Journal of Integrated Studies

Article

Whose land is this? The Dakota Access Pipeline: Case Study of a Governance Paradigm in Action

Alicia Lauzon

Abstract

Governance amongst the public, private and NGO sectors does not necessarily result in a collaborative leadership when it comes to the concerns of marginalized population groups. In the case of the Dakota Access Pipeline (DAPL), the government (United States), private (oil industry) and NGOs (environmental/social justice) pose differing levels of interests related to the Indigenous Tribes affected by DAPL. In analyzing the case of DAPL, fault lines are apparent between the ability to lead and the duty to protect human and environmental rights, raising legitimate questions about governance, leadership and overall intent. Academic discourse corroborates that the neo-liberal outlook of wealth has overridden the public's need for a sustainable livelihood. Mapping out the imbalances of power in the fossil-fuel industry can shape the advocacy for co-management between Indigenous peoples and the public/private sectors that result in a more equitable living for all. Using the governance paradigm of relations among the public/private/NGO sectors, this paper examines DAPL in relation to government institutional histories, the imposition of the private sector's capitalistic outlook and the barriers in advancing human and environmental protections.

Keywords: Indigenous peoples, Dakota Access Pipeline, Governance, Equity Studies, Government, Environment

Introduction

The relationship between the United States government and the private sector continues to challenge the ideology of democracy in the eyes of the public. At times, these public-private relationships cause the citizens to question if the government really has its best interest at heart. The Dakota Access Pipeline (DAPL) is one such case in which some non-profit sector and local Indigenous communities are less than enthused about the public-private sector partnership that has evolved from this project. Namely, has the government gone beyond its traditional governance principle of democracy and its service to the public in the pursuit of profit? The "governance paradigm" is a governance concept in which several stakeholders, collaborators and partnerships play differing roles in government processes. The outcome of these partnerships is intended for the public good. The DAPL raise questions about the validity of the governance paradigm, particularly the nature of leadership in the role of governance. This paper explores the governance paradigm of the DAPL, specifically when the goals and interests of the governance paradigm come into conflict.

Prologue: The Dakota Access Pipeline

On July 25, 2016, the U.S. Army Corps of Engineers (Corps) granted permission to applicant Dakota Access, L.L.C., under Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. 408 (Section 408 permission), for a proposed crossing of Lake Oahe, a Corps project on the Missouri River, by the Dakota Access Pipeline, an approximately 1,172 mile pipeline that would connect the Bakken and Three Forks oil production areas in North Dakota to an existing crude oil market near Patoka, Illinois (Department of the Army, para. 1). The proposed crossing of Lake Oahe is approximately 0.5 miles upstream of the northern boundary of the Standing Rock Sioux Tribe's reservation (Department of the Army, para.3). Lake Oahe serves as a source of drinking water and irrigation for the Tribe. Additionally, the Tribe maintains water, hunting and fishing rights to parts of the lake that are contained within reservation boundaries.

Historical Foundation: What is Old is New Again

It is necessary to examine the pre-existing historical conditions between the Indigenous peoples and the United States government, as this will inform the governance paradigm of the DAPL. In the United States Constitution, Article I, Section 8, Clause 3 grants Congress the authority to "regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes" (U.S. DIAJ, 2017, p. 5). This latter clause is referred to as the "Indian Commerce Clause" and has been interpreted by courts as granting Congress plenary authority over Indian affairs (U.S. DIAJ, 2017, p. 5). This clause stemmed from treaty rights and trust responsibilities that were entered into between the U.S. federal government and Tribes.

> Treaties are agreements between two sovereign nations and are, along with the Constitution and Federal laws, the supreme law of the United States. Treaties were also a means by which Tribes granted to the Federal Government vast tracts of Indian land, which was used for homesteading and rights-of-way, while reserving lands for Tribes. (U.S. DIAJ, 2017, p. 5)

The U.S. Constitution serves as a legal source that contains a fiduciary responsibility by the United States for all national Tribes. An overarching feature of this legislation is the assumption of trust between the State and Tribes. This trust relationship acts as a fundamental basis for Tribal consultation practices (U.S. DIAJ, 2017, p. 5).

In effect, Tribal consultation acts as a collaboration process between Tribes and federal decision-makers. The process assumes that information will be exchanged through essential dialogue that is built upon trust, respect, and shared responsibility, as it was when the first treaties were signed. It stands to reason, that consultation would improve the quality of the federal decision-making process, and that any affected communities would benefit as a result. Although Indigenous peoples are the original peoples of North America, their lands are subject to a cross section of governmental statutes, regulations, and executive orders, such as infrastructure and extraction of natural

resources. Infrastructure projects similar to the DAPL, involve government regulated funding, permits and other types of authorization. Depending on the project, compliance may be expected under certain Acts, for example, the *Clean Water Act*. Projects that are located on or cross Federal or Indian (trust or restricted) land generally require approval from the relevant land management agency, such as the U.S. Forest Service, the Bureau of Land Management, or the Bureau of Indian Affairs (U.S. DIAJ, 2017, p. 7). However, Tribal input is faced with the following constraints: multiple federal agency jurisdictions each having its own consultation process; federal review incumbent upon the legal framework of a project; and projects influenced by private sector involvement that suppresses federal input and Tribal consultation.

> For example, The National Environmental Policy Act (NEPA) requires that prior to funding, authorizing, or implementing a given project or course of action, Federal agencies must assess the action's direct, indirect, and cumulative impacts on the environment. Implementing regulations direct Federal agencies to encourage and facilitate public involvement to the fullest extent possible in decisions that affect the quality of the environment. (U.S. DIAJ, 2017, p. 7-8)

Despite nationwide Tribal consultation, systemic government barriers still exist, specifically in infrastructure decisions. The promise of democratic dialogue is oppressed by the historical traditions of colonialism.

Tribes recognize the economic value of infrastructure projects. However, they do not want history to repeat itself whereby government projects deplete Tribal land, resources and communities, resulting in a loss of culture and their ability to survive. For example, Tribes cited such instances as the construction of dams that flooded their homes; the installation of infrastructure that destroyed resources on which the Tribe depended for hunting, fishing, and gathering; and the authorization of mining activities that degraded tribal waterways (U.S. DIAJ, 2017, p. 12). The loss of identity, culture and spirituality are all in danger of becoming obsolete because of the continued inadequacy of government decision-making processes. Further, the government's

inability to acknowledge and reconcile its oppression of Indigenous culture indicates a lack of human value. Tribes suggest that if properly utilized by the Federal government, cultural knowledge could help ensure that infrastructure projects are completed in a timely manner that avoids negative impacts on Tribal resources and treaty rights and reduces the risk of subsequent disagreement or litigation (U.S. DIAJ, 2017, p. 12).

Philosophical Foundation: For the Greater Good?

Analyzing the DAPL reveals a cozy relationship between the state and the private sector that is not necessarily in the best interest of the public good, but for self-interest and economic gains. Deconstruction of the relationship reveals public-private sector interests supersede Indigenous welfare. At a glance, the government and private sector partnership is as follows:

> The steel pipeline, developed and majority owned by Energy Transfer Partners, would connect the Bakken and Three Forks oil production areas in North Dakota to an existing crude oil terminal and pipeline terminus in Illinois. . President Trump, who once owned a stake worth between $500,000 and $1 million in Energy Transfer Partners, has sold the shares, his spokeswoman Hope Hicks said. At the time of his most recent disclosure statement in May, Trump owned $100,000 to $250,000 of stock in Phillips 66, which has a 25 percent stake in the Dakota Access project. Coincidently, Kelcy Warren, the chief executive of the pipeline company Energy Transfer Partners, has been a major contributor to the Republican Party and Trump's campaign. (Dennis & Mufson, 2016, para. 5-6).

In the case of the DAPL, democratic governance is complicated by economic and capital activity. According to Shrivastava (2015) oil-exporting countries of the world are at a particularly crucial juncture of economism and politics, since the tensions between the two core assumptions of liberal democratic theory – capitalist market relations and developmental liberalism – are heightened further in a resource-driven economy (p. 33). Stephen Gill (1998) explains, "what is emerging within state forms (state and civil society complexes), is a pattern of authority in which capital has

greater weight and representation, restraining the democratisation process that has involved centuries of struggle for representation – a development that is contested and contradictory" (p. 23). A legimate public voice expressing legitimate public interest deserves consideration if democracy is to overcome such challenging conditions. Citizen engagement of the DAPL emerges from a growing disquiet with the current practice of democracy. Sheedy (2008) finds that citizen engagement "requires governments to share in agenda-setting and to ensure that policy proposals generated jointly will be taken into account in reaching a final decision" (p. 4). Stakeholder groups should not be confused with citizenship engagement as stakeholders staunchly defend their mandated positions. Public interest groups sit somewhere between citizens and stakeholders: they take a public interest perspective and may or may not have pre-determined positions that they bring to policy discussions (Sheedy, 2008, p. 6).

Engaging members of specific populations, like those affected by the DAPL, reiterates the ideology of democracy. Consider that less than a century ago or even less in some circumstances, particular marginalized populations were given the right to vote – a fundamental civil liberty. Such historic legal hurdles echo the power of discrimination and exclusion that is still prevalent today. Marginalization and discrimination are the result of structures that perpetuate a difference in power between populations and are maintained by cultural beliefs that deem this difference in power to be fair (Sheedy, 2008, p. 14).

Robin DiAngelo (2018) argues that racial ideology in the United States legitimizes the marginalization of certain population groups and intersects with its ideological systems. The system of racism begins with ideology, which refers to the big ideas that are reinforced throughout society (DiAngelo, 2018, p. 21). Education, politics, social media and community networks have a powerful ability to reinforce these ideas. Ideologies give society a frame of reference in which people are expected to align themselves with the dominant norms or face such consequences as marginalization. If this internalized hard-wiring is rejected by some population groups, then success for them is hard to come by. Examples of ideology in the United States include individualism, the superiority of capitalism as an economic system and democracy as a political

system. (DiAngelo, 2018, p. 21). Ideologies that obscure racism as a system of inequality are perhaps the most powerful racial forces because once we accept our positions within racial hierarchies, these positions seem natural and difficult to question, even when we are disadvantaged by them (DiAngelo, 2018, p. 22). In this way, very little external pressure needs to be applied to keep people in their places; once the rationalizations for inequality are internalized, both sides will uphold the relationship (DiAngelo, 2018, p. 22).

DiAngelo (2018) poses the term 'new racism', in which racism has not been minimized, but appears covertly in twenty-first century policies and practices, with the same racial outcomes. All systems of oppression are adaptive; they can withstand and adjust to challenges and still maintain inequality (DiAngelo, 2018, p. 40). The Army Corp's consideration of an alternate pipeline illustrates that government systems of oppression are not entirely rigid. But the collective impact of the inequitable distribution of resources continues across history (DiAngelo, 2018, p. 40). The deep seeded roots of race relations need to be reconciled. The continued dismissal of how often Indigenous peoples have attempted to tell broader society what racism is like for them does little to build trust with large institutions. Acknowledgement of past injustices and the restoration of power imbalances, through citizen engagement can reconcile a neoliberalist outlook into one that prioritizes the needs of the collective public.

Although, there may exist a legal duty to consult with Tribes concerning natural resource management, this consultation should occur prior to policy implementation to avoid conflict and community deprivation. In order to engage Aboriginal people in a meaningful way in program and policy development, it is essential to be respectful of cultural differences, acknowledge differences in power and history, work to overcome preconceptions about each other and attempt to find common ground (Sheedy, 2008, p.18). For example, in May 2011, the United States Environmental Protection Agency established a national Policy on Consultation and Coordination with Indian Tribes. A number of guiding priniciples were established that gave Tribes opportunities to provide, receive, and discuss input during consultation processes.

The Foundation of Sectoral Convergence: A Two-sided Approach

With a marginalized Tribal voice, the gateway to globalization is wide open for the public-private partnerships that involve Tribal land. According to Doern et al. (1996) globalization is primarily a technological and economic process driven by…massive increases in the movement of capital around the world …and growing ecological interdependence and environmental spillovers (p. 3). Public-private navigation of the global markets can be confusing at best. Internationalization is another layer that adds to the confusion. Internationalization means a process by which various aspects of policy or policy making are influenced by factors outside national territorial boundaries (Doern et al., 1996, p. 3). The fossil fuel industry has globally wielded enough power and influence to shape what governments do, eroding the spirit of democracy at the local level.

Corporate donations and lobbying activities are overt methods of how the fossil fuel industry applies power and influence. The industry is also one of the biggest donors to political parties. For example, in the first few weeks of Trump's administration Exxon Mobil Corp. gave $500,000; Chevron gave $525,000; Citgo and BP Corporation each gave $500,000 (Blumenthal, 2017, para. 4). Further, Trump employed some of these industry people to work in the Environmental Protection Agency. Specific to the DAPL, the oil and gas industry were rife with political contributions towards DAPL players. For example, a member of the Senate Indian Affairs Committee, [Heidi] Heitkamp received $1,500 from the political action committee of Energy Transfer Partners, which owns Dakota Access, LLC, the key player in the project; North Dakota Sen. John Hoeven (R), who supports the pipeline, received $5,000 from PAC; and, Rep. Kevin Cramer (R-N.D.), who censured protestors, received $7,400 from Continental Resources (Rin Kim, 2016, para. 5).

Daub and Carroll (2015) are shedding some light on the fossil fuel industry through a Corporate Mapping Project, which aims to understand the extent of the industry's economic, political and social power. The project challenges broader society to examine the complete picture of how the industry is structured, financed, and connected to the broader global corporate system. For

example, oil, coal and gas lobbying activities and corporate donations to political parties is a one such tactic to influence government. Aside from influencing governments, a more subtle tactic is appealing to citizens' hearts. Whether it's on climate change, environmental regulation, energy policy, or questions of economic security and jobs, corporations and corporate-backed groups deploy tremendous resources to shape public attitudes and perceptions (Daub & Carroll, 2015, para. 9).

> Central to this question is the issue of Aboriginal rights and title, the reality of which may well be the most powerful spanner in the works of business as usual. We need to better understand the efforts of resource corporations to "buy" the support of First Nations, as well as the remarkable decisions by First Nations to turn down such "offers", despite pressing economic and employment needs. (Daub & Carroll, 2015, para. 12).

The incredible locus of power occurring in the fossil fuel industry limits democracy in how local communities relate to government and vice versa. The outcome is public mistrust of government institutions that openly support majority interests. A majority interests whose socialization engenders a common set of racial patterns:

- preference for racial segregation, and a lack of a sense of loss about segregation
- lack of understanding what racism is
- failure to understand that we bring our group's history with us, that history matters
- lack of racial humility, and unwillingness to listen
- lack of authentic interest in the perspectives of people of color (DiAngelo, 2018, p. 68).

The DAPL also illustrates an environmental social movement (ESM), in which, the public-private sector has excluded Non-Governmental Organizations (NGOs) in the governance paradigm. Russell Dalton (1994) explains an ESM as meaning various strands of environmentalism linked by a perception that represents a challenge to 'the prevailing socio-political forces of advanced industrial societies' (p. 7). The origins of ESM lie in post-industrial society, it espouses a new form

of politics, one distrustful of orthodox democratic forms, and its ideology challenges the prevailing economic paradigm (O'Brien et al., 2003, p. 112). EarthJustice, a U.S. non-profit environmental law organization is one such ESM that attempts to disrupt the DAPL public-private relationship by publicly raising awareness of the project's environmental injustices towards Indigenous peoples.

> There have been shopping malls that have received more environmental review and Tribal consultation than this massive crude oil pipeline," said Jan Hasselman, an Earthjustice attorney representing the Tribe in the litigation. "Pipelines spill and leak—it's not a matter of if, but when. Construction will destroy sacred and historically significant sites. (Hefflinger, 2016, para. 6).

An accurate examination of the social and political causes of climate change requires a close look at the history of genocide, land dispossession, and concerted destruction of Indigenous societies and cultural practices that accompanies the irreversible damage wrought by environmental destruction (Dhillon, 2017, para.3). Colonial systems of capitalist accumulation, tied directly to the invention of private property, opened the floodgates for natural resources to be transported from oil and gas fields, refineries, lumber mills, mining operations, and hydro-electric facilities located on the dispossessed lands of Indigenous nations to international markets (Coulthard, 2013, para. 5). Kyle Whyte (2017) points out that in the US settler context, settler colonial laws, policies and programs are 'both' a significant factor in opening up Indigenous territories for carbon-intensive economic activities and, at the same time, a significant factor in why Indigenous peoples face heightened climate risks. The DAPL's environmental harm is rooted in colonialism.

The Foundation of Leadership: Can the Real Leader Please Step Forward

The DAPL reveals the fault lines in the governance paradigm. As Kellerman (1999) explains, governments work within the constraints of a political system; CEOs work within a capitalist system that supports the private ownership of property for the purpose of making a profit (p. 207).

However, the lines have become blurred as Kellerman concludes that leaders will move from business into politics, and from politics into business, more easily and frequently (Kellerman, 1999, p. 208). The DAPL illustrates the importance of money in politics, the exponential growth of corporate interest groups, and the globalization of markets (Kellerman, 1999, p. 208).

The public-private institutional power of authority present in the DAPL, has left local Indigenous communities feeling as though they do not have a credible voice in defending their right to living a sustainable livelihood. For those that think parity is possible, there will always exist power and privilege, that is the construct of society. …when executives are forced to choose between equity and efficiency, they almost always opt for the second over the first (Kellerman, 1999, p. 204).

The power-sharing arrangements and influence on decision-making are fault lines in revealing who leads whom. The DAPL is spearheaded by the private sector with little federal agency control. Environmental NGOs are void in any type of consultation to achieve environmental protection goals. The state of North Dakota and Energy Transfer Partners shared a "joint investment of resources and the promise of mutual benefits" (Price Boase, 2008, p. 79).

North Dakota's fortunes have been based on the convergence of technology, making the oil boom possible. The injection of fortune translates to housing developments, new businesses and manufacturing facilities as corporations invest billions of dollars to take advantage of the oil industry. North Dakota Governor Darymple firmly believes the oil rush has transformed his state's economy, especially if this allows the U.S. and North Dakota to compete in the global market. According to Kari Cutting, Vice President, ND Petroleum Council: "whenever you can capture new markets, wherever those new markets are, it incentivizes you to produce more of whatever it is. So eventually it's going to lead to more domestic production" (ND oil, 2016, para. 5). Increasing oil exports can assist in growing the economy and providing job growth, something the government cannot readily accomplish given its resources.

The private sector is the 'manager' in the DAPL, as it has managed the governance of government through its financial investment and technological advancement of the oil industry, but at what cost? Consider post-9/11, in which the U.S. have grave concerns about oil-producing nations holding their country hostage to threats of turning off the taps (Stefanick, 2015, p. 121). The Keystone XL project evoked such sentiments by 30 members of the U.S. House of Representatives. In 2011, they wrote, "Dependence on foreign oil has created difficult geopolitical relationships with damaging consequences for our national security" (Stefanick, 2015, p. 126). Unconventional sources of crude oil (such as the bitumen and heavy oil found in Alberta and Venezuela, and the shale in mineral deposits in the US Rocky Mountains) now became an attractive alternative (Stefanick, 2015, p. 122). Economic prosperity overshadows any indication of 'dirty oil' that has negatively affected human lives and the environment.

However, global environmental groups and Indigenous activists have rallied and protested to gain social media attention in exposing the underhanded acts of the DAPL's public-private sector relationship. The DAPL protest has illuminated an important question: how safe are crude oil pipelines and what risk does aging energy infrastructure pose to the environment? (Bajak, 2016, para. 3). Food and Water Watch graphically revealed the financial investments made by banks, businesses and governments, some located in Canada (Bajak, 2016, para. 4). In 2014, the *Times* published a database of environmental incidents in North Dakota's Bakken shale region (Bajak, 2016, para. 12).

For these reasons, we wonder why there exists a lack of public trust in public and private institutions that should be proponents of public good. Bringing the public, private, and also the non-profit sectors together – is the most effective way to create change (Kellerman, 1999, p. 226). With that, Kellerman (1999) speaks of 'Reinvented Leaders' who are borderless. They will have the capacity to forge integrated strategies, make connections between individuals and institutions that have long been at odds, and conjure constituencies other than their own (p. 231). There are ways to reach mutally acceptable agreements concerning resource management and leadership. One aspect for the protection of Tribal lands is co-management. Co-management is a more

inclusive and consenus-based approach to resource harvesting and development; it involves government and private industry sharing decision-making power with non-traditional actors – environmental groups, Indigenous groups, and local users of the resources – in the process of resource management (Boyington et al., 2017, p. 217). However, co-management can be manipulated by the government when it is merely used to inform the Indigenous community about pre-determined usage of land; not informing them on the possible damaging side effects. Indigenous people need a leader that can decolonize American norms and persuade the homogenous group that they are all in this together.

The Foundation of Accountability: Truth and Reconciliation

On September 9, 2016, the Army acknowledged the Standing Rock Sioux Tribe's history of the Great Sioux Nation's dispossessions of lands; the significance of Lake Oahe to the Tribe; the contextual relationship between the Tribe and government; and the *Mineral Leasing Act's* direction to protect the environment for those who rely on fish and wildlife in the area for sustenance (U.S. DA, 2016, para. 7). This acknowledgement speaks to a level of accountability that neither the state of North Dakota nor Energy Transfer Partners were willing to undertake.

The U.S. Government of Accountability Office (GAO) is one such body that should be holding the government accountable. Part of their work is to investigate claims of illegal and inappropriate activities. The GAO's observation that it is essential for Indian tribes to have an accessible land base for tribal economic development activities such as agriculture, energy development, and gaming imposes a type of due diligence on the United States Government to hold private companies in check wishing to pursue economic activities on Indian reservations (GAO, n.d.). The DAPL is a Native American issue that should be considered by the GAO as part of its Natural Resources and Environment accountability measures. With so many DAPL involved stakeholders the question then becomes who is accountable to whom? A look at the key players illustrates the web of accountability to whom, for what, and by what means. Energy Transfer Partners (ETP) is

a natural gas company based in Dallas, who is the main owner of the pipeline. ETP's website, Dakota Access Pipeline Facts, claims the following:

The Dakota Access is one of the most technologically advanced and safest pipelines ever built. It is entirely underground and surpasses federal safety requirements.

- The pipeline does not encroach or cross any land owned by the Standing Rock Sioux Tribe.
- The Dakota Access Pipeline does not endanger water; the Standing Rock Sioux water inlet by early 2017 will be moved to a location more than 70 miles away from the pipeline.
- The majority of protesters are not there to protect water, as they claim, but are actually extremists opposed to any and all use of fossil fuels (ETP, 2016-2017, Key Facts).

The Standing Rock Sioux Tribe's lawsuit claim against ETP has brought such Tribal leaders as Dave Archambault II to the forefront. Over the years, Archambault has consistently voiced concerns about the environmental occurrences related to North Dakota's oil industry. His efforts have led him to Switzerland to plead the Tribe's case before the United Nations. Earthjustice represents the Standing Rock Sioux Tribe. On July 27, 2016, legal proceedings commenced against the U.S. Army Corps of Engineers for violating the National Historic Preservation Act and other laws…without an adequate environmental analysis and consultation (Kennedy, 2017, para. 1). Protestors have stood alongside the Standing Rock Sioux Tribe, claiming the pipeline impedes water supply and will intrude on sacred burial sites and artifacts. There is also a broader unease around tribal sovereignty and rights.

The DAPL intersection with Tribal lands can also be viewed as an act of environmental racism by the government and the oil industry. Bismarck, ND has a population that is over 92% white (Whyte, 2017), and their drinking water was considered at risk, whereas the water conditions in Standing Rock were not taken into account with rerouting. The Dakota/Lakota people and their supporters were subjected to water cannons, rubber bullets, and other forms of mistreatment during their times of protesting (ESRI ArcGIS, para.14). The DAPL has already had multiple spills since

becoming fully operational, putting the environment, wildlife, and people at risk (Geiling, 2017, para.7). Army Corps of Engineers and Energy Transfer Partners claim there was adequate consultation and time for a decision with the leaders of the Standing Rock Tribe, but the leaders of the Tribe claim otherwise, stating there wasn't enough time for adequate consultation and that the original consultation was lacking in necessary knowledge (Paterson, 2016, para. 8).

As the fossil fuel industry seeks to increase profit goals, knowledge of exactly how the industry is organized, and how economic and political systems support such deep-rooted private interests over the public interest, is vital. Transparency can level the democratic playing field. For example, the Corporate Mapping Project, a research partnership jointly led by Parkland Institute, the University of Victoria, and the BC and Saskatchewan offices of the Canadian Centre for Policy Alternatives, aims to map out the power and influence of the fossil fuel industry. Through this lens, the map links connections between Western Canada's fossil fuel sector to national and global sectors of the economy, and to other segments of society, such as governments, public institutions, think tanks and lobby groups. The question is whether civil society is able to or even wants to pose a counter-narrative to the power and influence of the fossil-fuel sector for the sake of democratic well-being.

Conclusion

The Dakota Access Pipeline has revealed a gap in the governance paradigm. The convergence of the public-private sector relationship involving the oil industry has excluded NGO and Tribal consultations and compromises Indigenous human welfare. The DAPL's capitalistic outlook exacerbates economic and political inequality – meaning wealth for some and marginalization for others. This should give Americans cause for concern as to how oil wealth is managed on a national and global scale, and to question what the associated consequences are in the environmental sphere. The underbelly of colonialism and Indigenous oppression needs to be critically examined and disrupted, if equitable outcomes are to be achieved for American Tribes.

The philosophical outlook 'for the greater good' mantra has only served to expose the lack of government accountability, private sector dominance and questionable institutional integrity. Leadership is noticeably absent as the State's economic and capital interests limits opportunities for public consultation related to resource development. We cannot give up on democracy, for to give up on it is to say that inequality has won. Tools such as co-management and corporate mapping serve to revitalize democracy by analyzing and rebuilding economic, political and social practices. Cases such as the DAPL will not be the last to expose the power and influence of the oil industry. What it is has done is open up dialogue for groups who continue to face adversity in furthering the discussion on how to attain a more inclusive kind of wealth – human capital, at the forefront of society.

References

Arcgis. (n.d.). *Dakota Access Pipeline and the Standing Rock Sioux Tribe: A case of environmental injustice*. Retrieved from https://www.arcgis.com/apps/MapJournal/index.html?appid=282b890357b146bf8f59a3a6b528acfa

Bajak, A. (2016, December 12). Contextualizing the Daktoa access pipeline: A roundup of visualizations. *Storybench Northeastern University.* Retrieved from http://www.storybench.org/contextualizing-dakota-access-pipeline-roundup-visualizations/

Boyington, D., Aulakh, H., & Kazarian, S. (2017). *Diversity and Indigenous Peoples in Canada*. Toronto: Emond Montgomery Publications Limited.

Blumenthal, P. (2017 April 20). Companies that made big donations to Trump inauguration are benefitting from presidency. Retrieved from https://www.huffingtonpost.ca/entry/trump-inauguration-corporations_n_58f7abdde4b029063d36577f

Coulthard, G. (2013, November 5). For our nations to live, capitalism must die. Retrieved from https://unsettlingamerica.wordpress.com/2013/11/05/for-our-nations-to-live-capitalism-must-die/

Daub, S. & Carroll, W. (2015, December 1). Why corporate power is a problem at the climate crossroads. *Parkland Institute.*Retrieved from https://www.parklandinstitute.ca/why_corporate_power_is_a_problem_at_the_climate_crossroads

Dalton, R. J. (1994). *The green rainbow: Environmental groups in Western Europe.* New Haven and London: Yale University Press.

Dennis, B. & Mufson, S. (2016, December 5). Army corps ruling is a big win for foes of Dakota Access Pipeline. *The Washington Post.* Retrieved from https://www.washingtonpost.com/news/energy-environment/wp/2016/12/04/army-will-deny-easement- halting-work-on-dakota-access-pipeline/?utm_term=.cea2733c872f

Department of the Army. (2016). *Proposed Dakota Access Pipeline crossing at Lake Oahe, North Dakota*.

Dhillon, J. (2017, December 5). What Standing Rock teaches us about environmental justice. Retrieved from https://items.ssrc.org/what-standing-rock-teaches-us-about-environmental-justice/

Doern, B. G., Pal, L. A. & Tomlin, B. W. (1996).The internationalization of Canadian public policy. In B. G. Doern, L. A. Pal & B. W. Tomlin (Ed.), *Border crossing: the internationalization of Canadian public policy*. (pp. 1-26). Toronto: Oxford University Press.

DiAngelo, R. (2018). *White Fragility: Why it's so hard for white people to talk about racism.* Boston: Beacon Press Books.

Energy Transfer Partners. (2016-2017). Addressing misconceptions about the Dakota Access Pipeline. Retrieved from https://daplpipelinefacts.com/Misconceptions.html

ESRI ArcGIS. (n.d.). [Story map]. *Dakota Access Pipeline and the Standing Rock Sioux Tribe: A case of environmental injustice.* Retrieved from

https://www.arcgis.com/apps/MapJournal/index.html?appid=282b890357b146bf8f59a3a6b528acfa

Gill, S. (1998). New constitutionalism, democratisation and global political economy. *Pacifica Review 10*(1), 23–38.

Graeber, D. J. (2016, November 4). Obama called to stop Dakota Access Pipeline construction. *United Press International.* Retrieved from https://www.upi.com/Obama-called-to-stop-Dakota-Access-pipeline-construction/5241478167075/

Geiling, N. (2017, April 28). Company behind Dakota Access Pipeline spills over 2 million gallons of drilling fluids into Ohio Wetlands. Retrieved from thinkprogress.org/dakota-access-company-ohio-spill-d73cb24c8dd6/

Hefflinger, M. (2016, July 27). Standing Rock Sioux Tribe takes action to protect culture and environment from massive crude oil pipeline. Retrieved from https://earthjustice.org/news/press/2016/standing-rock-sioux-tribe-takes-action-to-protect-culture-and-environment-from-massive-crude-oil-pipeline

Kellerman, B. (1999). *Making the connection between politics and business: Reinventing leadership*. Albany, NY: State University of New York Press.

Kennedy, M. (2017, March 26). The Dakota Access Pipeline. Retrieved from https://earthjustice.org/cases/2016/the-dakota-access-pipeline

Mufson, S. & Eilperin, J.. (2017 January 24). Trump seeks to revive Dakota Access, Keystone XL oil pipelines. *The Washington Post.* Retrieved from

https://www.washingtonpost.com/news/energy-environment/wp/2017/01/24/trump-gives-green-light-to-dakota-access-keystone-xl-oil-pipelines/

O'Brien, R., Goetz, A.M., Scholte, J.A., & Williams. M. (2003). *Contesting global governance*. New York: Cambridge University Press.

Paterson, L. (2016 December 6). Tribal consultation at heart of pipeline fight. Retrieved from insideenergy.org/2016/09/23/tribal-consultation-at-heart-of-pipeline-fight/

Price Boase, J. (2008). Beyond government? The appeal of public-private partnerships. *Canadian Public Administration 43*(1), 75-92.

Sheedy, A. (2008). Handbook on citizen engagement: Beyond consultation. *Canadian Policy Research Networks.*

Shrivastava, M.. (2015). Liberal democracy in oil-exporting countries: A view from the perspective of Staples Theory. In M. Shrivastava & L. Stefanick (Eds.), *Alberta oil and the decline of democracy in Canada* (pp. 31-68). Edmonton: Athabasca University Press.

Shrivastava, M. (2015). Of democracy and its deficits: Surviving neoliberalism in oil-exporting countries. In M. Shrivastava & L. Stefanick (Eds.), *Alberta oil and the decline of democracy in Canada*. (pp. 391-407). Edmonton: AU Press, Athabasca University.

Stefanick, L. (2015). Alberta's energy paradigm: Prosperity, security, and the environment. In M. Shrivastava & L. Stefanick (Eds.), *Alberta Oil and the Decline of Democracy in Canada*. (pp. 113-137). Edmonton: AU Press, Athabasca University.

Soo, R. (2017 December 9). Pipelines of funds support allies of Dakota Access Project. Retrieved from https://www.huffpost.com/entry/pipelines-of-funds-suppor_b_13519966

U.S. Departments of the Interior, Army and Justice. (2017). *Improving Tribal consultation and Tribal involvement in federal infrastructure decisions*.

U.S. Government Accountability Office. (n.d.). *Native American issues*. Retrieved from https://www.gao.gov/key_issues/native_american_issues/issue_summary?from=topics

ND oil being exported to Europe. (2016 April18). Retrieved from https://www.valleynewslive.com/home/headlines/ND-oil-being-exported-to-Europe-376153881.html

Whyte, K. (2017). Is it colonial déjà vu? Indigenous Peoples and climate injustice. In J. Adamson & M. Davis (Eds.), *Humanities for the Environment: Integrating Knowledges, Forging New Constellations of Practice* (pp. 88–104), Routledge.

Whyte, Kyle, (2017). The Dakota Access Pipeline, environmental injustice, and U.S. colonialism [Abstract]. *Red Ink: An International Journal of Indigenous Literature, Arts, & Humanities*, 19. 154-169. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2925513

A committed leader in Inclusion, Diversity, Equity, and Accessibility (IDEA), Alicia is a manager for a Canadian provincial government, who champions the organization's inclusion strategy. She holds a Master of Arts in Integrated Studies, with a focus on Equity Studies, from Athabasca University. An educator at heart, she has instructed in Seneca College's Police Foundations Program. Recognized for her dedication to immigrant inclusion, she received the Toronto Region Immigrant Employment Council's Leadership in Immigration Inclusion Award in 2018.

Passionate about tackling food insecurity, she volunteers with the York Region Food Network. Outside of work, she enjoys reconnecting with nature, often found hiking with her dogs in the woods. Her multifaceted contributions make her a force for positive change.