Routledge.
- Code, Lorraine. 2006. *Ecological Thinking: The Politics of Epistemic Location*. Oxford: Oxford University Press.
- Cruikshank, Julie. 2012. "Are glaciers 'good to think with'?" Recognising Indigenous environmental knowledge." *Anthropological Forum* 22(3): 239-250.
- de Laguna, Frederica. 1972. *Under Mount Saint Elias: The History and Culture of the Yakutat Tlingit*. *Smithsonian Contributions to Anthropology* 7. Accessed March 13, 2016. http://www.sil.si.edu/smithsoniancontributions/Anthropology/pdf_lo/SCtA-0007.2.pdf
- de Sousa Santos, Boaventura. 2007. "Beyond Abyssal Thinking: From Global Lines to Ecologies of Knowledges." *Revista Critica de Ciencias Sociais* 30 (1): 45-89.
- _____. 2015. *Epistemologies of the South: Justice Against Epistemicide*. Oxford: Routledge.
- _____. ed. 2008. *Another knowledge is possible: Beyond Northern Epistemologies*. New York City: Verso Books.
- Descola, Philippe. 2013. *Beyond Nature and Culture*. Chicago: University of Chicago Press.

- Descola, Philippe, and Bruno Latour. 2013. "Approaches to the Anthropocene: A Conversation with Philippe Descola and Bruno Latour". Peter Wall Institute for Advanced Studies. Accessed January 4, 2017. <https://www.youtube.com/watch?v=MDe-GaYkhVSo>.
- Escobar, Arturo. 2007. "Worlds and knowledges otherwise: The Latin American modernity/coloniality research program." *Cultural Studies* 21 (2-3): 179-210.
- Fitz-Henry, Erin. 2014. "Decolonising Personhood." In *Wild Law—In Practice*, edited by Michelle Maloney and Peter Burdon, 133-148. Oxford: Routledge.
- Gaard, Greta. 2001. "Women, Water, Energy: An Ecofeminist Approach." *Organisation & Environment* 14 (2): 157-172.
- Garrik, Dustin, Jim W. Hall, Andrew Dobson, et al. 2017. "Valuing Water for Sustainable Development." *Science* 358 (6366): 1003-1005.
- Global Assembly for Knowledge Democracy. 2017. *Toward an Ecology of Knowledges convention in Cartagena, Colombia*. Accessed April 5, 2018. <https://knowledge-democracy.org/>.

Hall, Matthew. 2011. *Plants as Persons: A Philosophical Botany*. New York SUNY Press.

Hayman, Eleanor. 2012. "Shaped by the imagination: Myths of water, women and purity." In *On water: Perceptions, politics, perils*, edited by Agnes Kneitz and Marc Landry, 23-33. RCC Perspectives 2012/2. Munich: Rachel Carson Center for Environment and Society. Accessed June 12, 2018. <http://www.environmentandsociety.org/perspectives/2012/2/article/shaped-imagination-myths-water-women-and-purity>.

_____. 2018. "Héen Aawashaayi Shaawat/Marrying the Water: The Tlingit, the Tagish, and the Making of Place". PhD diss. Ludwig-Maximilians-Universität. Accessed September 6, 2018. https://edoc.ub.uni-muenchen.de/22368/1/Hayman_Eleanor_R.pdf.

Hayman, Eleanor, Mark Wedge and Colleen James. 2015. "Héen Kas'él'ti X_oo (among the ragged lakes)—storytelling water, north of the future: collaborative water research with Carcross/Tagish First Nation, Yukon Territory, Canada." In *A Political Ecology of Women, Water and Global Environmental Change*, edited by Stephanie Buechler and Anne-Marie S. Hanson, 185-205. London: Routledge.

_____. 2017. "A Deep Chart: The Aquaface of Deep Mapping." *International Journal of Humanities and Arts*

Computing 11 (1): 86-108. Online Accessed September 6, 2018. <https://www.euppublishing.com/doi/abs/10.3366/ijhac.2017.0180?journalCode=ijhac>.

_____. 2017. "I yá.axch'age? (Can you hear it?) or Marrying the water: A Tlingit and Tagish approach towards an ethical relationship with water." In *Global Water Ethics*, edited by R. Ziegler and D. Groenfeldt, 217-241. Oxford: Routledge.

_____. 2004. "Future Rivers of the Anthropocene or Whose Anthropocene is it?: Decolonising the Anthropocene", in *Decolonization: Indigeneity, Education & Society* 6 (2): 77-92. Accessed September 7, 2018. <https://jps.library.utoronto.ca/index.php/des/issue/view/2004>.

Illich, Ivan. 1986. *H2O and the waters of forgetfulness*. London: Marion Boyars.

Katzeek, David. 2013. *Interview with Eleanor Hayman*. Tlingit Clan Conference, Juneau, Alaska.

Kill, Jutta. 2015. *Economic Valuation and Payment for Environmental Services: Recognizing Nature's Value or Pricing Nature's Destruction?* Heinrich Böll Stiftung, e-paper series, September 2015. Accessed October 30, 2015. https://www.boell.de/sites/default/files/e-paper_151109_e-paper_economicvaluenature_v001.pdf accessed 17 November 2017.

- Linton, Jamie. 2010. *What is Water? The History of a Modern Abstraction*. Vancouver: UBC Press.
- Maloney, Michelle, and Peter Burdon eds. 2014. *Wild Law—In Practice*. Abingdon, UK: Routledge.
- Marshall, Virginia A. 2014. “A Web of Aboriginal Water Rights: Examining the competing Aboriginal claim for water property rights and interests in Australia”. PhD diss. Macquarie Law School, Macquarie University. Accessed December 1, 2017. <https://www.researchonline.mq.edu.au/vital/access/services/Download/mq:35733/SOURCE1?view=true>.
- McClellan, Catherine. 2007. *My Old People's Stories: A Legacy for Yukon First Nations*. 3 vols., edited by Julie Cruikshank, illustrated by Catherine Kernan. *Occasional Papers in Yukon History* 5 (1-3). Whitehorse: Government of Yukon, Cultural Services Branch (reprinted in 2010).
- Mignolo, Walter. 2000. *Local Histories/Global Designs: Coloniality, Subaltern Knowledges, and Border Thinking*. Princeton: Princeton University Press.
- _____. 2007. “Delinking: The rhetoric of modernity, the logic of coloniality and the grammar of de-coloniality.” *Cultural Studies* 21 (2-3): 449-514.

_____. 2012. "Decolonizing western epistemology/
building decolonial epistemologies." In *Decolonizing
Epistemologies: Latina/o Theology and Philosophy*, edited
by Ada María Isasi-Díaz and Eduardo Mendieta, 19-
43. New York: Fordham University Press.

_____. 2013. "Yes, we can: Non-European thinkers and
philosophers." *AlJazeera*, February 19, 2013. Accessed
December 5, 2015. [http://www.aljazeera.com/
indepth/opinion/2013/02/20132672747320891.
html](http://www.aljazeera.com/indepth/opinion/2013/02/20132672747320891.html).

_____. 2018. Blog post discussion on "the pluriverse",
and the history of the concept of "pluriversality".
Accessed April 5, 2018. [http://waltermignolo.com/
on-pluriversality/](http://waltermignolo.com/on-pluriversality/).

Mignolo, Walter, and Arturo Escobar, eds. 2010. *Global-
isation and the Decolonial Option*. London Routledge.

Plant neurobiology. 2018. *The Society of Plant Signaling
and Behaviour*. Accessed June 28, 2018. [http://www.
plantbehavior.org/about-us/](http://www.plantbehavior.org/about-us/).

Radcliffe, Sarah A. 2017. "Decolonising geographical
knowledges". *Royal Geographical Society (with the In-
stitute of British Geographers)*: 329-333. [https://doi.
org/10.1111/tran.12195](https://doi.org/10.1111/tran.12195).

Said, Edward. 1978. *Orientalism*. London: Penguin Classics.

Sawyer, Susan, and Arum Agrawal. 2000. "Environmental Orientalisms." *Cultural Critique* 45: 71-108.

Schulz, Karsten. 2017. "Decolonising political ecology: ontology, technology and 'critical' enchantment." *Journal of Political Ecology* 24: 125-143.

Singer, Peter. 1975. *Animal Liberation: A New Ethics for Our Treatment of Animals*. New York: Ecco.

Slaney, T. L. et al. 1996. "Status of Anadromous Salmon and Trout in British Columbia and Yukon." *Fisheries* 21 (10): 20-35. doi: 10.1577/1548-8446(1996)021<0020:SOASAT>2.0.CO;2.

Stockholm International Water Institute. 2018. Accessed June 25, 2018. <http://www.siwi.org/>.

Stone, Christopher. 1972. "Should Trees have Standing?—Toward Legal Rights for Natural Objects." *Southern California Law Review*. 45: 450-487. Accessed January 3, 2018. http://isites.harvard.edu/fs/docs/icb.topic498371.files/Stone.Trees_Standing.pdf.

Swanton, John. R. 1909. Tlingit Myths and Texts. *Bureau of American Ethnology Bulletin* 39. Accessed June 3,

2017. <http://sacred-texts.com/nam/nw/tmt/index.htm>.

Tuck, Eve, and K. Wayne Yang. 2012. "Decolonisation is not a metaphor." *Decolonisation: Indigeneity, Education & Society* 1 (1): 1-40.

Tuhiwai Smith, Linda. 1999. *Decolonizing Methodologies: Research and Indigenous Peoples*. London: Zed Books.

Twitchell, Lance, ed. 2017. "Tlingit Dictionary." Accessed March 7, 2017. <http://tlingitlanguage.com/media/dictionary.pdf>.

United Nations. 2016. *Harmony with Nature*. Accessed June 21, 2018. <http://www.harmonywithnatureun.org/chronology/>.

United Nations. 2018. *International decade for Action on Water for Sustainable Development, 2018–2028*. Accessed June 21, 2018. <http://www.un.org/en/events/waterdecade/>.

Vivieros de Castro, Eduardo. 2015. *The Relative Native: Essays on Indigenous Conceptual Worlds*. Chicago: University of Chicago Press.

Weiner, James F. 2008. "Religion, Belief and Action: The Case of Ngarrindjeri 'Women's Business' on Hindmarsh Island, South Australia, 1994–1996." In

Decolonising Indigenous Rights, edited by Adolfo de Oliveira, 79-104. New York: Routledge.

Worster, Donald. 2006. "Water in the age of imperialism—and beyond." In *A History of Water: Volume 3: The World of Water*, edited by Terje Tvedt and Terje Oestigaard, 5-17. London: I.B. Tauris.